

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE**

June 10, 2019, 6:00 PM.
Assembly Chambers - Municipal Building

MINUTES

I. ROLL CALL

Deputy Mayor Maria Gladziszewski called the meeting of the Committee of the Whole to order at 6:05p.m.

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

Assemblymembers Absent: Mayor Beth Weldon

Staff present: Deputy Manager Mila Cosgrove, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Finance Director Bob Bartholomew, Incoming Finance Director Jeff Rogers, Housing/Homelessness Coordinator Irene Gallion, Community Development Director Jill Maclean, Police Chief Ed Mercer, Lt. Jeremy Weske, Eaglecrest Manager Dave Scanlan, Eaglecrest Base Operations Director Drew Baird, CDD Code Compliance Officer Nate Watts

Eaglecrest Boardmembers present: Planning Committee Chair Mike Satre, Mike Stanley, Megan Gregory, Stephanie Haug, Dave Hanna, and Jonathan Dale.

II. APPROVAL OF AGENDA

There being no changes, the agenda was approved as presented.

III. APPROVAL OF MINUTES

A. Assembly Committee of the Whole DRAFT Minutes, April 8, 2019

Ms. Triem and Ms. Becker provided corrections of the minutes to the Clerk and the minutes of the April 8, 2019 Committee of the Whole meeting were approved as corrected.

IV. AGENDA TOPICS

A. Rename Willoughby District: Resolution 2855 A Resolution Renaming the Historic Auk Tribe Indian Village located on Willoughby Avenue as the Aak'w Village District.

Ms. Cosgrove noted that this issue has been on the horizon in front of the Assembly a couple of times, stemming in part from a January 4, 2019 letter from Frances Houston requesting that the city consider renaming the Willoughby District to the Aak'w Kwaan Village District. When the issue initially came before the Assembly, there were some questions to make sure that action would be considered appropriate by the native community. Mayor Weldon and Manager Watt pursued those concerns meeting with individuals in the native community and now feel comfortable and confident that a resolution would be beneficial. The draft resolution is before the Committee of the Whole for discussion and hopefully referral to the Assembly for adoption.

Ms. Gladziszewski asked staff to consult with the appropriate individuals to ensure accuracy for the wording as she noticed some of the wording in one of the whereas clauses that might not be correct.

She asked if any other members had questions or comments.

Ms. Becker expressed concerns about ensuring a public hearing on the resolution be held since "Willoughby" was based on a person's name and she didn't want to change a named area without public having an opportunity to comment.

Ms. Gladziszewski informed Ms. Becker that if the resolution goes to the Assembly, there is an opportunity for public testimony at the Assembly meeting. She asked Ms. Becker if Ms. Becker was requesting a separate public hearing on the matter.

Ms. Cosgrove noted that normally resolutions go on the Consent Agenda on a regular Assembly agenda but if the Assembly chose to direct staff, this resolution could be placed on the Public Hearing section of the agenda.

Ms. Hale said that her understanding is that the name "Willoughby District" was an informal reference that had arisen fairly recently as people have been talking about the arts area and trying to come up with some name for that general area. She said the street would still continue to be named Willoughby Ave. but that this informal name of "Willoughby District" would be replaced by the more formal name of "Aak'w Village District."

Mr. Jones noted that in the Willoughby District Plan/the Waterfront Plan, it talks about the Willoughby District but he doesn't believe there were any proposed boundaries to it. He asked if there were any boundaries that would be associated with this Aak'w Village District area. He said that during the Downtown Blueprint Steering Committee work, they have come up with breaking up their areas into various districts with Willoughby being one of those. He said that area actually encompasses the State Office Building and the hill it is on and goes past Gold Creek. At the last Downtown Blueprint Steering Committee meeting, there was some discussion of extending some of that along by the Federal Building since there is all that commercial activity until you get to J&J Deli. It had more to do with zoning and activity and not so much names. He asked if there were any geographic definitions of this area in the resolution.

Ms. Cosgrove said the resolution does not have those geographic boundaries. However, staff could look at that and put it in the resolution if that was the preference of the committee.

Ms. Hughes-Skandijs said she was strongly in support of moving this resolution to the Assembly. Since we received the initial letter from Ms. Houston, Ms. Hughes-Skandijs has had the opportunity to speak with a number of individuals in the community and she feels strongly that this would be a good gesture to recognize some of the historical residents of that area.

Ms. Hale said that Section 1 states: "That the historic Auk Tribe Indian Village located on Willoughby Avenue is hereby named the Aak'w Village District." and she said that might need some clarification that would go with some maps that Ms. Cosgrove mentioned could be provided.

Ms. Gladziszewski agreed that area identified in Section 1 is not generally what she thinks of when she hears the term "Willoughby District" and that it would be beneficial to have geographic areas looked at. She also noted that the language in the fifth whereas should also be reviewed closely as she isn't sure that Ms. Houston is the spokesperson for the Taku Quan people. She would like to have the resolution language reviewed by the appropriate representatives as the Assembly does not wish to offend anyone by taking this action.

Mr. Edwardson said he agrees with most all the comments made by the Assemblymembers. He agreed with Ms. Becker that public input should be sought, he agreed with Ms. Hughes-Skandijs that this should move forward and he agreed that there should be some boundaries attached to this. Attaching boundaries might spawn more discussion and it may delay this further. He asked Ms. Cosgrove if the boundary map was something that could be done and proposed before it came before the Assembly. Ms. Cosgrove said that it depends on how quickly the Assembly wanted to take this up again. Staff could try to draw boundaries or come up with a map associated with this resolution but

whether that would spark additional commentary or concern would be difficult to foresee at this time.

Ms. Gladziszewski said when we refer to "Downtown" there is no map associated with that designation and this could be something similar to make it go faster. Ms. Cosgrove said that as a practical matter, part of the timing of this is to link it to the Downtown Blueprint process as well as the wayfinding process. She said that the wayfinding piece would certainly have some boundaries associated with it as that is the whole purpose of their mapping project. She said that she could consult with them to see if they have identified boundaries of what they consider to be the "Willoughby District" now and perhaps that would be beneficial and whether it should be expanded or contracted.

MOTION by Mr. Edwardson for the Committee of the Whole to forward this to the Assembly, recommending approval with some of the changes as discussed and asked for unanimous consent. *Hearing no objection, motion carried.*

B. Senior Housing Tax Abatement Ordinance

Ms. Gladziszewski explained that there were a number of items in the packet related to the proposed ordinance for Senior Housing Tax Abatement. Some of those items included answers to questions such as what is already exempted. Other documents include information from the Finance Department and a draft of what the proposed ordinance might look like. She said there are a number of items on this meeting agenda and the idea for this meeting is to see if this is the right direction but not to get into the weeds too far.

Ms. Cosgrove gave a brief overview of the topics covered in the memo:

- Land Purchase
- Tax Abatement
- Competitive Process

Ms. Cosgrove noted with respect to the land purchase, there are ongoing discussions right now with the purchase and sale agreement of the lots in the Vintage Park area. The Assembly has already taken action on that and staff is wrapping it up and will bring it back as appropriate. The Tax Abatement issue is what is before them at this meeting. The relevant documents are a little out of order and should be considered first with page 18, then 19-24 and then page 15. Ms. Cosgrove said that Mr. Bartholomew and Mr. Rogers were present and available to give additional information about the ordinance and its impact.

Ms. Cosgrove said with respect to the third prong, the competitive process, they were providing some basic information but they do not believe it is ripe for serious discussion at this meeting. She said it would be best to wait until Mr. Ciambor and Mr. Watt are present to discuss that topic. She said what they are hoping to do tonight is hear their thoughts about the ordinance regarding tax abatement and whether or not it is ripe to move it to the full Assembly.

Mr. Rogers gave an overview of the packet materials to help sharpen the focus on the property tax question. They have heard from commercial developers that it is difficult to make a senior assisted living facility in Juneau economically viable. CBJ is looking at all the levers to see what can be done to make it viable. Property Tax Abatement is one of those levers. A calculation for property tax abatement and its value both to the developer and the cost to CBJ, is pretty straight forward. One thing they have had conversations about that they wanted to clarify for the Assembly is that most non-profits and quasi-governmental and governmental entities are already exempt from property tax. The question about a property tax abatement ordinance really relates specifically, and only to a private, for-profit developer which is uncharted territory for CBJ. It is newly allowed under AS29.45.050(m) which allows municipalities to exempt all or a portion of property tax, excepting 2.65 mils for school finance for the purpose of economic development. That statute does not exclude private, for-profit development. That is what is new in the law and what the Assembly has before it as an option. Mechanically, there are only two pieces:

- 1) What level of property tax abatement would the Assembly offer or negotiate; and

2) How long would they offer or negotiate it for?

Mr. Rogers gave an example of a \$40 million project and assuming they could abate .8 of 1% of property tax per year, that would be \$320,000 a year. He said the ordinance that Mr. Palmer has drafted is suggesting a 12 year abatement so \$320,000 for 12 years results in a \$3.8 million dollar tax abatement incentive over that period. The Assembly could choose to abate a portion of those taxes in any given year and wouldn't have to take the full amount or they could choose to abate them for a longer or shorter period.

Mr. Rogers then pointed to the list of exemptions found on packet page 15 and explained that the Assembly only has control over the "Community Purpose Exemption" on row 20 but the other exemptions are mandated by the state.

Assemblymembers asked Mr. Rogers a series of questions related to the exemptions as found on page 15. These exemptions are primarily statutory exemptions and what it costs CBJ to provide the exemptions on an annual basis. Ms. Gladziszewski categorized it as the Unfunded Mandate List.

Ms. Gladziszewski asked if any members had any questions about the proposed ordinance. The operative things in the current ordinance talk about 15 residential units of assisted living and it talks about 12 consecutive years of abatement. As Mr. Rogers mentioned, there are a variety of ways they can change that up if the Assembly chose to.

Ms. Triem asked if this is an entirely new code section and Mr. Palmer responded yes, it would be.

Ms. Triem asked if an amendment on page 1 of the ordinance, line 19 could include the words "Economic Development" along with the title "Property Tax Incentives for Housing" such that it would read:

"69.10.023 Property Tax Incentives for Housing and Economic Development"

Assemblymembers then discussed the intent of the Assembly that this be for senior assisted living but due to the statutory language, it also has to be tied to economic development factors to fit within the statute provision. They went on to discuss the narrow focus vs. the broad/long range goals with respect to economic development opportunities.

Mr. Palmer stated that he can bring the draft ordinance back to the Assembly COW at its next meeting on July 8 with the requested changes and a summary of the various options they may wish to choose from.

Ms. Gladziszewski asked if staff could provide the options in a table showing the various dollar amounts and various terms (in years) so they can get a sense for how that might pencil out.

Ms. Cosgrove suggested that for timeliness, they could provide a draft version of the ordinance for introduction at the June 24 regular Assembly meeting and refer it back to the COW for additional work before it is set for public hearing and Assembly action.

Mr. Palmer clarified that he would prepare the draft ordinance for introduction at the June 24 regular Assembly meeting and referred back to the COW on July 8.

C. On Site Consumption of Marijuana

Mr. Palmer explained the materials in the packet included two memos from him and the state Onsite Consumption Regulations along with a legal memo from the State Attorney General's office regarding their regulations. Mr. Palmer said that pages 39-50 of the packet describe what the potential similarities and health effects are of marijuana smoking so the body had, as of June 2018, some basis for policy making but those findings are open to some discussion. The final piece of the packet was the beginning of a draft ordinance as he understood it at the last COW meeting to authorize

onsite marijuana consumption by smoking and edibles.

Mr. Palmer then gave a brief overview as follows:

- In 2018, SB63 was enacted that generally prohibited smoking in enclosed public places but there was a provision that would allow for onsite marijuana consumption consistent with the Marijuana Control Board (MCB) regulations.
- MCB regulations do allow for marijuana consumption, consistent with the regulation packet before them with the two most specific things:
 - 1) It has to be a free standing Marijuana Retail Store; and
 - 2) It either has to have a secured consumption area with a separated ventilation system, or an outdoor consumption area that is sufficiently isolated. (Mr. Palmer said this is his summary of the regulations.)

The main question before the COW is: ***Do they want to allow for any type of onsite consumption?*** In considering that question, Mr. Palmer outlined the following additional options to be considered when making any decisions on this matter

- 1) To allow edibles only; or
- 2) To allow smoking only; or
- 3) To combine the two and allow both edibles and smoking which is what the current draft ordinance does; or
- 4) To do nothing.

Mr. Palmer said that page 2 of his June 7 memo includes a couple of paragraphs describing his opinion on the differential treatment of marijuana and tobacco smoking in Juneau. He said that Juneau is a little unique in that we do prohibit onsite tobacco smoking, i.e. private clubs, but state law can allow for those. He said that as they debate whether to allow marijuana smoking and that generally, we need to treat similarly situated people the same. Until or unless they can derive some policy distinction between tobacco smoking and marijuana smoking, especially for second hand smoke concerns, whether for employees or bystanders, we need to be cognizant of that. That is the reason he included the 10 pages of research on that topic in the packet.

Ms. Gladziszewski asked for clarification that if they were to conform to state law that CBJ could decide to allow for marijuana smoking in a private club but that would also mean they would likely have to allow for tobacco smoking in a similar manner. She noted that by making that change, that would allow them to keep the rest of the current CBJ smoking code in tact without jeopardy. Mr. Palmer agreed that was correct.

Ms. Triem said that when they took two separate votes in April at the COW when they directed Mr. Palmer to address the questions of both edibles and another vote for smoking, at the time she thought they would continue to be discussed separately. She said she would like to see if there was any other interest in taking that approach. She thinks the smoking question is very difficult and complicated given the things that were just discussed and it is complicated for someone to comply with both the CBJ smoking ordinance and the state law and regulations. She said it would be easier if they only discussed consumption of edibles if that is something this body would be interested in.

Mr. Bryson said he spoke to some of the purveyors of the marijuana industry and if we did an ordinance that was edibles only, they would have zero compliance. He said that not one operator was interested in doing edibles only because it is a small piece of candy that is smaller than a piece of gum. He said if they would go through the work, make staff go through the work and the whole process to come up with an ordinance, not one of the marijuana retailers are interested in that ordinance. He compared it to the saying "You don't advertise the tie to sell the suit." That is the tie of the business and it is so insignificant to their operations that no one would create a special room so some customers can pop gum into their mouth. They are interested in the onsite smoking option. If you hate marijuana smoke, you should be in favor of onsite consumption in these private rooms. He said he never wants his children to see marijuana smoking and that is why he is in favor of these rooms. He said if they go downtown on the streets after this meeting, they will see someone smoking marijuana on the streets of Juneau. Tourists don't have a place to smoke. People who come to town

and stay in hotels don't have a legal place to smoke. He said after a recent meeting, he left City Hall and witnessed someone on a bench across from City Hall smoking marijuana out of a marijuana pipe. They are already smoking on the streets and that is why he is an advocate for smoking rooms but not for edibles only.

Ms. Triem said she appreciates Mr. Bryson's input. She said she doesn't know what a future entrepreneur may want to do five years from now so that is not a line of reasoning to use when they discuss this issue.

Ms. Hughes-Skandijs said she is in agreement with Ms. Triem's comments about future entrepreneurs. She asked Mr. Jones, as a member of the MCB, if the separate free-standing room in the regulations prohibit tobacco consumption in the room. Mr. Jones stated that is correct that the regulations prohibit tobacco and alcohol consumption in the separate free-standing marijuana rooms. Ms. Hughes-Skandijs said that would open up the treatment of marijuana smoking the same way as tobacco smoking and we would lose the private club prohibition on tobacco smoking.

Ms. Gladziszewski said that when they began to discuss this, no one from the Assembly wanted to put the smoking ordinance in jeopardy. She said that if the jeopardy would just be to the small piece of smoking clubs, that might be OK with her but it would need to be explored in greater depth. She said she would not want to put our smoking ordinance in jeopardy. She also said that she would like to hear from some of the businesses because this will be a long and likely difficult process. She said that if people are not interested, why are they putting themselves and the community through this process.

Ms. Becker said her initial reaction is that they are working very hard to satisfy a group that they don't even know will be receptive to these solutions. She said they are assuming that the tourists are here because they really want to go to a smoking place to smoke their marijuana but she doesn't see that being such a large portion of the tourist segment. She doesn't feel a responsibility to help people who want to smoke marijuana. She said that when they worked on the smoking ordinance, they did a lot of research on what a ventilating system is and if they really want it to take the dangerous parts of the smoke out of a room, it is very expensive and complicated.

Mr. Edwardson said when he looks at this issue, the question about whether or not businesses will do this or that is not what he looks at. He is concerned about the preservation of people's rights. He said it is not necessarily harmful or at least any more harmful than other things that are currently allowed. He said the discussion should be about any reasons they should not allow people to do this rather than why they should. He said that no government in this country is responsible for hoarding people's rights and then distributing them out as they see fit. He said that if this is not harmful, people should have the right to do it. To him, the only complication is how does it affect the smoking ordinance, which is a good ordinance. He asked if this is something they could allow businesses to do. He said the voters went out and decided that this should be legal so they should be removing hurdles and not putting hurdles in front of them.

Ms. Hughes-Skandijs thanked Mr. Edwardson for his comments and she feels the same way. She said that she has had an opportunity to talk with folks in the industry. She said that the industry feels the surge during the tourist season. In speaking with the employees, they are asked with almost every sale, where can they go smoke this. She said they are put in a difficult position right now. If there is a way to do that without destroying the smoking ordinance, she would like to see a legal means for them to find a place to smoke.

Mr. Bryson said we are past the question of legalization, they are not making the decision as to whether people can do it or not anymore. They are now in a position of regulation and facilitating the legalization, the same as they regulate bars which are no more than distribution facilities of alcohol. They have packaging stores where there are rules and there are bars with separate rules. CBJ is in a position where we have people coming to town and while we are allowing them the opportunity to purchase a product we are not providing a legal place for them to smoke it and we've have missed a step there. He said that we need to make it happen in the safest way possible for not only our

residents but visitors alike.

Ms. Gladziszewski said that in hearing the comments, there is a majority of this body that has not changed their mind about wanting to pursue this. She asked what questions the members had for Mr. Palmer about how ready this ordinance is to move forward. She said that she is hearing that the members are concerned with jeopardizing the smoking ordinance. She asked Mr. Palmer if there is another memo that he feels he needs to write and what that would cover.

Mr. Palmer said that if the committee refers this ordinance tonight, it could be referred to the Assembly and the committee has the policy information in front of them to start making some decisions if they choose to. He said that he thinks there are two options related to tobacco:

Option 1) Not address it and see what litigation risk happens and provide some policy statements between now and public hearing on this ordinance to try to differentiate marijuana smoking from tobacco smoking.

Option 2) If they don't want to choose option 1, they could direct Mr. Palmer to revise the second hand tobacco smoke ordinance to align what SB63 allows for and then both marijuana and tobacco would be up in one or two ordinances depending on how the body wants to deal with it.

Ms. Gladziszewski asked with regards to amending the ordinance on smoking, would he write it to say what the state law says or he could follow the ventilation rules of marijuana clubs for smoking clubs. Mr. Palmer said that would be a bit more nuanced and he wouldn't quite know how to pull that together. He said he thinks it would be more straight forward, if the body directs him to revert to what SB63 allows for tobacco smoking and deal with it that way.

Mr. Jones said he would not support changing the smoking ordinance to mirror SB63 if they operated since January 1, 2017. He said the private club that sued us and lost could come back and reopen a private club for smoking purposes. He did note that customers would still not be allowed to smoke and drink since the private clubs are not allowed to sell alcohol. He said that the issue the Assembly is finding itself in is the same as that that the MCB had in discussing it. The industry thinks there is a lot of tourist who want to come here and they want to have a place to smoke. The law says you cannot smoke in public. As Mr. Bryson said, you can be 10 feet away from the door of a bar or 20 feet away from any other door, window, or opening, and you can smoke tobacco on the street. He said he doesn't want his kids to see people smoking tobacco on the street but we seem to object to people smoking marijuana on the street. He said they are struggling with the idea that somehow marijuana smoke is different than tobacco and he doesn't think that it is. He said that 18 states have raised the tobacco smoking to age 21. The federal government is getting ready to ban vaping for anyone under age 21. Marijuana is already limited to those 21 years of age as is alcohol.

Mr. Jones said we are currently in the differential between something that used to be illegal and is now legal, in a way, but highly regulated. He said that we as a state and community have to regulate marijuana because there is nothing at the federal level because it is still illegal at the federal level. There is no Food and Drug Administration and no interstate commerce rules like there is for tobacco and alcohol. He said he would not want to touch our smoking ordinance. It is very clear and concise and we don't have a large enough population to have a stand alone tobacco shop where someone would go and try out a pipe tobacco or cigar. He said there may be a large market for tourists to go and have a place to smoke. He said he doesn't think the cruise industry will be very happy if a significant number of their consumers come on their ship high because we gave them a place to smoke in Juneau. They already tell their passengers and crew not to bring it on board. He said there are other locations such as Vancouver, BC, Ketchikan, and Seattle where they can also obtain marijuana and he doesn't want to see us jeopardize our smoking ordinance as a result of this. As for edibles, if they want to do them, that would be fine. If no business chooses to apply to the MCB for a place to have edibles, that is a business decision. No matter what CBJ does, unless it gets approved at the MCB level, it can't take place anyhow.

Ms. Hale said that she agrees that they do not need to touch the tobacco smoking ordinance. She said that some of the information provided by Mr. Palmer in the packet demonstrates that smoking of marijuana is different than the smoking of tobacco, simply because people typically smoke much less

marijuana. She said that is different and it might help CBJ if someone should decide to litigate. She would advocate against touching the tobacco ordinance.

M. Becker asked Mr. Palmer about the legal age for marijuana vaping. Mr. Palmer explained that it is already the law that in order to legally vape marijuana the individual must be 21 years of age. Mr. Palmer further clarified that the legal age to vape tobacco is 19 years of age in Alaska.

MOTION by Mr. Bryson to move the Ordinance 2019-29 vCOW1 ***An Ordinance Amending the CBJ Code to Allow for the Consumption of Marijuana by Smoking and Edibles in Licensed Marijuana Retail Facilities with an Onsite Consumption Endorsement*** to the Assembly and asked for unanimous consent. Mr. Jones noted objection.

ROLL CALL VOTE

Ayes: Bryson, Edwardson, Hale, Hughes-Skandijs, Triem, Gladziszewski

Nays: Becker, Jones

Motion carried. Ayes: 6 Nays: 2

Ms. Gladziszewski called for a 10 minute break.

D. Chronic Nuisance Property Ordinance

Lt. Weske's *Prezi* presentation is available by clicking on the following link or copying and pasting it into your web browser:

<https://prezi.com/view/a0GvD7ax2cxoCZMPC8ZY>

Lt. Weske gave a presentation to the committee on Chronic Nuisance properties primarily as it relates to CBJ Code sections 36.20, 36.30, 36.40, 36.50, and CBJ 42 and Alaska Statutes Title 11.

Lt. Weske's presentation gave some examples of what types of calls would count towards the designation of a chronic nuisance property and which would be exempt. If, after receiving notice in accordance with the ordinance, an owner did not take the necessary corrective action a fee of \$400 would be imposed for every violation after the 30-day window has expired. He also explained that notice to one owner is considered notice to all owners under the proposed ordinance.

Assemblymembers asked Lt. Weske a variety of questions about the draft ordinance specifically relating to the differences with how it might apply to residential vs. commercial properties, mobile homes and apartment complexes. They also asked him to compare how the enforcement of this may be similar to or different from enforcement JPD does relating to bars and similar calls and how that affects JPD's review and recommendations for liquor license renewals.

Lt. Weske explained that JPD reviews liquor licenses on a case by case basis looking at the volume of calls and the nature of the incidents and it is rare that they recommend protests. He went on to say they anticipate the volume of chronic nuisance property calls to be greater than those they receive for liquor license holders.

Assemblymembers then asked questions about the ordinance and discussed the details regarding warnings, notice requirements and next action steps. Ms. Gladziszewski expressed her concern that setting an ordinance up in this manner may prevent a crime victim from wanting to call in and report a crime if they felt that call would count against the property owner as a nuisance property. Lt. Weske explained the types of calls that would fall under the ordinance vs. those calls that would be exempt such as those relating to child abuse, neglect, domestic violence, sexual assault, stalking, medical emergencies, retail thefts, and false alarms or false information (by someone other than the owner/tenant).

When asked about the experiences of other communities with this type of ordinance, Lt. Weske said he has reached out to five other communities with similar ordinances and heard back from three. Two

of those wished to remain anonymous but said their experience has been that the program has been a success in getting property owners to take care of their properties better. Only one of them had to go through the full process to fining and placing a lien on a property.

Mr. Palmer said that, if adopted, this ordinance would define what a public nuisance property is. It may help landlords who have probable cause to move forward with eviction proceedings. He stated that these are policy decisions that the Assembly will ultimately need to make as to whether or not they wish to move forward with this ordinance. He noted that he will take the comments from members at this meeting and incorporate those into a revised ordinance and bring it back to a future COW meeting along with the most critical concerns and possible resolutions of those in a memo.

E. Eaglecrest Financial Stability Planning/Adventure Center Concept

Ms. Cosgrove explained that the Eaglecrest Board and staff have been looking at possible options for summer uses of the area that might help provide fiscal stability for Eaglecrest. The packet contained a memo that addresses the topics which are fairly broad at this time. Some of the policy decisions are whether or not Eaglecrest should engage in commercial activities during the summer, the role of public/private funding, and underlying all of that is community input and community process. Ms. Cosgrove turned it over to Eaglecrest Planning Committee Chair Mike Satre and Eaglecrest Manager Dave Scanlan to provide additional information

Mr. Scanlan and Mr. Satre recognized that with the exception of the Eaglecrest Board Chair Bruce Garrison who was traveling, all the Eaglecrest Board members were present in the audience and were supportive of moving forward with this concept.

Mr. Satre said they are at a decision making point to move forward to preserve the Eaglecrest Ski area but to also recognize the effects of climate change and to mitigate those impacts on the ski area. He said they are not here to make any final decisions and make financial commitments but rather to bring the Assembly up to speed with what they have in mind and to begin the public process. They would like the Assembly's approval to begin public engagement. They want to be able to refer items to the Assembly Public Works and Facilities Committee as suggested by Mr. Watt. That will allow them to give frequent progress reports to the Assembly as the project moves forward and for Mr. Scanlan and Mr. Watt to be able to work hand in hand on this project.

Ms. Satre said when he joined the board a year ago, he expressed concerns regarding the financial stability of the ski area. His concerns were about the infrastructure at Eaglecrest and the investment that may be needed to ensure that everyone will still have the opportunity to ski in the winter. He wanted to make sure that Eaglecrest is an area that people can enjoy in the summer as well as the winter and while some folks do enjoy it during the summer, the board believes that could be expanded to accommodate more people.

Mr. Satre said he was heartened to learn that the Eaglecrest Board had already done a lot of work to address the issue. Most of the ski areas around the world have year round revenue streams of some sort to be able to survive. People want to be able to get up into the alpine and experience something different. At their board retreat, they discussed that in great depth and explored the concept of a gondola. More work has been done on that and the board asked Mr. Scanlan to pursue that with the caveat that he ensure the existing operations are still running. They continue to work out the financials and the concept and, as a board are ready to work with the Assembly on this. They have a pretty ambitious concept which has a gondola as its backbone for infrastructure to get tourists into the alpine. Mr. Satre said the key to that is to realize that the customer base isn't just the 32,000 residents of Juneau but rather those residents in addition to the 1 million+ passengers who are arriving on the cruise ships during the summer months.

Mr. Satre said an Eaglecrest adventure center with a gondola as its backbone would have a lodge up top. It would have the ability to bring in tour guides and vendors who could provide tours in the alpine or who could provide self-guided tours. They would also look at zipline opportunities, alpine coaster

activities, ropes courses, and other infrastructure that would tie into getting up to the top of the mountain in a gondola for a reasonable rate.

The board's ultimate goal is to independently fund their sustainable year-round operations. They think Eaglecrest can be an important tool in reducing overcrowding of Juneau's tourist attractions. This proposal would have the potential to eliminate the subsidy to Eaglecrest and to hopefully provide for reinvestment back into the community.

Mr. Satre said they also know they have challenges ahead. He said they want to be sure the locals are engaged in the public process moving ahead. Another challenge is the estimated \$30-\$35 Million price tag.

Assemblymembers were very supportive of this proposal. They requested that Eaglecrest be sure to engage the community and especially the North Douglas residents in the process.

MOTION by Mr. Bryson that the Assembly grant permission for Eaglecrest Director Dave Scanlan to work with Mr. Watt on the Eaglecrest Financial Stability Planning/Adventure Center concept and asked for unanimous consent. *Hearing no objection, the motion carried.*

Mr. Satre said that one of the things they wished to request was to get the Assembly's permission to begin the public outreach process right away. Mr. Scanlan and his staff as well as the board are ready to do just that with a board meeting already scheduled for Wednesday, June 12 to outline what they are planning to do.

Ms. Gladziszewski said the Assembly agrees that they would appreciate the process beginning. She thanked the board for attending and sitting through the whole meeting and she wished them well with their next steps.

F. Ordinance 2019-27 An Ordinance Amending the Land Use Code to Extend the Sunset Date for the Downtown Juneau Overlay District.

Ms. Cosgrove said that staff is seeking an amendment to the Alternative Development Overlay District Ordinance which is currently scheduled to sunset on August 1, 2019. The timelines got away from staff for a variety of reasons and they are seeking a one year extension to ensure they have time to properly address the downtown zoning issues anticipated.

CDD Director Jill Maclean explained that they are not looking for an extension for Douglas as they are looking at starting that in early fall with a visioning plan/strategy and they will be looking at going for an RFP for a consultant soon. She doesn't anticipate any trouble with the Douglas Overlay District but they have limited staffing and resources so they are looking for a one year extension for Downtown Juneau Overlay District.

Ms. Gladziszewski asked the members if there was any objection to a one year extension. Hearing none, this ordinance would be introduced for June 24 and set for public hearing in July.

V. ADJOURNMENT

Ms. Cosgrove said with respect to the various comments received relating to tourism as mentioned earlier in the evening at the Lands Committee and also during the discussion by Mr. Satre during the Eaglecrest presentation that she thought the Assembly may wish to address the impacts of growing tourism in the community at a high level. This will help address the community members concerns and the Assembly could generate some potential solutions.

Ms. Gladziszewski said they do not currently have a holding mechanism for those conversations. There was the TWG (Tourist Working Group), the TAC (Tourism Advisory Committee), the PPC

(Planning & Policy Committee), and Collaboration Juneau in the past and those are no longer in effect.

Mr. Bryson asked Mr. Palmer if it would even be legal to ban persons from traveling to our community and whether the local government has any recourse to tell businesses there is a cap on how many people could come to Juneau.

Ms. Gladyszewski said they didn't want to go down this topic too far as this was not part of the publicly noticed agenda but she did ask Mr. Palmer if he could answer Mr. Bryson's question.

Mr. Palmer said that there is some legal research that will need to be done. He said there is a constitutional right to travel that exists but there may be ways that they could limit how many people can come in per day or where ships tie up if we own the docks. There are likely some limited tools but it not something they have looked at in long time and it would need some additional research.

There being no further business to come before the committee, the meeting was adjourned at 8:37 p.m.

Respectfully submitted,
Beth McEwen, MMC
Municipal Clerk