

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES**

October 10, 2016, 6:00 PM.
Municipal Building - Assembly Chambers

Assembly Work Session - No Public Testimony Taken

I. ROLL CALL

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

Assemblymembers Present: Mary Becker, Maria Gladziszewski, Loren Jones, Jesse Kiehl, Ken Koelsch, Jerry Nankervis (Teleconference), and Debbie White.

Assemblymembers Absent: Jamie Bursell, Kate Troll.

Staff present: Rorie Watt, City Manager; Mila Cosgrove, Deputy Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Rob Steedle, Community Development Director; Christine Steadman, Planner; Bryce Johnson, Police Chief.

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved as presented.

III. APPROVAL OF MINUTES

None.

IV. AGENDA TOPICS

A. Community Development Block Grants (CDBG)

Mr. Watt said Ms. Steadman of the Community Development Department (CDD) prepared the packet and recommends that the Committee of the Whole (COW) recommend to the Assembly the Housing First project as Juneau's application for the Community Development Block Grant (CDBG). He said the project was well supported and there were no competing projects.

Mr. Kiehl asked how far off the project was from the last year's winning proposal by points. Mr. Steedle said that the project scored poorly last year and was able to put forward a better application this year. Mr. Kiehl understood the amount of staff time put into this application and asked what were its chances for success. Mr. Steedle said the staff has confidence that the project meets the intent of the grant and the project is more established and has more demonstrated community support this year.

MOTION, by Becker, to forward to the full Assembly that CBJ co-apply with the Juneau Housing First Collaborative for the 2016 CDBG grant for the Housing First project. Hearing no objection, it was so ordered.

Mr. Watt said that Bartlett Board has submitted its intention to donate an additional \$100,000 towards the project contingent upon a successful application.

B. Fireworks Draft Ordinance

Mr. Watt said that this draft ordinance regarding Fireworks was a starting point for the Assembly to provide to the public. Mr. Kiehl asked about the public process plan. Ms. Cosgrove said two meetings were proposed: Wednesday, Oct 19, at 6 pm in the Chambers, and Monday, October 24, at 6 pm in the Valley Library. Staff would lead the meetings with the Assembly attending as they were able. There would be an opportunity for public verbal and written comments.

Ms. Becker asked if recommendations would be received from the public, since there was a draft ordinance. Ms. Watt said yes, the ordinance was a draft for people to comment upon.

Ms. White said she thought the ordinance was supposed to be based upon time and place of use, and not the type fireworks. Ms. Mead said that the direction given referred to saleable fireworks.

Ms. Gladziszewski asked if the ordinance regarding saleable fireworks was defined in state law and Ms. Mead said yes. She said other jurisdictions have made regulations regarding the intensity of fireworks. If the Assembly wanted to make an ordinance based on intensity, she would not use the state definition as a starting point, but could pull definitions from other jurisdictions. This ordinance covers every type of firework that is currently allowed under state law.

Ms. Becker said that the Assembly did not direct the type of fireworks. Ms. Mead said that CBJ can't say that all types of fireworks are allowed if they are not legal in the state, and the ordinance is now reflecting the broadest type of fireworks allowed by state law. CBJ has not had a fireworks ordinance on the books and if we are to have one, this allows everything that someone could use by state law. There was no definition on the books before because we did not have a fireworks ordinance. Mr. Jones pulled up the minutes and said the motion directing the ordinance referred to saleable fireworks. These are the only fireworks a person can purchase in Alaska without a state permit for fireworks similar to the fireworks show at the 4th of July and Eaglecrest.

Ms. White said she prefers fewer words. If state law changes we need to amend our ordinance. Ms. Mead said either way is appropriate, it is an assembly decision.

Ms. Gladziszewski asked if JPD will know how to determine which fireworks are saleable. Chief Johnson said it would be determined by how the product was packaged and if it was packaged for sale. JPD does not see non-saleable fireworks being shot off in the community - those are very difficult to obtain and commercial grade would be easily recognizable. Ms. Gladziszewski asked if different states had different standards for saleable. Ms. Mead said they all start with reference to the federal code. Ms. Gladziszewski asked about the distinction between ground and aerial fireworks and Ms. Cosgrove said that all were included within this ordinance and no distinction had been made.

Mayor Koelsch asked if the objective tonight was to make changes or to ask questions. Mr. Kiehl said it was to ask questions before it went out to the public for comment. Mayor Koelsch said he was still concerned with issues regarding possession and said it should be held to address that issue before going out to the public.

Ms. Mead said there is a concern from JPD reflected - subsection B2, first page - regarding use by a person or allowing fireworks to be used on premises under a person's control - this makes the homeowner, tenant or person in control of the property responsible - it gets away from determining who possesses the fireworks. Mayor Koelsch asked about the process. Ms. Gladziszewski said it would be better to distribute an ordinance closer to what the Assembly supports. Mr. Kiehl said this is a draft - previously we determined it would be good to get comments from the public before refining the ordinance, but that can change.

Ms. Gladziszewski said she supported limited days but she has neighbors who shoot off fireworks right next door, and can we limit the size that can be used in neighborhoods. Mr. Kiehl suggested adding sheets to the ordinance with Assemblymembers proposed changes for public distribution.

Ms. White said her concern is the burden on the police department and asked for Chief Johnson's opinion. He said that the way the issue is now, this takes a lot of staff time - half the people don't believe this is allowed and the other half are shooting off fireworks and we have had several officers responding to fireworks calls under the noise nuisance ordinance. Any clear direction given will reduce the time we need to respond. If you pass this as it is now - on the 4th of July we can say we are not responding to the calls about fireworks. We can figure out the use of different types and that would still be better. If it is a straight ban, that is easy. If you want to determine the type, we can do that. If you go with different zones, that makes it less clear to us and the public about what is allowed or not allowed. Fireworks are not a public safety problem. They are a quality of life issue regarding what people feel is right. We would like to avoid having every officer on a fireworks call.

Ms. White is not willing to do a complete ban, but I don't want to make it too difficult. Ms. Mead said the ability for the police to respond and the prosecution are two separate things. The distinction between the types is enforced by citizen complaint signed by neighbors for it to be prosecutable.

Mr. Kiehl asked Ms. Mead if she had enough information to make a distinction between types for Ms. Gladziszewski's concerns. She said many jurisdictions provided rules by type.

Mr. Jones said that Anchorage had a definition. Ms. Mead said that Anchorage's ordinance is more technical than her understanding of it.

Mr. Koelsch asked for an amendment about possession and another about exceptions - he would like to see a mechanism for an application for an exemption to the law. He gave an example of a community event outside of 4th of July and New Years. Ms. Mead said that this already addresses that through the state law, and if you want a permit, which department would issue, what are the parameters and what is the appeal process. Mr. Koelsch said he would like to have a sample to look at.

Mr. Jones said that there was a difference between a commercial and a personal use.

Ms. Gladziszewski said PRAC suggested a permit, according to its recommendation.

Ms. White said that a permit could be issued by the police or fire department as they would be the ones receiving the complaint call.

Mr. Watt said staff needed some guidance on what would be an allowable exception to ease enforcement. Homeowner use for a special event could be a very difficult thing for staff to decide, or deny, special applications. Mayor Koelsch said that street closures were done by JPD and reviewed. Chief Johnson said occasionally they were denied. Mr. Koelsch said this was an example of a process. Ms. Mead said that she did not believe there was a way to say no - street closures for public safety issues - we can require people to have a permit if used outside of certain dates and times. Ms. Becker said with a permit, we will be right back to where we are now, with everyone applying and no one being able to be denied. Chief Johnson said that most of the responses they make now to noise complaints are due to use during an event.

Ms. Gladziszewski suggested a distance from property for use and Ms. Mead said that would be difficult to enforce.

Ms. White suggested having a designated place on the road system for use of fireworks outside of designated allowable times. Mr. Koelsch said that was a better solution than nothing, and we would have more work to put something together. There has to be some place to have an exception and pull this off. Ms. Mead asked about a designated area only or a permit for use outside of dedicated times as well. Mayor Koelsch prefers a process to get a permit, but if that is not possible, a fall back to a designated place. Ms. Gladziszewski suggested one permit per year per household as a way to manage permits that are not burdensome.

Mr. Kiehl asked Ms. Mead if she had sufficient information to prepare a draft for public review. Ms. Mead said that a permit would always be a yes, and asked about a fee for the permit. She said she would cite to a general fee and defer to the manager about which department would issue the permit.

Mr. Kiehl said he would look forward to public comment.

C. SB91 Local Ordinance Amendments

Ms. Mead said this was the one piece discussed with Ordinance 2016-16 - the criminal reform ordinance - regarding failure to pay a fine - that was requested to be taken out and put in a separate ordinance.

MOTION, by White, to forward Ordinance 2016-32 to the full Assembly for introduction and public hearing.

Mr. Kiehl said he maintained his same objection as before. He said he objects to jail time in lieu of fines. Imprisoning people for willfully not paying a fine is objectionable to him. Prison should be reserved for violent criminals.

Roll call:

Aye: Becker, Jones, Gladziszewski, Nankervis, White, Koelsch

Nay: Kiehl

Motion passed, 6 ayes, 1 nay.

D. Priority Driven Budget Update

Ms. Cosgrove provided an update of the program. We have determined to have one phase of public comment to be structured in January after the programs have been scored to see what the public's priorities are if there are limited funds available. The members said that Ms. Cosgrove had captured the intent of the subcommittee. Staff expects to have public meetings in January and the information back to the Assembly in February.

V. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

None.

VI. EXECUTIVE SESSION

MOTION, by Koelsch, to enter executive session to discuss City Attorney evaluation and IAFF Bargaining. Hearing no objection from the public or the Assembly, it was so ordered. The meeting recessed for ten minutes then entered into executive session at 7:20 p.m.

A. City Attorney Evaluation

B. IAFF Bargaining

Upon returning to regular session at 8:25 p.m., Mayor Koelsch said that in executive session, attorney goals and challenges for the coming year were discussed. The Assembly also discussed goals for negotiations with IAFF.

MOTION, by Koelsch, that retroactive to July 1, 2016, the municipal attorney salary shall be \$152,000 per year. Hearing no objection it was so ordered.

VII. ADJOURNMENT

There being no further business to come before the committee, the meeting adjourned at 8:27 p.m.

Submitted by Laurie Sica, Municipal Clerk