

MINUTES
PARKS & RECREATION ADVISORY COMMITTEE
Tuesday, September 6th, 2016
CBJ Assembly Chambers – 6 p.m.

I. Call to Order at 6:01 p.m. – C. Mertl, Chair

Present: J. Anderson; F. Dowd (t); B. Farrell; T. Gilmour; C. Mertl; E. Ouderkirk; C. Prussing; T. Rutecki

Absent: O. Brudie,

Staff Present: Brent Fischer, FP&L Superintendent; Lauren Verrelli, Staff Liaison

Guests Present: Trinidad Contreras, Assistant Municipal Attorney

II. Agenda Changes – C. Mertl: I have invited Trinidad Contreras from CBJ Law to join us for unfinished business to provide some guidelines for testimony tonight.

III. Public Participation of Non-Agenda Items – None.

IV. Approval of Meeting Minutes from August 2nd – Motion by T. Gilmour to approve, no objection. Minutes adopted.

V. New Business – None.

VI. Director's Report – B. Fischer on behalf of Kirk Duncan (absent) reads the Staff Report in the Agenda Packet, page 9.

C. Mertl: The latest numbers we currently have are the following:

#1– Allow unrestricted use of fireworks in CBJ Parks **31%**

#2 – Completely ban possession of fireworks in CBJ Parks **20%**

#3 – Partial ban – Restrict fireworks over a certain size **3%**

#4 – Partial ban – Restrict fireworks on specific holidays and before a certain time **16%**

#5 – Partial ban – A combination of #3 and #4 **30%**

VII. Unfinished Business – Fireworks in CBJ Parkland

T. Contreras: The scope of today's hearing is strictly bounded by CBJ parklands/managed properties. Anything beyond that will be outside what we can discuss. I'm also here to address the potential conflict of interest with Chris Prussing on the PRAC board. We have come to the conclusion that under CBJ Code there is no financial or personal conflict of interest and if Ms. Prussing wishes to participate today, she can.

[Public Testimony]

Lorraine Murray, 8108 Poplar Ave: *[PowerPoint presentation]* I have provided testimony on PlaceSpeak. In 2006, changes to our Fire Code allowed 60-gram Mortar Shells formerly classified as “dangerous” fireworks to become “salable” or “consumer” fireworks. According to the National Institute for Occupational Safety and Health for every 3 decibels over 85 decibels the permissible exposure time is to be cut in half to avoid possible hearing damage. At 115 decibel, the permissible exposure time is ~30 seconds. Fireworks start at 145 decibels and noise above 140 decibels is not considered safe for any period of time, without hearing protection. Loud noise not only represents a danger to hearing but to our health as well. CBJ Parks are surrounded by residential areas and guidelines for healthy noise levels in residential areas are no louder than 73 decibels for daytime and 55 decibels for nighttime.

Cynthia Dau, 2335 Meadow Lane: *[PowerPoint presentation]* Yes, I have sent in testimony. The professional fireworks show was ruined for me this years, as good as a job they did. I couldn't hear that night. We have thought about moving but there is no place to go. I don't take my dog to Savikko Park anymore. My dog now panics and I'm not going to drug him. Fireworks are preventing me and my family, born and raised here, from enjoying our parks. The polls are great but do not reach everyone, it misses a whole generation. I hope we don't come with someone paid to talk to you in the next instance because hiring an attorney for both sides would be very expensive.

Joann Flora, 8155 Easy St.: I have commented before and I have written letters. I live between two parks and I get it from all sides. Fireworks have grown substantially in size, volume and noise level. Most recently, on September 2nd, fireworks were let off for half an hour in the evening in my neighborhood. They disturb sleep, traumatize pets, scare small children and negatively impact people with PTSD, autism and certain neurological disorders. I have a family member with Parkinson's and when the booming starts in the area, his symptoms get worse. They're handled by people with no training or permitting and most likely been consuming alcohol. They cost us sleep, time, money, stress, anxiety and impair our ability to enjoy the holidays. We now have to hunker down during the holidays because of our dog. I have also gone to motels on these holidays to get her out of the area. We need to find a solution that allows people to enjoy the holidays. I'm not anti-fireworks but I haven't been able to see a show for years because I have to sit on my bathroom floor with my dog to prevent her from having a heart attack. I hope the PRAC would take some action to find a balance. I think if we would look into having a fireworks show in the valley, that would help the problem.

C. Merti: You said you wanted to find balance, what type of balance are you looking for?

J. Flora: If I knew when they [fireworks] were going to go off, I could learn to live with it.

William Quayle Jr., 415 Willoughby #305: I'm here to support one month around the 4th of July and one month around the 1st of the year for use of fireworks. Unfortunately, fireworks are not idiot proof and there should be stipulation that any operation during that time that causes imminent danger to a person or property should be cited. If you're going to be setting them off, make sure you're setting them off over water or a very safe environment.

Howard Shepherd, 8108 Poplar Ave.: Folks talk about their liberty to be able to set off fireworks and the other folks who don't care for fireworks don't have any place to go. This year was the most active use of fireworks since I moved here in 1995. Juneau is the second largest city by

area in the United States, if Parks & Rec could establish a place where during the daytime four-wheelers and dirt bikes are used and then in the nighttime fireworks can be used, this would satisfy lots of needs in our community that are not available right now.

Eric Cole, 9375 N. Douglas Highway: I support the unrestricted use of fireworks in parks. I agree with everybody, we are seeing more and more fireworks in Juneau than we have in the past. This tells me that more people are supporting fireworks with their wallets. People in Juneau love fireworks, they're spending the money to buy them and they're finding a place to launch them. Fireworks are already restricted on Forest Service grounds and in State Parks, if we take city takes parks away, where are people going to go? I really think city parks are the solution. I am willing to compromise for certain dates where fireworks are allowed.

Joleen Langel, 9296 Stephen Richards Dr.: I live between two parks in the heart of the valley. I understand CBJ Law has concluded that legally there is no issue with Ms. Prussing sitting here today and making a decision as a member of the PRAC. Is it acceptable to ask that Ms. Prussing written submissions be excluded from the record?

T. Contreras: When she makes a statement, she has to designate how she is participating, either as herself or as a member of the PRAC.

I personally feel, morally that Ms. Prussing can't be a neutral party here today and listen and have an open mind to those of us that are not opposed to fireworks. I ask the PRAC to do sound testing and see how much the impact really is with fireworks. Not the perceived impact but the actual impact. Let's see how many decibels there really are a half a mile away. I would also ask to put fireworks in parks, if you want them out of the neighborhoods, put them in the parks. Give us an appropriate place to go and we will go there.

C. Mertl: What if we set up a fireworks permit, similar to a burn permit. Where you need to get permission, identify who the people are and set specific restrictions within it for use of fireworks.

J. Langel: Eric Cole and I are admins for a Facebook group with a following of 470 people, whose main goal is to save holiday fireworks. One of the things that has been floating around the group is a reasonable compromise with the anti-fireworks community. One of those things was an idea of a permit.

F. Dowd: Do any of the folks testifying today feel that anyone individual that walks into a park with a firework can be assured to light that off in the safest way possible? My number one concern is the safety aspect of having fireworks in parks.

J. Langel: I can't speak for the masses; I can only speak for myself. You can't guarantee safety in everything. The present fireworks usage to injury ratio is very low.

Red Langel, 9296 Stephen Richards Dr.: I am a CBJ employee and this is my testimony and has no reflection on CBJ. I would like to point out some noise decibels—the exhaust for a Harley-Davidson motorcycle is 92 decibels. The average scream of a child is 101.2 decibels. There should be a place where people can use fireworks and I think parks would be perfect. I understand that there are people out there with medical conditions, I'm a veteran, I know all about PTSD. I'm for unrestricted use of fireworks but in the interest of everybody, there has to be some compromise but realistically taking away the rights of people using fireworks, I don't favor that.

George Utermohle, 1970 Glacier Ave.: I'm here as President of the Grateful Dogs of Juneau and representing myself. GDOJ is a local advocacy organization speaking on behalf of responsible dog owners. Grateful Dogs has supported a ban on personal use/consumer fireworks since 2012.

So many dogs/pets are affected by the use of fireworks that it's not warranted to increase the amount of use of fireworks in the community. As a pet owner, I support a ban of fireworks in CBJ Parks. Our family is a daily user of CBJ park areas and we have been forced to leave park areas due to fireworks on more than one occasion. Dog owners use parks at all times of the day, no matter the time, weather, etc. There is no other group in the community that is as large or consistently present in parks as dog users. CBJ parks should be regulated in the same manner as state parks and as US Forest Land.

Mark Ridgeway, 4300 Glacier Highway: I would urge the committee as they look at this issue to not set a timeline for your actions. I'm a supporter of fireworks and rather going from 365 days a year down to 2 days a year, find some middle ground. If you're going to look at some restrictions, make them minimal. Start with something small and see how it works.

C. Mertl: What would be an appropriate level of allowable use?

M. Ridgeway: Some restrictions on time but if you restrict them from parks, where are they going to go?

Brett McCurley, 1503 2nd Street: I am for limiting the use of fireworks to certain dates and time. I do understand that dates outside of normal fireworks holidays, people might think it's a gunshot. If you do restrict use of fireworks in parks, they will bring them to your neighborhood. I also feel that people need to be respectable and safe with fireworks. I approve the dates, around 4th of July and New Year's being allowed for fireworks. The other thing I heard that I thought was great was permits, where people would know in advance when fireworks are going to be used and where. I just think if you take it away from parks, they're going to go into our neighborhoods.

Pam Crowe, 11560 Mendenhall Loop Road: I did participate on PlaceSpeak and I voted for unrestricted use. I have a long history and a love of fireworks in Juneau. I want to address safety, people are as safe as they're going to be and you cannot restrict stupidity. You can't punish the mass for other people who are ignorant that are putting off fireworks at all hours of the night. I proposed a compromise that we have the holidays, 4th of July and NYE, and that we have Friday and Saturday nights. That would allow people who like to celebrate with fireworks to go to a place. As for permitting it should be as simple as a burn permit, that would give the police an address, place and time but not restrictive. We need to stop saying no to everything.

Thane Kelly, 3440 Nowell Avenue: Fireworks are special to me because my birthday happens to be on the 3rd of July. I feel that a little bit of both would be reasonable with restricting fireworks to a certain day, size and locations. Maybe certain parks wouldn't allow fireworks and other parks that are farther away from residential areas would allow fireworks year round. Then for special occasions, like the 4th, they can be used in all parks. If you don't give people a place that is safe and legal to use fireworks, they're going to leak through the cracks in undesirable ways. The idea of having only a few days a year is a little too restrictive. I am against fireworks being shot off in residential areas and that is why there needs to be a place where people can go to light off fireworks.

Julie Sanbei, 3440 Nowell Avenue: I support unrestricted fireworks use and better neighbors. I think a lot of what is going on today could be solved by talking a little bit more. I'm a dog owner and appreciate the fact that it can be disruptive to animals but I also understand that a pet owner, socialization is also my responsibility. A Fox 40 whistle comes in at a 115 decibels, if I'm reading a book in the park, that whistle would be distracting and might ruin my experience. But if I'm there

watching my nephew play a sport, it is what it is. Being predictable (noise) makes sense and whether that's done through location, better communication or a permitting process. I just don't think it's reasonable to cut off fireworks to only twice a year.

Dave Hanna, 11495 Mendenhall Loop Road: I am a pro fireworks person. I would like to echo the comments of Miss Crowe & Miss Sanbei. If you're going to restrict hours, I would extend it out to 1 a.m. since on the 3rd, the main show doesn't begin until midnight. I think restricting the possession of the fireworks is a hopeless case. The least restrictive as possible, we already have rules that deals with safety, we have noise ordinances. Don't ruin the pleasure of many because of the complaints of very few.

7:41 – Recess

7:49 – Meeting called back to order

[PRAC Discussion]

M. Gladziszewski: The Assembly started talking about this issue of fireworks at the August Committee of the Whole meeting. We're just beginning to get educated on it as you are. There was a motion for the City Attorney to prepare an ordinance for our review. They discussed time of day, dates, type of fireworks and locations. On October 10th, we will be receiving a draft ordinance for review and start talking about what is possible.

C. Mertl: Where does PRAC want to go?

T. Gilmour: I really like this compromise with the permitting discussion. People would be able to get a permit for an event and light off fireworks within a certain timeframe, back to back like the CBJ's show, not sporadically over a long period of time. We will restrict fireworks, but allow fireworks.

J. Anderson: Personally, fireworks are a big treat for my family but we only shoot them off at the 4th of July. It's unfortunate that the few people that aren't responsible have brought us to the point we are at now where we're going to have to impose regulation. I would like to keep it unrestricted and keep it simple. We need to teach people that we have to be respectable to our neighbors.

C. Prussing: CBJ is responsible to any resident of Juneau that wants to use a park and activities that deter or possibly endanger other parks users need to be looked at very carefully. We also need to keep in mind the impact of parks on surrounding neighborhoods. It's a little more restrictive user environment that needs to be dealt with that needs to balance a whole lot more of interests and activities. Emphasis on avoiding disturbing the peace and endangering public safety. Simply allowing fireworks on certain holidays does not address the problem. It's not a question of liking or not liking fireworks, it's a question of noise and safety to property and people. To minimize the impact to neighborhoods and park visitors, the PRAC should take a more restrictive approach to fireworks management in parks. As a government agency the best practice now would be not to allow fireworks in parks until a decision is arrived at on a higher level. This is an issue with parks and if people are being disturbed in parks than this is a problem that needs to be solved.

B. Farrell: I agree with Mr. Anderson, it has taken many years for us to get to this point and it has become problematic. I don't think that just acting neighborly will fix anything even though I would love to see that happen. The permitting could potentially be a good idea but would need to spell out some sort of restrictions. I agree that parks are different than residential areas and parks are a government responsibility. Our job is to recommend what we think is appropriate or not

appropriate in parks with the greater good in mind. The problem I have with restricting size, I believe that would be tough for JPD to enforce. I'm leaning toward the initial motion with some minor corrections.

E. Ouderkirk: Safety is about risk. Part of the role of the PRAC is to think about the safety issue and where the risk is. There's four things that we just heard that we can put in the regulations—time of day, date, location and type. I don't think it's impossible to regulate type. If we're going to move forward with some sort of recommendation to the Assembly, these four pieces need to be looked at. I don't think I heard anyone say that they will not compromise. We have a lot of options in front of us to bring everyone together into a workable compromise.

T. Rutecki: My first choice would be to have a designated place near the rifle range where folks could set off fireworks. That would satisfy everyone. The problem we have is with the noise, people object to noise. There's plenty of noise at the rifle range and that would be the park for that type of activity. Parks are places where people should be able to go without fear of being exposed to disturbing noise. Police Chief Johnson said that it's nearly impossible to cite someone for the noise ordinance with fireworks without enforcement compactly for possession. In summary I would like to see us start with the draft ordinance and go from there.

F. Dowd: I think safety and fireworks are related to one another. I do think that compromise is important when considering the issues involved around fireworks. I am open to the idea of permits to not only remind people of the responsibilities involved and but also have them posted so park users are aware the on this day/time a group/organization has the authority to use fireworks there. We have a responsibility to the park users to ensure we're doing what we can to protect them in the park areas. I would like to see us come up with some proposed ordinance on fireworks in parks, but I just don't see there being room in parks for fireworks.

C. Merti: This boils down to noise & safety and balance & compromise. I would love for these two groups on both sides of this issues to get together and find that balance and compromise. My personal take on it is that if we can eliminate the noise aspect, we could deal with most of the concerns from the public. I think that having specific days where people knew it was going to happen and set some parameters makes sense. People who are affected by it can then be prepared. Maybe a permit for special activities would be an option so we could know who is responsible, where it is happening and the area is aware. I'm in the middle, I don't want unrestricted use but I don't want a complete ban. I don't have enough background knowledge to understand what is too loud. I don't have the information to make a clear recommendation at this point about noise.

T. Rutecki: I make a motion that we forward the draft motion in our packet to the Assembly.

J. Anderson: I don't agree with that motion, we need some more discussion on this.

T. Gilmour: I also don't agree with this motion. I don't agree with the complete ban. I would like to see more discussion with the community.

C. Prussing: There has been a constant topic of discussion in the public. I don't believe it's a good idea for the committee to be stalling on this issue saying we don't have enough public input or information.

T. Gilmour: What we learned from this meeting specifically, there were 11 people who spoke that were for unrestricted use/use with compromise and only 4 that were for banning fireworks.

J. Anderson: If we voted on where the PRAC sits, it would not reflect what we heard from the public tonight and what the online poll says. This particular motion does not leave room for compromise and we keep hearing that over and over. We should table this until next month and work together to come up with something that is more consistent with what the public says.

F. Dowd: Tonight we heard a lot on compromising and I cannot turn a deaf ear to that. As much as I feel strongly that there is no room for fireworks in parks, I also feel that the community has a

voice in this. I cannot support submitting that recommendation to the Assembly without further discussion on what we can do to compromise.

T. Rutecki: I would entertain an amendment on the current motion that spoke to fireworks being permitted on certain days and times in parks.

C. Mertl: Do you have an amended motion Mr. Rutecki?

T. Rutecki: I would say "The PRAC requests that the CBJ Assembly limit the use of fireworks in parks based on certain dates and times."

[Discussion on motion wording]

J. Anderson: I think we're working towards a compromise but I think we're trying to force something to work just to get a vote out. Now that we have heard from the community tonight and now as a group we're started to talk about it. I would like some time to hammer down on this myself and try to write something worth saying.

C. Mertl: We're somewhat passing this off to the Assembly and we need to provide some sort of guidance. The straw pull from what we heard from the public pretty much matches what we heard from PlaceSpeak. This is the first time we, as a group, have been discussing this. I think that we tackle this next month and give our motion some more teeth.

[Discussion]

L. Verrelli: The amended motion before us is "The PRAC requests that the CBJ Assembly limit the use of fireworks based on date, times, size and locations within CBJ parks."

Yay: T. Gilmour, F. Dowd, C. Prussing, B. Farrell, E. Ouderkirk, T. Rutecki

Nay: J. Anderson, C. Mertl

Motion Passes.

C. Prussing: Can we schedule a discussion in October to discuss when, where and what type of fireworks are suitable in parks?

J. Anderson: That is why if we didn't make a hasty vote after just hearing about these things we would have time to discuss these things and to work out those details. I don't feel this vote reflects what we heard tonight. I ask for reconsideration on this motion.

T. Rutecki: I would like to ask for clarification if we need to vote on reconsideration.

T. Contreras: It is not required to be voted on but to be brought up at the next meeting.

[Discussion on when to hold special meeting]

C. Mertl: The special meeting will be this Friday (9/9/16) at 6 p.m.

VIII. Committee, Liaison, and Board Member Reports

C. Mertl: Given the time, we will table committee, liaison and board member reports until October.

Adjournment – 9:22 p.m.