



CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
330 Harbor Drive
Sitka, AK
(907)747-1811

Minutes - Final City Assembly

MAYOR Scott McAdams
Jack Ozment, Deputy Mayor - Reber Stein, Vice Deputy Mayor
Cheryl Westover - Mim McConnell
Phyllis Hackett - Larry Crews

MUNICIPAL ADMINISTRATOR: Jim Dinley
MUNICIPAL ATTORNEY: Theresa Hillhouse
MUNICIPAL CLERK: Colleen Ingman, MMC

Tuesday, April 13, 2010

5:00 PM

Assembly Chambers

Worksession - 5:00 PM to 6:00 PM

Sitka Rocky Gutierrez Airport Terminal Building Expansion Planning Project

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

Present: 6 - McAdams, Ozment, Westover, Crews, Hackett, and McConnell
Telephonic: 1 - Stein

IV. CORRESPONDENCE/AGENDA CHANGES

Ozment noted the grants Sitka received from the federal government and also acknowledged the Sitka Green Business Award presented to the Assembly. Westover pointed out NOAA's letter complimenting Harbormaster Stan Eliason.

A 10-072 Assembly reminders, calendar and correspondence.

This matter was HEARD

V. CEREMONIAL MATTERS

Mayor McAdams recognized the Jesuit Volunteers and AmeriCorps Members and thanked them for their services to our community.

B 10-068 Recognition of Jesuit Volunteers

10-069 Recognition of AmeriCorps Members

VI. PERSONS TO BE HEARD

Jim Case of the Sitka Historical Society informed how the Fortuna Strait became named. They plan to bring forward a piece of history each month to share.

Garry White invited the Assembly and public to the "State of Sitka's Economy" to be held Wed. April 28 from 1:15 until 4:15 PM in the Harrigan Centennial Hall.

Nancy Yaw Davis addressed the Assembly. The SJC Subdivision is being addressed by the Planning Commission and she would also like it addressed by the Assembly. She would like the code to be changed before moving further. Ms. Yaw Davis informed the Assembly two PTP companies exist.

VII. REPORTS**a. Mayor**

Spoke to the recent Visioning Session. The Mayor noted it was good to get together and brainstorm.

b. Administrator

Stated the Parks and Recreation folks anticipate the new ballfields to be open May 8. He also apprised the Assembly on other Public Works projects.

c. Attorney

She will be traveling to the Alaska Bar Association meetings on April 28.

d. Liaison Representatives

Hackett advised the Historic Preservation Commission has had several requests for review. They recently approved the Blockhouse transfer, which will be on the Planning Commission agenda for April 20. McConnell attended the Sawmill Creek Transmission Line public meeting. She continues to work with the Long Range Planning and Economic Development Commission on research, social and housing actions. Westover mentioned there would be a reception at Sitka Community Hospital to introduce and welcome their new surgeon Dr. Wein. The Complete Count Committee is about 56% complete.

e. Clerk

Mentioned the LRPEDC desires a worksession with the Assembly. She will work with Mayor McAdams on this. Reminded evaluations are due Friday April 16 for the Municipal Administrator and Municipal Attorney.

f. Other

Ozment mentioned two and a half weeks ago the Climate Action Plan Task Force met and only two Assembly members attended which concerned him. The group is about done with the plan and will bring their report to the Assembly soon.

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No: 2 - Ozment, and Crews

IX. UNFINISHED BUSINESS:

I ORD 10-02 Adjusting the FY 2010 Budget for changes identified during the Second Quarter FY 2010 Formal Budget Execution Review

Sponsors: Administrator's Office

Administrator Dinley explained this formalizes the previous budget processes.

MOTION PASSED on the following vote.

Yes: 7 - McAdams, Ozment, Stein, Westover, Crews, Hackett, and McConnell

J ORD 10-04A ORD 2010-04: Amending SGC at Chapter 9.20 entitled "Smoking in Public Places and Places of Employment" to prohibit Smoking in Bars and in Private Clubs licensed to sell food or alcoholic beverages, set a minimum reasonable distance for non-smoking outside public places, make additional enforcement requirements, and make clarifying amendments.

Sponsors: McAdams and Stein

Sixteen people testified in opposition to passage of this ordinance. They spoke to freedom, choice, property rights and individual rights issues. They don't feel the Assembly has the right to legislate this and urged taking it back to a vote of the people. They further mentioned practical problems that would surface when smokers are forced out onto the sidewalks and streets, enforcement, economic concerns, and the ability to continue to fund scholarships and non-profits.

Thirteen people testified in favor of passage of this ordinance. They spoke to freedoms, a responsibility to protect the public, the health risks of smoking and of second-hand smoke, the need to protect employees in the workplace, and most felt there would not be the economic impact folks feared. Informed 28 states have gone smoke free.

*Testimony from two adjacent property owners to Ernie's Bar:
Olga Borland owner of Random House testified they are next door to Ernie's and have never experienced smoke, odor, or anything detrimental from that place of business. However, if this ordinance passes and smoking is prohibited in the bar that would force people out to the sidewalk right in front of her door. She added she wouldn't want someone to tell her how to conduct her business.*

Garry White, representing Robertson's Gallery (next door to Ernie's Bar) testified that they have no problem with Ernie's Bar. However, he expressed concern if smokers are forced to the sidewalks and streets they would likely congregate in front of his wife's business, impeding their business entrance/exit with secondhand smoke.

Both business owners wanted to make it clear that neither of them had ever lodged any complaints.

Moose Lodge

Larry Faude, administrator of the Moose Lodge, explained they do not have children there except for one day a month when the Hawaiian dancers practice, and that's upstairs. If they lose a third of their business like the Elks Club there would be less for everybody. He referenced the final words of the Pledge of Allegiance ... "under liberty

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L 10-074

Discussion/Direction on Commercial Operator Rules at Tendering Facilities.

Municipal Attorney Hillhouse explained the idea was to do this yearly so if there were any issues they could be dealt with before the start of the summer season. Hackett believed it worked well last year; she comes and goes through the tendering facilities frequently. Crews reflected that it was strange under the bridge facility with the painted squares. Nothing is being adopted, if there are problems during the season corrections can be made.

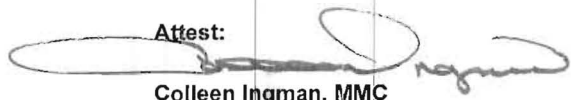
XI. **PERSONS TO BE HEARD:**

None.

XII. **ADJOURNMENT**

MOTION by Westover to adjourn. The meeting adjourned at 9:02 PM on unanimous consent.

Attest:



**Colleen Ingman, MMC
Municipal Clerk**