

## MINUTES

### JENSEN-OLSON ARBORETUM ADVISORY BOARD

Mendenhall Valley Library, Conference Room | Wednesday, January 8, 2020 5:15 P.M.

#### I. Call to Order at 5:19 pm by Chair, Nell McConahey

**Present:** Kristin Bartlett, Ed Buyarski, Rose Evans, Peter Froehlich (t), Patricia Harris, Nell McConahey

**Absent:** Deborah Rudis

**Staff Present:** Merrill Jensen, Arboretum Manager; Michele Elfers, Deputy Director; Lauren Verrelli, Staff Liaison

#### II. Agenda Changes – None.

#### III. Public Participation on Non-Agenda Items – None.

#### IV. Approval of Minutes – None.

#### V. New Business –

##### A. Subcommittee Meeting with Finance Director Update

N. McConahey: We had a great discussion with the new finance director on what the Arboretum is about, where the investments are and the possibilities of changing it. He is open to whatever the board wishes to do with the endowment. If there were any emergency repairs, it would not come from the Endowment; it would come from CBJ funds.

M. Elfers: We prioritize things based on safety and functionality; if you want to have other funds to do building improvement and repairs that might not be prioritized, you can use the withheld funds. We do need to discuss with our Finance Department about what would happen to the unused funds at the end of the FY since they cannot roll over to the next FY.

E. Buyarski: Can we put any remaining funds that are not spent throughout the year back into the endowment?

M. Elfers: We will have to talk to finance about that and get back to the board.

#### VI. Unfinished Business –

##### A. Arboretum Commercial Use Comments

M. Elfers: The department is working on updating our commercial use regulations and the draft version is currently out for public comment until January 15. Ideally the commercial use regulation will be the umbrella and framework for the department and then underneath that a policy for the Arboretum. In the new proposed regulations, we clearly state that nonprofit groups can perform commercial activity and receive permits. It is not recommended to separate uses by non-profit vs. profit; the reason we are doing this department wide is because do have a lot of activity by nonprofits that is for profit that we need to permit. Another thing to consider is the impact to the property, which can results in costs such as emptying trashcans, staff attention, etc. There is currently various types of commercial use happening at the arboretum (ex: taxi drivers & photography). We are creating a new type of commercial use, vehicle-based tours and transportation that would fit in well for the Arboretum.

E. Buyarski: What about vending at the Arboretum? In the past, I sold plants at the Arboretum and gave the Arboretum a portion of the sales.

M. Elfers: We could allow vending but add stipulations on intent and the benefits to the Arboretum. Lastly, there is photography as a type of commercial use, which is an activity that happens frequently at the Arboretum. Do we want to permit professional and amateur photographers?

M. Jensen: The photography is one that we need to address since we have many professional photographers that come out. In the past year or so, we have been talking to them and they are open to being charged to shoot at the Arboretum. The draft regulation calling out the Arboretum currently reads that you cannot be a professional or amateur photographer without having a permit. How do we determine if an amateur is

selling their pictures? We do see engagement, family and wedding photography at least once a week.

N. McConahey: What if we remove this line in the draft regulation about the Arboretum?

M. Elfers: Then no one would need a permit at the Arboretum unless they have a set and props, which would make them commercial. With including amateur, if we do not catch them during the act but we see stuff around town, then we can contact them and penalize them. Are you all okay with the way it is written in the regulation?

N. McConahey: Let us keep it in there for now and we can have specifics in the Arboretum policy.

M. Jensen: How do we handle the commercial use fees and how does it get into the endowment?

M. Elfers: In the Arboretum Administrative Agreement (1993), it states that all net proceeds from commercial activity should be put into the support fund and used to support and expand the Arboretum. All commercial funds will go into the endowment. How does the board feel about vehicle-based tours?

P. Froehlich: I think it is okay but we should have a limit per day.

K. Bartlett: How do we regulate Uber & Lyft drivers? If the driver is not in the habit of going out there, gets a request and does not have a permit? How do we handle that?

M. Elfers: That is a good question. They would be handled similar to taxis.

M. Jensen: For internal guided tours that we charge for? How does that work?

M. Elfers: It is a service provided by the facility so it would be outside of commercial activity. What about guided tours by another company (including local kid groups)?

M. Jensen: Discovery SE does come out multiple times a summer.

M. Elfers: Their intent aligns with the Arboretum, they could get a permit and have fees waived possibly. I will work on reworking the Administrative Supplemental No. 2 and will try to get this ready for the board to review in the coming months.

## **VII. Committee Liaison and Staff Reports**

**A. Chair Report:** None.

**B. Manager's Report:** *Included in packet.*

**C. Friends of JOA –**

P. Harris: Raised \$5,000 from the raffle; assisting in Merrill's First Friday Show at Centennial Hal. They have 98 annual members and 32 lifers.

**D. Other business—** We have two vacant seats on the board.

**Adjournment – 6:53p.m.** *Having no further business before the Board.*

Respectfully submitted by Lauren Verrelli, Recreation & Public Services Manager, 8/11/2020.