

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES
Wednesday, September 16th, 2020

I. Call to Order Mr. Ridgway called the meeting to order at 5:00 p.m. in a Zoom meeting at the Port Directors Office.

II. Roll Call

The following members were present in person or on zoom meeting: Jim Becker (in person), Chris Dimond, Don Etheridge (in person), James Houck, David Larkin, Annette Smith (5:05pm), Bob Wostmann, and Mark Ridgway (in person).

Absent: Steve Guignon

Also present at the Port Directors Conference room: Carl Uchtyl – Port Director, Erich Schaal – Port Engineer, Scott Hinton –Acting Harbormaster, and Mary Wolf – Administrative Assistant 1.

III. Approval of Agenda

MOTION by MR. ETHERIDGE: TO APPROVE THE AGENDA AS PRESENTED AND ASK UNANIMOUS CONSENT.

Motion approved with no objection

IV. Public Participation on Non-Agenda Items - None

V. Approval of Wednesday, August 19th, 2020 Operations/Planning Meeting Minutes are not available – not approved.

VI. Consent Agenda – None.

VII. Unfinished Business – None

VIII. New Business - None

IX. Items for Information/Discussion

1. Harbor Security Camera Update

Mr. Schaal said the Harbormaster has been working with a local resource, Access Control Contractor, Jim Sullivan. Mr. Sullivan integrated the old camera system with our new camera security system. He will continue to work on the camera system and we hope to have all the new cameras installed and the older ones integrated with the new and put in new locations where warranted. Recent camera footage was used in several investigations including a deceased person and domestic issues.

Mr. Uchtyl said we have spent less than \$5,000 so far on the install. He is very pleased with Mr. Creswell's accomplishments so far and the cost coming in less than expected.

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Mr. Schaal said he and Mr. Creswell have met at Douglas Harbor to discuss locations for additional cameras. He does not have a date when those will be installed. They are also looking at adding a light pole at the launch ramp and putting a camera on that pole.

Mr. Uchytel said we are close to getting the light installed at Douglas Harbor at a cost of \$15K. He is waiting on the cost of scuttling the Lumberman before moving ahead on the light project. He is also working with Snowcloud in figuring out a way for harbor patrons to get personal Wi-Fi to help with their own security camera systems. There is some beta-testing going on at Douglas Harbor. This is to help Snowcloud gather data in figuring out a reasonable cost and service to our harbor patrons.

Mr. Schaal said that the Juneau Police Department (JPD) would have access to our camera footage so they can directly access our camera security system to get what they need. This helps save time for our Harbor Officers in reviewing cameras for JPD.

Mr. Ridgway asked how we prioritized camera locations?

Mr. Schaal said they are using existing cameras and adding new cameras. The camera install locations are important for access points and carefully thought out. An important install is at the Aurora Harbor office desk as there has been some problem patrons in the past. The expectation is that having a camera will curb bad behavior and increase employee safety.

Mr. Ridgway asked how we push this information out to the public to help dissuade poor behavior and why the cost is less than projected two years ago.

Mr. Schaal said that camera manufacturers have gone to a standardized system where they all speak the same language and that has brought the prices down. Mr. Sullivan is networking our old camera system with the new camera system. The standardization of new cameras now work with our older cameras, which put the costs lower than originally projected.

Mr. Uchytel said we are hoping the cameras will deter some of the issues in the harbor but there is not the expectation that it will curb all of it.

Committee Discussion/Public Comment

Mr. Dennis Watson of Juneau, AK noticed that some of the camera angles are not ideal.

Mr. Schaal said that they are that way because of the current placement of where they are mounted. We are still figuring out how to get cameras mounted in better locations with better views.

Mr. Kirby Day, Juneau, AK said at the Franklin Docks and in various locations on the seawalk, he has posted signs about security cameras. Having cameras as well as the signage that security cameras are in use in his opinion helps curb some of the illegal activity. The cameras have helped in identifying people in several cases, which has led to jail time for those individuals. He encourages signage to help with the cameras.

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2. Code of Conduct

Mr. Uchytel said in December of 2019, he asked the City & Borough of Juneau Law Department to provide a legal opinion on curbing crime in the harbors. His request to the Law Department was this: a member of the Juneau Citizens Patrol recommends developing a strategy, which would enable authorities to move along individuals that sit in vehicles or loiter in harbors and/or harbor parking lots. These individuals are not of good will and are often involved in drug or other illicit activity. The Docks & Harbors Board is requesting ideas, suggestions, and recommendations from the Law Department addressing this concern. The Board has reviewed camping ordinances, which does not seem to be helpful in solving the issues of the questions at hand. Are there other avenues of enforcement of loitering laws or curfews that can help in regulating this behavior from midnight to 6:00 a.m.? Mr. Uchytel did get a response from the Law Department in late August. The legal department spent quite a bit of time thinking about this issue and creative ways to implement procedures to help curb bad actors on municipal properties. They had some good news and some bad news. The good news is that the current codes we have provide leeway as it already stands. The bad news is that given recent and constant modifications of the law at the Ninth District Circuit, the Law Department is not recommending pursuit of any new code amendment that can be viewed as punitive. The good news is that we do not need to amend the codes that explicitly say “any person on Docks & Harbors property cannot violate any city, state or criminal code and they may not harass or abuse other patrons of the harbor”. Staff and patrons have the options to contact police to initiate police action against those individuals involved in illicit activity. We have tools available through the Juneau Police Department in the code but they are not recommending expanding the code in light of recent Federal decisions. Law suggested we take into consideration potential racism and privilege issues, which can be made frail by the proposed amendments. If the Board wants to speak more about it, Mr. Uchytel is happy to share. Ms. Smith also requested additional language be added to Title 85. Ms. Smith’s recommendation to add, “to harass or abuse any harbor patron by behavior, language or mannerisms that place other harbor patrons in reasonable fear of immediate jeopardy, violation could result in police action, loss of harbor use privileges as well as the impoundment of the vessel on harbor properties”. When Law looked at everything in totality, they are coming back and recommending moving forward with no new ordinance changes. They want us to continue to use the language we have and recommend when we see nefarious activity by harbor patrons or bad actors that staff contact the Juneau Police Department.

Committee Discussion/Public Comment –

Mr. Becker said he heard Juneau Police Department has not been able to respond to harbor calls as quickly as some would like. He asked if there is a way to improve the response time.

Mr. Etheridge said the Police Department responds as quickly as possible. Their hands are tied as well and they are just as frustrated as we are. The Police are doing their best

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with what the law allows them to do. Mr. Etheridge said he had a long conversation with the Police Chief and they are doing everything they can under what the law is currently allowing them to do.

Mr. Ridgway asked if we could enforce the Code of Conduct.

Mr. Uchytel responded by saying that CBJ Law does not want us to adjust anything in ordinance because of the political amends of today. The Code of Conduct is the expectation of how we expect people to behave. The Code of Conduct is what we would like to see from all our patrons but it is not an enforceable document.

Mr. Etheridge said we could issue a trespass notice if they break our code. We are doing that now.

Mr. Ridgway said we should hand out a copy of the Code of Conduct to every harbor patron and customer. Docks & Harbors needs to enforce The Code of Conduct to the best of our ability and within the law.

Mr. Larkin agreed with our Code of Conduct as written. We do not want to have laws that conflict. Not following the Code of Conduct should take away their rights to use the harbor. Mr. Larkin asked if this was the final document?

Mr. Uchytel said the document has been around since 2015 and needs updating. The Board asked for creative ideas on dealing with our challenging patrons. What can we do, what is legal, and what can be backed up in a court of law?

Mr. Larkin would like to recommend an addition under the noise issue. We need a noise regulation with an exception of construction noise. Can we add a time of 2200 to 0600 for quiet time to assist those living in the harbors?

Mr. Uchytel said the Code of Conduct came about when we had a huge issue with dogs off leash and owners not cleaning up after their animals.

Dennis Watson of Juneau, AK asked if a CBJ Attorney could be present at the next meeting when we discuss this topic. He suggested that we no longer use the word code and find a replacement for that word.

3. Lumberman Update

Mr. Hinton, Acting Harbormaster said he has had a very busy week filling in for Mr. Creswell. Mr. Hinton showed slides from the Lumberman cleanup with before and after photos. The Lumberman was moved to the inside of the Cruise Ship Terminal in February after the vessel floated on to Docks & Harbors lands. Mr. Hinton was tasked with clearing all the junk off the vessel. Two twenty cubic yard dumpsters were used, one for trash and one for metal. There were CO2 canisters and tons of other junk. In early June, we brought back our seasonal staff to help move junk off the boat. There was about 7000 pounds of concrete on the vessel as well. After the junk was removed, we went to the Coast Guard for approval. The Coast Guard came back with an EPA recommendation to remove peeling lead based paint. The CBJ Safety Officer came

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up with a plan for staff to remove the lead based paint safely. The only thing left was oil and some fuel in the lines. We contracted with Global Diving to drain the oil and fuel lines. They flushed oil, fuel and water tanks for a total of 3500 gallons of product. The last thing left was to clean the oily bilge. We are now awaiting approval for scuttling.

Mr. Uchytel said the location is about 60 miles off shore. He included in the EPA packet a request for deep water scuttling on August 5, 2020 with a one-month notice. He continues to correspond with the EPA on getting this done. The plan is to have the Lumberman towed to the scuttling destination. He has asked the Coast Guard if they would consider towing it for us.

Mr. Becker wanted to know if the vessel is still for sale.

Mr. Uchytel said we want to pursue the least cost alternative to dispose of the vessel. The requirement would be that it could not end up in CBJ Docks & Harbors property nor on DNR Lands.

Mr. Ridgway asked how much has been spent on the Lumberman.

Mr. Uchytel said Docks & Harbors has spent north of \$100K; this does not include the \$60K that the US Coast Guard spent removing fuel and oil previously.

Committee Discussion/Public Comment – none.

4. Center for Disease Control & Prevention (CDC) – Request for Information (RFI)

Mr. Uchytel received a Request for Information (RFI) from the Center of Disease Control (CDC) in July 2020 on what will it take to return to normal cruise operations. The no-sail order runs through October 31, 2020. The CDC is working through the RFI process to collect information from interested members on what the public has to say about the return of cruise operations. The letter in the packet is from the American Association of Port Authorities (AAPA). This organization is the unified voice of communication of public port authorities in the United States and Canada. Mr. Uchytel wants to make sure the Board knows this is out there. Additionally, Mr. Uchytel has been working with the City Manager to potentially send a similar like letter that is more specific to the operations in Juneau. It will state that the Cruise Industry is very important and valuable to the community and we welcome the opportunity to bring cruise ships back to Juneau. Our main concern is the ability to handle a breakout on a ship, which has cases and what SE Alaska can and cannot handle in our medical facilities. We gave our information to AAPA and they are trying to write a letter that all the members of AAPA would agree to. Ports around the country are ready to get back to work and have the cruise ships return to their ports.

Committee Discussion/Public Comment –

Mr. Wostmann asked if collectively the Ports in Southeast Alaska are establishing a prior agreement with the cruise ship industry as to their safety. Should there be a spike on a cruise ship, can the ship be offloaded and where would the infected passengers go. We

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must have a prior agreement with the industry as to what our capacity is beyond which there is a clear understanding that the cruise ship will divert to a larger port. We could easily get overwhelmed if we are not careful.

Mr. Kirby Day, Juneau AK, said this is a complicated time and process. We will need to watch and as the CDC works with the industry and as they come up with guidelines and protocols it will be important that the communities in Southeast Alaska and Alaska work together to sink up protocols so that something required in Juneau is the same as required in other port communities. The industry will be setting protocols and procedures for all the tour operators and the hope is that the cruise lines themselves have similar protocols to each other. Therefore, if you are a tour operator, your safety protocols are the same for each cruise line. Tourism Best Management Practices (TBMP) has just about finished their guidelines for 2021. They are very broad and they govern our members. They encourage operators and business to have a health and sanitization plan. This includes tour operators who do not necessarily have a contract with the cruise lines. This would include operators who sell on the docks or as brokers. Limiting excursions compounds the problem. We want people in town, spending money, and visiting our community safely. Luckily, we have time to watch best practices in other communities and destinations and we will have a good solid plan by spring.

5. Commercial Use of Docks & Harbors Property Policy

Mr. Uchytel said we have been working on a policy on this for over a year. He wants to set the stage with guidance that effectively communicates to vendors, and leases with a prudent policy on how we use our properties. A pedicab company wanting to sell ice cream on the seawalk as part of his commercial use and loading zone permit approached Docks and Harbors. As a rule, we have not allowed vending on the seawalk. We need to review regulation to see if there is value to allowing this. Mr. Uchytel is asking the Board for their thoughts and inputs on these issues. He will continue to work on this regulations.

Committee Discussion/Public Comments:

Mr. Etheridge said the Board needs to define policies and procedures in regulation for staff. They need a definite regulation/policy to follow when they deal with these types of requests.

Mr. Wostmann said on the second page on the policy item 2 in compliment private activities adjacent to Docks & Harbors property was an issue the Board had in the past. We had that issue before us with Tracy's Crab Shack. The questions was, "should the accommodation go to the property owner or the business owner"? In the end, it went to the property owner. We do need some clarification, more discussion, and more thought on this.

Mr. Ridgway said it is a lot of work to come up with a policy that can foresee and address all eventualities. We need to have a level playing field for staff. Where there is questions we spell out the process for adjudication.

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Mr. Uchytal asked where the ice cream vendor falls into our policy. According to Policy 05 CBJAC 01.010 (e) establish and enforce uniform rules for commercial use of docks and harbors department lands and facilities. Does an ice cream vendor fall under this policy? Do you allow himself or staff to make the decision and if someone does not like the decision, then maybe they appeal to the Board. He would have a loading zone permit, and you could write that in to his permit if that makes sense.

Mr. Becker just sees a lot of conflict with crowds of people and vendors trying to go between them trying to sell something. He asked if every business venture has to have a permit and have it posted.

Mr. Uchytal said they would have to have a business license and a loading zone permit. We can write ice cream vending in a permit. The question is how do we manage other requests?

Mr. Schaal said with us controlling the waterfront, everyone wants to be as close to the visitors as possible. The two access points are the vendor booths and vehicles. We started with buses, then vans, crew shuttles and now pedicabs, which all have permits. Now we have a cross over to food vendors. We do not have any food vendors on the seawalk. The City Manager has allowed food vendors in Marine Park and now we have an encroachment into our walkways. There is not a lot in code if it is not a vehicle or paid through vendor booths.

Mr. Ridgway said the Board needs to lighten the load for staff. The Board needs to carry the load when someone does not agree with staff.

Mr. Becker said the thoroughfare is the most important concern. We do not want hawking vendors on our thoroughfare.

Mr. Etheridge said we need something that lays out the policy and how staff addresses these requests.

6. Regulation Update – Skateboarding Prohibitions (1:41)

Mr. Uchytal said we have had issues downtown with skateboarders over the years. We had skateboard stops in many of our locations but now they are broken off or been removed. They use the concrete seats and it wears them down. They put wax on them and you cannot sit on the benches. They are belligerent and not easy to deal with. They skate through crowds. Mr. Hinton sees it a lot and it is enough of an occurrence that it needs addressing. The current ordinance is from 2014. It only addresses skateboarding in the uptown and marine park plaza and parking garage. Mr. Uchytal thinks it is the right time to address this. This would allow us to ticket those that are reckless and trespassing through secure gates.

Mr. Wostmann supports this decision. He has seen them tearing through the street and he agrees we need a new ordinance.

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Mr. Etheridge said he has chased them off the ramps going down to the ships many times. They kick their boards out and costs us lots of money in repairs.

Mr. Ridgway said it would be nice if we could build a place for skateboards downtown like the one we have in the valley.

Mr. Houck said he admires how the police department handles the skateboarders. They clamp down on them very tight when they are dangerous and leave them alone when they are not. He encourages Docks & Harbors to enforce them similarly, to how JPD does.

Committee Discussion/Public Comments – none.

7. Territorial Sportsmen, Inc. – Derby Thanks

Mr. Uchytel put the thank you letter in the agenda packet. He wanted to pass along their thanks.

Committee Discussion/Public Comments – none.

IX. Staff and Member Reports.

Mr. Wostmann – Finance Sub Committee has a meeting scheduled for tomorrow.

Mr. Uchytel said the Finance Sub Committee meeting is September 17th at noon. We need to make sure we have a quorum because Mr. Etheridge will not be available. It will be a teleconference and not a zoom meeting. The discussion is that we want to establish a new fee service for the new Statter for Hire floats. We need to review the research of various rates other Southeast Alaska Harbors and some in Seattle charge. We will look at what rates changes need to happen.

Mr. Uchytel said we have a meeting on September 21st at 5:00 p.m. for the Visitor Industry Task Force Special Committee and a Board Meeting scheduled for Thursday, September 24th at 5:00pm.

Mr. Schaal said we have hired local resident, Matthew Sill to fill the Deputy Port Engineer position. He starts on Monday, September 28th.

X. Committee Administrative Matters

1. Next Operations/Planning Committee Meeting – Wednesday, October 21st, 2020.

XII. Adjournment at 7:00 p.m.