

CBJ DOCKS & HARBORS BOARD
OPERATIONS/PLANNING COMMITTEE MEETING MINUTES

For Wednesday, April 20th, 2022

CBJ Room 224 and Via Zoom Meeting

- I. Call to Order** Mr. Ridgway called the Operations/Planning meeting to order at 5:11pm in CBJ Room 224 and via zoom.
- II. Roll Call** The following member were noted in attendance via Zoom or in person in CBJ Room 224. Lacey Derr, Don Etheridge, David Larkin, Matthew Leither, Bob Wostmann and Mark Ridgway.

Absent: Paul Grant, James Becker, and Annette Smith.

Also in attendance: Carl Uchtyl – Port Director, Matthew Creswell – Harbormaster, Erich Schaal – Port Engineer, and Teena Larson – Administrative Officer

III. Approval of Agenda

Mr. Uchtyl recommended to have discussion on items for Information Item #2 first. Staff will then go present the Budget to the Assembly Finance Committee and return for presentation from Ms. Derr.

Ms. Derr said the presentation is on Live Aboards and not Dog Waste.

MOTION By MR. ETHERIDGE: TO APPROVE THE AGENDA AS AMENDED AND ASK UNANIMOUS CONSENT.

Motion passed with no objection.

- IV. Public Participation on Non-Agenda Items - None**
- V. Approval of Wednesday, March 23rd, 2022 Operations/Planning Meetings Minutes.** Hearing no objection, the March 23rd, 2022 minutes were approved as presented.
- VI. Consent Agenda - None**
- VII. Unfinished Business - None**
- VIII. New Business - None**
- IX. Items for Information/Discussion**

1. Live Aboards – (started after the Assembly Finance Committee Budget presentation). Ms. Derr said her goal is to introduce this topic, start doing research, and maybe bring this back to the May Operations meeting. This is about safety, sustainability, and health in our harbors with our live aboards. She said everyone is aware that housing is a struggle in Juneau and there was a new report that housing in Juneau is getting worse.

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Houses are being turned into Airbnb and permanent housing is a struggle. There are very few, if any, codes regulating live aboards. Even the forms for our live aboards are outdated. We should start addressing these issues to be proactive. She said she read through all the codes on our website and she only found two that talked about residential live aboards. She said she found one that pertained to marine sanitization requirements and the resident surcharge and those were the only two. In the packet are some of the forms used by our harbor, which one is a registration form. We should look at our live aboards as tenants and we are the landlord. She said she was a landlord for two years and her rental agreement was a lot longer than our agreement which is one page and no codes are referenced that the harbor agreement says you have to follow. She said she does not want to eliminate housing/live aboards because that is not sustainable, or equitable in anyway. The Board needs to come up with guidelines/regulations, things to support our live aboards in a healthy, safe, and sustainable manner. We currently have live aboards that do not have power to their vessels, marine sanitization system, and they do not have heat, water, and a way to make food. She has looked at other harbors and Seattle's Shilshole Marina she noticed has limits. An easy thing to start with is you need to own your boat to live on it, and we do not need Airbnb's or leased boats in our harbors. If you are living on a boat you need to own that boat. That will come with respect, safety responsibility, and insurance. Shilshole requires upwards of \$300,000 of liability insurance. We can also look at one domestic animal per vessel. The animals need space and we may run into people getting bit again. We should also look at the maximum amount of live aboards per harbor. She said she walked every float in our harbors and she is looking at maybe 10 percent in each harbor. When our summer visitors come it will probably increase to 12 to 15 percent. Ten percent would represent our permanent local live aboards. Transient should not be considered as live aboards, especially at Statter Harbor. We do not always have water at Statter and it is a necessity. She said she also considered having a live aboard association with a representative for each harbor. She has already spoke to quite a few people and she is looking forward to hearing from the Board members pros and cons. She believes there is 20% of our harbors live aboards so we should stop accepting live aboards and get that into sustainable levels. If we do not want to put limits on live aboards, they will keep growing. She said she has meeting set up to talk to different people and will bring that information back to the May meeting. Putting a limit on the live aboards could mean we need to come up with alternate revenue sources. If we do not put a limit on the live aboards we should be able to reach out to housing grant associations. There are harbor grants available if the harbors is going to be a residential facility we need to be able to support that.

Committee Discussion

Mr. Leither said he is disappointed this came up two hours before our meeting. He knows people that want to comment but he did not know this was on tonight's agenda. He asked Ms. Derr what her goal is. He does not believe when live aboards do not have water they are not healthy. They can get water from the harbor and they are not dying. You can make a case they could have better electricity, so then lets tackle that issue and not attacking one group. There are people that do not want to be able to cook food, they eat out and come back to their boat to go to bed. Talking about sustainability does not

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make sense to him, they are all required to pump out and a boat uses less electricity than a house. He does not understand the 10%. He knows other places do that but he does not understand why. He said he knows a lot of live aboards in our harbors that are great contributors to our society. They are not bums and mooching off the system and this is hard for them. He said we may lose people with only allowing 10%. He said he believes this a sustainable and low cost housing issue and this is not something we should run away from. If we want to tackle this as a housing issue than let's do that but the solution is not limiting to 10% but try to come up with a good way to deal with housing and eliminating problems that come with that.

Mr. Ridgway encouraged Mr. Leither to work with Ms. Derr on this topic.

Mr. Etheridge said there are a lot of great patrons that are live aboards. There are also individuals that are not great and that is the problem we have. There are organizations in our community that are steering people living on the streets to move to the harbors. With that there will be more crime, more sunk vessels, and lot more issues.

Mr. Leither said he is not sure of a good answer for that but he does know the harbor is the last stop before homelessness. He does not like eyesores on the dock or more crime but if there is a way to do that surgically and get the bad actors off the dock that is a better way to approach this.

Mr. Wostmann commended Ms. Derr for the presentation. This is a problem that needs to be worked on. He said this is only going to get worse. We need to establish regulations and rules and put the guidelines out there. This is a great start and it will take a long time to finalize. We will need to have multiple discussions and public input meetings.

Mr. Larkin said this does need to be discussed. He agrees with Mr. Leither and he is familiar with the Shilshole Marina and it is a great marina. His concern is the hard number of 10 or 20 percent. He would need to see some engineering supporting that number. Just setting an arbitrary number is not something he agrees with. We should not try to limit the transient because that is a broad term. The other thing about Airbnb's on boats, which is a growing industry. We should look at that and get ahead of it and make an area for that. Saying it is not allowed to a growing area is not the way to go. We should look at this.

Mr. Larkin left the meeting.

Mr. Leither asked if there are current Airbnb's in the harbors?

Mr. Creswell said we have a polity that we do not allow people to rent their boats out for an Airbnb. He has not had to deal with that for a long time. We have heard about it, but we do not know of any Airbnb's.

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Ms. Derr said looking at this the same as a house, if a house did not have electricity or running water it would be condemned. We do house a lot of people that have lack of resources and social functions and they will fall through the cracks. We want to support people in a healthy manner. She said she met one live aboard that refers to the dock his boat is tied to as his front yard and his boat is his home. If all the live aboard do not treat their boat and area they are tied up to the same, how do we address that?

Mr. Uchytel said there is code 85.10.030 that is policy and intent of harbors. He read it to the Committee. At no place does it say we have a charge for live aboards. This can be changed, but that is how the ordinance reads on the use of our harbors.

Mr. Ridgway said there are a lot of really good live aboards but then there are also bad actors. He said this is an economic decision.

Mr. Leither said a year ago, someone told him that the Assembly was telling people that the Harbors is a source of affordable housing. Is that really a code?

Mr. Uchytel said referencing the code, there could be some deference to live aboards.

Mr. Ridgway said he lived on a boat when he did not have any money so he understands. If we need to make this work for CBJ, he would like clarity. He would like to know from the Assembly if they want the harbors to offer low income housing.

Mr. Leither said he wants the Board to tell the Assembly what we want and not the other way around. The live aboards pay rates and we are looking at finances. If our Harbor Rate Study comes back and says the live aboards are paying what they should be, coming down on live aboards is not doing us any financial favors but hurting our finances.

Mr. Ridgway asked over the last six to eight years, has there been a correlation between less desirable live aboards and harbors having to dispose of their vessel?

Mr. Creswell said we have an excel spread sheet showing vessels that we had to dispose of over the last several years. He cannot remember exactly, but he believes it is 21 out of the 25 vessels disposed of are from live aboards. We pay approximately \$2,000 each to dispose of them. If he did a round up in the harbors and required a seaworthy test right now, we would see that number increase.

Mr. Etheridge said he lived in the harbors as a kid, and there were live aboards at the time, but not many. He lived with his whole family but it was mainly fisherman. A lot has changed over the years and it is a cheaper lifestyle so we end up with an increase in crime from the drug dealers. We have several drug dealers the Coast Guard moved out. There are a lot of great families that lived in the harbors, but we need to figure out how we can clean this up. With the homeless being sent to the harbors to live, his concern is ending up with more undesirables.

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Ms. Derr said she does not live on a boat and does not have the experience that people have that live on a boat. She said she is coming at this from an outsider's perspective. She would like to hear the insider's perspective. She would like suggestions and comments funneled through her so she can create a matrix and bring it back to the next meeting. She is just looking for the best way to move forward on this topic. If we are going to be a residential facility we should get the support.

Mr. Ridgway recommended Chair Etheridge establish a sub-committee for this topic.

Mr. Leither said he encourages to look at the actual problem. What are we actually trying to fix and work on fixing that? He said he was in Aurora last week and there are a lot of ugly looking vessels and they are not all live aboards.

Ms. Derr said she heard a recommendation to move all the live aboards on one finger, but that is not feasible to do. It would make it all easier for snow removal and water, but that will not work.

Mr. Uchtyl said there is an opportunity in the North end of Aurora. There could be all the needed amenities in that one area for live aboards. Statter Harbor is a transient harbor and we have many live aboards in that harbor. Because of transient facility, they are required to move every 10 days and that is a management nightmare getting the live aboards to move every 10 days. Staff is making a huge effort to make that happen. That is another policy decision to allow live aboards in a transient harbor.

Mr. Ridgway said he agrees to determine the problem and work on the problem. He has heard overtime that there has been a higher rate of live aboard boats disposed of than non-live aboards.

Mr. Leither said we call Statter Harbor a transient harbor but there are boats that set there all week and do not move and that is not only the live aboards. Again, you are making this a live aboard issue but it really is not. If you want to make this a transient harbor and only be able to be there for 10 days than enforce that and not make this a live aboard issue. The live aboards in Statter are moving every 10 days but they do not leave the harbor, they just move to a different slip. The second thing to bring up is there are a few bad actors, is there a way to be more proactive to remove the bad actors legally?

Mr. Creswell said we works closely with JPD and closely with our nighttime security officer. We know people do bad things in the harbors. We do not have anything to kick someone out of the harbor for being a bad actor. This is a large puzzle with a lot of pieces and he does not have the authority to throw someone out of the harbor for being a bad actor.

Mr. Etheridge said Docks & Harbors has talked to CBJ Law. If they are living in the harbor it is even harder to get them out of the harbor. We are not allowed to do a lot of things.

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Mr. Ridgway asked if it is in code Statter Harbor is a transient harbor.

Mr. Uchytel said it is not in code.

Mr. Etheridge said when we took over the harbor from DOT, there was a set amount of slips that had to be transient. Since then that number has changed to what we want.

Mr. Uchytel said we could change this.

Mr. Ridgway asked, given the code Mr. Uchytel read earlier, if we do an uptick of vessel inspections, generally that code indicates what the condition of the vessel should be in, could that be dialed up? And if so, how would you do that?

Mr. Creswell said currently every vessel is required to do a sea trial three times annually. When he just goes and picks a vessel he gets resistance and asked why others do not have to do a sea trial. The patron acts like they are getting picked on. It is a struggle to do that.

Mr. Ridgway recommended to come up with a screening tool that will help him do his job in regards to vessel move requirements. If you see vessels not meeting the screening criteria, they are the vessels to work on.

Mr. Wostmann support setting up a working group on this topic. Figure out what the problems are that need to be resolved, what are the benefits with a vibrant live aboard community and what are the community needs that would be impacted by our decision regarding the live aboard community. He said when he first came to town he was a live aboard and he is sympatric to building rules and a format to developing a vibrant live aboard community.

Public Comment - None

2. Board Meeting Start times

Mr. Uchytel said this discussion was encouraged by the Assembly and the Mayor asking Docks & Harbors if the times that we meet is appropriate and does it cause a barrier to public participation in our processes. When he first became Port Director, there were four meetings a month, Operations, CIP, Finance, and the Regular Board and they were held at 7:00pm in the Assembly Chambers. In the last ten years we changed the by-laws and now we have an Operations/Planning Committee, which is a Committee of the Whole, and a Finance Committee. The Chair has established a Finance Sub-Committee with seven of the nine members; however, Sub-Committees have to be reinstated every year because they expire at the end of each fiscal year. The start times went from 7:00pm to 5:00pm. We have previously held Special committee meetings at noon. He said Docks & Harbors staff will follow whatever the Board would like to do. All CBJ departments have different meeting start times. He said same two who attended the 7:00 pm meeting were the same when it was changed to 5:00 pm.

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Ms. Larson showed the CBJ calendar which showed several CBJ organizations holding meetings at different times throughout the day and evening.

Committee Discussion -

Mr. Etheridge said we always had the same three people showing up to the meetings unless there was something specific that brought people in. Only two people have complained about the start time.

Mr. Leither asked if the Assembly is asking us to reconsider a change in meeting time as a blanket statement or do they want us to change our times.

Mr. Uchytel said he is unsure of why our Liaison brought it up.

Ms. Derr commented that when she was interviewed for the Board, she was asked if she would be able to participate. She said since she has been on this Board, there has been amazing participation. Moving the time to an earlier time, would that affect Board member participation? She suggested if the time does change, maybe have a 5:30 pm start time.

Mr. Ridgway said he would like to make a decision from information from the public. He would consider a 5:30 pm start time but only if there is a reason why. He said having a start time of 5:00 or 5:30 works great for him but a 7:00 pm start time is late for him. He suggested to leave things the same but also seek input from the public and Board members. Maybe send out a poll asking, "is 5:00 pm start time inconvenient." We have three meetings a month and they start at 5:00 pm.

Mr. Leither liked asking the public what time to have our meetings start but to leave it open by just asking what time someone would like to have meetings. He does not think there are a lot of people who care what time our meetings are.

Mr. Etheridge said the comments he heard from the two people complained was that 5:00 pm does not work for them because they do not get home in time to participate in the meetings. He commented that another way we could run the meetings would be to start our meetings at 5:00 pm and hold our public hearing time at 5:30 pm.

Mr. Ridgway wanted this brought back to the Operation meeting with additional information.

Mr. Creswell asked if the Board is asking this be put on Facebook, he would need to be specific. He suggested to create a poll with potential times the meetings could change to. There will be more participation with a poll.

Ms. Derr said she would be happy to help come up with some language for the poll.

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Mr. Ridgway said he would like a generalized question. He suggests asking, “is it a significant issue with the time the Board meets.”

Public Comment –

Mr. Kirby Day, Juneau, AK

Mr. Day asked if this is about the Regular Board meetings or all Docks & Harbors meetings? He commented that the Assembly only meets once per month and there is only one opportunity for public input. There is also an opportunity to send an email. The other option is to add another public participation at the end of the agenda and/or if it is an agenda loaded with action items start the agenda with non-action items. Docks & Harbors does a great job advertising meetings and making sure people know they are taking place. Everyone will have a timing issue because everyone has a different life. He is satisfied with the current times.

[At 5:32 pm the Committee went to an at ease and staff presented the budget to the Assembly. He said we will reconvene around 6:00 pm.]

[At 6:10 pm Mr. Ridgway called the meeting back to order and Ms. Derr went over her live aboard presentation in the packet.]

X. Staff & Member Reports

Mr. Creswell said staff just returned from Taku Harbor a few minutes ago where they did pressure washing, weed eating, and worked on the dock transition. They need to go one more time to finish the transition connection.

XI. Committee Administrative Matters

1. Next Operations/Planning Committee Meeting-**Wednesday, May 18th, 2022**

XII. Adjournment. The meeting adjourned at 6:29pm.