

CBJ DOCKS & HARBORS BOARD
OPERATIONS COMMITTEE MEETING MINUTES
For Tuesday, January 18, 2011

I. Call to Order.

Committee Chair, Cheryl Jebe called the meeting to order at 5:00 p.m. at the Aurora Harbor Office.

II. Roll.

The following members were present: Don Etheridge, Cheryl Jebe, Greg Busch, Mike Williams and Bob Wostmann.

The following member was absent: Jim Preston.

Also in attendance were: John Stone – Port Director, Phil Benner – Harbor Master and Ruth Danner- Assembly Liaison.

III. Approval of Agenda.

MOTION by Don Etheridge: TO APPROVE THE AGENDA AS PRESENTED AND ASKED UNANIMOUS CONSENT.

The motion passed without objection.

IV. Public Participation on Non-Agenda Items.

There was none.

V. Items for Action.

1. Proposed Changes to the Waterfront Sales Permit Regulations.

Mr. Stone referred to the memo on 12/21/10 for the public notice. We told people there would be two public hearings; one tonight and one on January 27, 2011 at 7:00 p.m. in the CBJ Assembly Chambers. The Board intends to take final action on the regulations immediately after the public hearing on the 27th.

Mr. Stone said there are three changes to the Waterfront Sales Permit Regulations:

1. Prohibition for owning more than one waterfront sales permit.
2. Allowable signage on a sales booth.
3. Behavioral conduct of persons selling tours.

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V. Items for Action (Continued).

Mr. Stone provided the following changes to the proposed regulations.

- (2) The permit holder shall provide the port director with a list of all individuals that will sell tours at booths and if requested, staff identification, booth staffing, schedules, and other documentation necessary to demonstrate the permit holder complies with this requirement.
- (3) The permit holder shall provide the port director with a list of all tours sold by the permit holder pursuant to their permit, including the name of the company providing the tour.
- (4) The permit holder may display two large signs on a booth provided the signs do not extend beyond the front profile of the booth. The permit holder may also display a one-foot by one-foot sign for each tour the permit holder sells. These signs may not extend more than six inches beyond the front profile of the booth.

Mr. Stone also included the Port of Ketchikan Code requirements for waterfront sales permits. The Ketchikan code requirements for the waterfront permit holders states the permit holder must submit payroll data. Mr. Stone said the port director seldom ever required this of anyone. Mr. Stone went over three different types of certified payroll definitions that were included in the agenda packet.

1. Alaska Department of Labor report and withholdings.
2. Internal Revenue Service
3. Difference between state and federal law.

If there was a company interested in more than one permit, we may request proof of certified payroll documentation.

Public Testimony:

Jeff Fanning
Liquid Alaska Tours

Mr. Fanning said he is concerned for the future of these businesses. There is a rumor that the Cruise Line Companies are interested in the Waterfront Sales Permits. He also recommended each company uses only their ticket stock when selling tours. This will make it easier for the designated harbor officer to make sure each receipt sold is for a specific company. He also suggested publishing any violations of the regulations. This will help keep the companies informed when someone is not abiding by the rules and regulations.

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V. Items for Information (continued).

Mr. Wostmann asked Mr. Fanning how the companies using their ticket stock would help the Harbor Department enforce the regulations.

Mr. Fanning said by checking the receipts sold at the sales booths, we can track each individual company and make sure they are selling only their tours and not other companies tours.

Carol Pitts
Orca Enterprises

Mrs. Pitts said that under regulation 10.030 (f) (3) a change in wording for the sentence “direct the activities of another permit holder’s sales booths”, could be changed to “management of the activities of another permit holders sales booths”.

She also suggested on regulation 10.040 (c) (2) A permit holder shall not have more than one representative selling tours at any of its booths to add the following to the end of the sentence “except for reasonable temporary training of employees”.

She also was concerned about regulation 10.040 (c) (5) The permit holder shall not engage in hawking or disruptive behaviors. The representative manning the booth is often not the permit holder.

Mrs. Pitts said the enforcement for the violations and the penalties should be published. We need to be informed exactly who to report these issues to. Ownership should be enforced and if we do the ticket receipts this should help with this enforcement for the individual tours. The automatic renewal option could be a great idea for future bidding process of the booths. It is important for the permit holder and their representatives to know how much the penalties and violations will be and how they will be imposed. This way there will be no confusion and everyone will be aware of the rules and regulations.

Suparna
Last Chance Tours

She said she supports all of the issues that Carol Pitts went over.

Jim Suek
Best Tours

Mr. Suek was concerned with the issue of too many regulations being in effect. It seems that Mr. Stone can request any documents he feels are adequate for any situation pertaining to the permit holders rules and regulations.

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V. Items for Information (continued).

Mr. Suek mentioned regulation 10.040(c) (2) The permit holder shall provide the port director with a list of all individuals that will sell tours at its booths and if requested, staff identification documentation, booth staffing schedules and other documentation necessary to demonstrate the permit holder complies with this requirement.

There is a major portion of the permit holders not at this meeting and the board should be sure everyone is in agreement with these new regulations. He did agree with all changes Mr. Stone had made to the regulations although he did not think it should be necessary to show documentation on a daily basis.

Ruth Danner asked Mr. Suek if he knew what the penalties were for a non-compliance violation.

Mr. Suek said his sales permit could be suspended or revoked at any given time. He felt that the vendors do not have any rights now or will not in the future.

Mr. Stone said there are clear penalties for permit violations per incident which are \$50.00, \$100.00, \$250.00 and then a mandatory court appearance under City Ordinance code 03.30.052 for citations procedure. Mr. Stone said the city attorney helped put these codes together. He could also suspend a permit for up to 10 days for misrepresentation of a tour sale or engaging in gross negligence. There are specific procedures and guidelines that have to be met in order to suspend a permit or have a hearing in regard to this. These fines are incorporated in the permit and everyone who purchases a permit receives these every year.

Based on public input Bob Wostmann recommended, and the Committee concurred to include three changes to the draft regulation proposal:

1. 05 CBJAC 10.030 (f)(3) add "or manage" after direct to read in part...direct or manage the activities of another permit holder's sales booths,...
2. 05CBJAC 10.040 (C)(2) add except training time for new employees.
3. 05CBJAC 10.040 (C)(5) add "or their representative" and delete "shall the permit holder" to read:
(5) The permit holder or their representative shall not engage in hawking or *disruptive behavior* nor interfere with the operations of other sales booths.

MOTION by Mr. Etheridge: TO RECOMMEND THE BOARD ADOPT THE CHANGES MADE TO THE WATERFRONT SALES PERMIT REGULATIONS AND FORWARD THEM TO THE FULL BOARD FOR APPROVAL AND ASK UNANIMOUS CONSENT.

The motion passed without objection.

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V. Items for Information (continued).

2. Resolution of Support for a visit by the USS Abraham Lincoln.

Mr. Benner would like for the Docks & Harbors Board and the Assembly to make a request to the Chief of Naval Operations to have some of their vessels visit the Port of Juneau.

MOTION by Mr. Wostmann: TO RECOMMEND THE STAFF WORK WITH THE CITY ATTORNEY'S OFFICE TO DRAFT A RESOLUTION AND PRESENT IT TO THE FULL BOARD TO IN RETURN HAVE THE ASSEMBLY ADOPT THE NAVAL VESSELS VISIT TO THE CITY OF JUNEAU.

The motion passed without objection.

VI. Items for Information/Discussion.

1. Harbormaster's Operations Report.

Mr. Benner said on January 13 or 14 the breakwater boom broke away in Douglas. He showed where and how it broke away. Trucano Construction will be repairing the breakwater once the winds die down next week.

The vessel Bountiful sank today in Harris Harbor and Alfred Cook will be working tomorrow to bring the vessel back to the surface. There was 250 gal of diesel fuel onboard the vessel at the time it sank and the Coast Guard and D.E.C. are working together to get things cleaned up.

Mr. Benner received praise for the Harbor Board from Mr. Brian Lupro who thought it was a great idea to put the fences around the garbage containers. Mr. Lupro would also like to see the Summer Moorage Promotions come back for the coming summer.

Mr. Benner said we had a shooting in Aurora Harbor last month and the police asked who was living in the harbors. We are in the process of updating our list of liveaboard vessels and catching unregistered live boards. Currently we have found 24 people who were not registered as liveboards.

Mrs. Danner asked if the police ever found out where the shots came from.

Mr. Benner said they still do not know where the shots originated from.

Mr. Benner said he had called the police to do a welfare check on a lady living in her van at the Auke Bay parking lot. When the police checked on her, she had 17 cats living in the van with her. Gastineau Human Services came and got all of the cats and found that several of the cats owners were looking for them. This lady has since threatened the police chief and

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VI. Items for Information/Discussion(continued).

Mr. Benner said he had called the police to do a welfare check on a lady living in her van at the Auke Bay parking lot. When the police checked on her, she had 17 cats living in the van with her. Gastineau Human Services came and got all of the cats and found that several of the cats owners were looking for them. This lady has since threatened the police chief and Mr. Benner because he called for a well fare check to be done.

The IVF Dock was without electricity for four days. We did get the problem fixed.

There were 18 windows blown out in Douglas along with canvases, awnings and sails removed from vessels during a big wind storm.

VII. Staff & Member Reports.

There were none.

VIII. Committee Administrative Matters.

The next Operations Meeting will be on February 15, 2011.

Ms. Jebe will not be in town to chair the February meeting.

IX. Adjournment.

MOTION by Mr. Etheridge: TO ADJOURN THE OPERATIONS COMMITTEE MEETING AND ASK UNANIMOUS CONSENT.

The motion passed without objection.

The meeting Adjourned at 6:20 P.M.