


Haines Borough
Borough Assembly Meeting #140
September 9, 2008
MINUTES

Approved

1. CALL TO ORDER/PLEDGE TO THE FLAG Mayor **SHIELDS** called the meeting to order at 6:30 p.m. in the Assembly Chambers and led the pledge to the flag.

2. ROLL CALL **Present:** Mayor Fred **SHIELDS** and Assembly Members Norm **SMITH**, Pete **LAPHAM**, Deborah **VOGT**, Jerry **LAPP**, and Steve **VICK**.
Absent: Assembly Member Doug **OLERUD** (excused).

Staff Present: Connie **STASKA**/Acting Recorder in the Clerk's Absence, Jila **STUART**/Chief Fiscal Officer and Acting Manager, and Gary **LOWE**/Chief of Police.

Visitors Present: John **HUNT**/KHNS, Matt **HAWTHORNE**/CVN, Julie **NORTON**, Nick and Kamla **TRIMBLE**, Scott **SUNDBERG**, Mike **CASE**, Suzanne **SANDS**, Marcia **SCOTT**, Jack **WENNER**, Kelly **JESSUP**, Bob **LOWDEN**, Rod and Jane **WEAGANT**, Dan and Jan **HARRINGTON**, Marlana **MOORING**, Beckie **CHAPIN**, Pam **SLOPER**, Dr. Russell **BOWMAN**, Les **HOSTETLER**, Hannah **HOSTETLER**, Molly **WILSON**, Donnie **TURNER**, Roger **SCHNABEL**, Greg **STUCKEY**, Sarah **ROARKE**, Diane **LACOURSE**, Kathryn **HOLMES**, Jason **GAFFNEY**, Sean **GAFFNEY**, Deb **STANFORD**, Michael **BYER**, Nellie **DALE**, Jay **LINHART**, Jim **MORAN**, and others.

3. APPROVAL OF AGENDA & CONSENT AGENDA

Add New Business Item 11D - Borough Mailing regarding the Sales Tax Initiative (**SHIELDS**)

Motion by **LAPP**: Approve the Agenda/Consent Agenda as amended. It was seconded by **LAPHAM**. The motion carried unanimously.

*4. APPROVAL OF MINUTES - 8/26 Regular

5. PUBLIC COMMENTS

LACOURSE expressed support for **SHIELDS** as mayor and encouraged him to run for reelection. In general, she believes he has been an effective mayor.

BYER expressed his appreciation to the assembly for the additional funding provided to the school district, especially in the face of a possible funding loss. He said that the school district will be going through a strategic planning process. He recognized the many entities and individuals involved new school project.

CASE noted that Jan Hill is running for mayor. He acknowledged **SHIELD**'s good efforts as mayor but stressed that Hill would also do an excellent job.

6. MAYOR'S COMMENTS/REPORT

SHIELDS said the assembly met just before this meeting as a committee-of-the-whole in executive session to discuss the Temsco situation and believes good progress is being made.

7. PUBLIC HEARINGS

A. Ordinance 08-08-186 - second hearing

An ordinance of the Haines Borough Assembly amending Title 8 to add a new chapter 8.18 titled: Secondhand Smoke Pollution Control.

The mayor opened the public hearing at 7:02pm.

SHIELDS read a written statement from Assembly Member Olerud encouraging the assembly to bring this issue to the voters for consideration.

LEMCKE said he's not a smoker. His parents died of tobacco-related problems. That being said, he believes business owners should be the ones to make the decision whether or not to be smoke-free. He believes education programs would be better to concentrate on. The real solution to secondhand smoke is to reduce the firsthand smoke. He asked the assembly to kill this ordinance.

K.HESS agreed with **LEMCKE**. She does not believe the government should tell the businesses what kind of clientele they are allowed to have in their establishment. She believes it's targeting the bars.

HOLMES said the children in the community don't have a choice. There are parents that bring them into the clubs and bars. Memorial services and award events are often held in these places, and there is frequently smoking. Sometimes, young people are involved in serving during some of these events.

HARRINGTON spoke on behalf of the children, as well, but from the perspective of the government systematically taking away citizen rights.

TRIMBLE said this is a target on just a few businesses that still allow smoking.

HUNT said he spends \$6.07 each week on tobacco. His personal choice is to smoke; it is not a governmental one. The public needs the assembly to be pragmatic. The tobacco industry has spent millions of dollars to fight this type of legislation.

WARD spoke against the ordinance. Two-thirds of his Harbor Bar customers smoke. This ordinance will cause a loss of business. Smokers should have a place to smoke.

WEAGANT said the reason SEARHC has done the campaign because it started with a smoking cessation program. They are committed to health being their number one priority. Secondhand smoke is a health issue. Businesses already have to have regulations for public health reasons, such as clean water, fire safety, cleanliness, etc. Secondhand smoke kills. If it didn't hurt people, SEARHC wouldn't be saying anything about it. All they're saying is *take it outside*.

NORTON said smoking is addictive and endangers lives. He spoke for the ordinance.

MORAN spoke against government regulation and said the American Legion should be able to address this issue themselves.

STUCKEY, President of the Haines Chamber of Commerce, said this issue should be decided by a vote of the people.

WENNER said his spouse is very sensitive to smoke. He cannot go into the American Legion even for fundraisers because the smoke rises up from the bar. Smoke lingers in a room for a long time.

LINHART asked whatever happened to the idea of individual choice and freedom to say "yes" or "no." You cannot get a right back that you give up. There is no need for further legislation.

DALE said our servicemen have fought and died for this country, and we shouldn't tell them they cannot smoke in their own club.

ROARKE spoke in opposition and said people should be able to make decisions for themselves.

BYER said he believes in educating people...especially young people...about the dangers of smoking. Her mother died of emphysema.

STEPANSKY, Tourism Director, said she is concerned about the appearance of smokers standing around outside of buildings.

KURZ said she used to smoke two packs a day. It was very hard to quit but she chose to. It should be left up to individuals to make their own choices without government forcing it.

T. SHIELDS said his mother was a heavy smoker. He watched his father die of lung cancer. He would like to see smoking eliminated from society, but he does have compassion for tobacco addicts. He is in favor of putting this issue to a vote of the people.

DUBBER is not supportive of this ordinance. If it would protect the children growing up with smokers, he might be for it. However, this just targets a few establishments and he doesn't even believe it should go to a vote.

BURNHAM spoke against the ordinance even though she is a non-smoking bartender surrounded by smokers. She believes it is the first step to the end of the bars.

Hearing no further comments, the mayor closed the public hearing.

Motion by **VOGT**: Adopt Ordinance 08-08-186. It was seconded by **SMITH**.

Motion to Amend by **VOGT**: Substitute the Ordinance with the version she has proposed (a copy was in the official meeting packet) that involves primarily technical changes but also calls for a vote of the people as soon as possible after January 1, 2009. It was seconded by **VICK**.

LAPP said he still believes this is too restrictive. There should be a provision to allow bars to put in a separate room for smokers. He also doesn't believe there should be any reason to rush by holding a special election. It could be on the ballot for the 2009 General Municipal Election. **VOGT** said she understands the idea of private personal rights, but she believes this is basically about employee rights. **VICK** said research shows that there is an initial drop in business that eventually recovers.

Motion to Amend the Amendment by **VICK**: The ordinance shall become effective the May 1, 2009 following ratification of the voters. It was seconded by **SMITH**. It carried 4-1 with **LAPHAM** opposed.

The amendment motion carried unanimously.

SMITH observed that the citizen turnout...both pro and con...is excellent. It's a shame there is not this type of turnout during the budget sessions. He thanked everyone for being involved and encouraged interest in future issues. **LAPHAM** said he doesn't believe this secondhand smoke issue should be decided by the assembly and should be the decided by the voters at the next general election. There is usually a lower turnout during special elections. **LAPP** agreed that it should wait until the next general election as opposed to a special election. He also believes that there are still a few parts of the ordinance that need to be changed.

The main motion failed 3-2 in a roll call vote with **LAPP** and **LAPHAM** opposed.

The mayor called a brief recess.

B. Ordinance 08-08-187 - second hearing

An ordinance of the Haines Borough Assembly providing for the addition or amendment of specific line items to the FY09 budget.

The mayor opened and closed the public hearing; there were no public comments.

Motion by LAPP: Advance Ordinance 08-08-187 to a second public hearing on September 9, 2008. It was seconded by **VOGT**. The motion carried unanimously in a roll call vote.

C. Ordinance 08-08-188 - first hearing

An ordinance of the Haines Borough amending Borough Code Title 18 Section 18.70.010 zoning map, to reflect recent changes to the official zoning map.

The mayor opened and closed the public hearing; there were no public comments.

Motion by LAPHAM: Advance Ordinance 08-08-188 to a second public hearing on September 23, 2008. It was seconded by **VOGT**. The motion carried unanimously.

8. STAFF REPORTS

- * A. Borough Manager
- * B. Borough Clerk
- * C. Chief Fiscal Officer
- * D. Chief of Police
- * E. Museum
- * F. Library
- * G. Chilkat Center

9. COMMITTEE/COMMISSION/BOARD REPORTS

- A. Commerce Committee
- B. Finance & Budget
- C. Personnel
- D. Government Affairs & Services
- * E. Planning Commission
- * F. School Board
- * G. Chilkat Center Advisory Board
- * H. Parks & Recreation Advisory Board
- * I. Tourism Advisory Board
- * J. Boat Harbor Advisory Committee
- * K. Public Safety Commission
- * L. Waterfront Improvement Committee
- * M. Energy & Sustainability Commission

10. OLD BUSINESS - None

11. NEW BUSINESS

A. Resolutions

1. Resolution 08-09-133

A resolution of the Haines Borough Assembly authorizing and designating certain persons to sign and endorse checks pertaining to certain bank accounts.

Motion by **LAPP**: Adopt Resolution 08-09-133. It was seconded by **SMITH**. The motion carried unanimously in a roll call vote.

2. Resolution 08-09-134

A resolution of the Haines Borough authorizing the mayor, deputy mayor, chief fiscal officer, borough manager, and borough clerk as signatories for the borough's security cash accounts and investments.

Motion by **LAPHAM**: Adopt Resolution 08-09-134. It was seconded by **SMITH**. The motion carried unanimously in a roll call vote.

3. Resolution 08-09-132

A resolution of the Haines Borough Assembly approving certain unincorporated communities and their respective native village council and/or incorporated nonprofit entity for participation in the FY 09 Community Revenue Sharing Program.

Motion by **VOGT**: Adopt Resolution 08-09-132. It was seconded by **LAPHAM**. The motion carried unanimously in a roll call vote.

B. Ordinances for Introduction

1. Ordinance 08-09-189

An ordinance of the Haines Borough amending Borough Code Title 2 to add Section 2.06.035 to establish a local financial disclosure requirement and process.

Motion by **VOGT**: Introduce Ordinance 08-09-189 and set a first public hearing for September 23, 2008. It was seconded by **LAPP**. The motion carried unanimously.

C. Other New Business

1. Feasibility Analysis & Conceptual Design - Wood Heat Project

Motion by **LAPHAM**: Permit the manager to hire a consultant, as recommended by the ESC, to research, write and submit a grant to the Alaska Energy Authority for a Feasibility Analysis and Conceptual Design for the Haines Wood Heat Project. It was seconded by **VOGT**. The motion carried unanimously in a roll call vote.

D. Borough Mailing regarding Sales Tax Initiative

(added during approval of the agenda)

SHIELDS recommended a mailer and a newspaper ad to educate the public about the problems with Proposition 2 and encouraging a "no" vote. **VICK** will work with **STUART** to draft a flyer to present to the assembly on September 23rd.

Motion by **LAPHAM**: Authorize the development of a public mailer and a half-page newspaper ad advocating defeat of Proposition #2. It was seconded by **VOGT**. It carried unanimously in a roll call vote.

12. SET COMMITTEE MEETING DATES

The October 7th Election Canvass was scheduled for October 14th at 5:30pm.

13. PUBLIC COMMENTS

14. ANNOUNCEMENTS/ASSEMBLY COMMENTS

VOGT asked that **LAPHAM** and **LAPP** consider a reconsideration of the failed second-hand smoke ordinance. **LAPP** said he will likely make a motion to reconsider at the next meeting after he has an opportunity to work on some amendments.

SHIELDS said it is fundamentally important for the assembly to support its boards and commissions.

15. ADJOURNMENT - 8:28pm

Motion by **OLERUD**: Adjourn the meeting. It was seconded by **LAPHAM**. The motion carried unanimously.

ATTEST:

Fred Shields, Mayor

Julie Cozzi, Borough Clerk