

Northeast Community Council General Meeting Minutes Final Draft. February 18, 2016

Call to order: 7:05 PM. Fire Exit reminder. The Pledge of Allegiance.

Board Member Introduction: Rick Irwin (President), Dave Ulmer (Parliamentarian, Trails Comm. Chair), Selina Metoyer (Vice President), Stu Grenier (Secretary, Alcohol Comm. Chair), Kristi Wood (Parks Comm. Chair), Carla McConnell Treasurer, John Ziv, John Laux, Kevin Smestad (CIP Comm. Chair and Marijuana Comm.)

Moment of silence for Representative Max Gruenberg. Memorial time and date announced.

Agenda: Approved

Executive Board Report: There were two Executive Board Meetings. One right after the general meeting last month and one at the usual time. We now have Mary Wilson acting as a door person to let folks into the meeting since the door locks at 7 pm. At the first meeting John Laux was picked by the president and approved by the board to replace David Bretz and Kevin Smestad also was picked by the president and approved by the board to replace Wes Soper. Smestad and Laux introduced themselves at the General Meeting after this report. The agendas were set with the understanding that things may have to be added if something came up.

Community Concerns: Smestad requested that people read the items he will talk about in the Neighborhood Responsibility Plan before he presents on it since he does not plan to read it during the presentation. Also he talked about an open house for the Wed. March 16 Glenn /Muldoon Open House. Handouts were available and Muldoon and Boundary will be closed for a few days in April. The project will take about three years to get done. Bond projects and handouts were also available. Wood mentioned that the Parks Bond would be very helpful to the Muldoon Town Square Park. Grenier reported on the Anchorage Homelessness and Camp Outreach that occurred on January 27- 28. 190 volunteers were involved. Nancy Burke was running the show and we got out at 4am and tried to document as many homeless folks as we could. Grenier helped and found that for the count our neighborhoods in Muldoon are divided up in sectors for the counting. We have aerial photos maps for each of the sectors. For

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example Cheney Lake, Centennial Park, Muldoon Town Square Park and so on. What happened was people that cared went and found the homeless camps before hand so the volunteers could count and interview them in the wee hours when they are likely to be in the camps. Four tents were located. One in Centennial Park and three in the Muldoon Town Square Park. Only the one in Centennial seemed to be occupied. GPS were taken and Burke has all the info we could get. Ten folks volunteered in our area and all but Grenier were from JBER. Grenier suggested that we can use the sector system to assign locals that use the areas to keep track of homeless activities and hopefully something good can happen from all our efforts. Assembly Person Petersen reported seeing three likely homeless folks walking out of the Muldoon Town Square Park. Reupke reported that APAC sponsored a detox Town Hall Meeting in Saint Anthony's Church that had 400 people attend and that there are only 14 detox beds in town.

Legislative Reports

Senator Wielechowski: On 8 am Sunday he got the news of Representative Gruenberg's passing. The Senator talked about his time with Max and gave the date for the ceremony. The Party has 21 days to pick a replacement and then the governor has 9 days after that to choose from the group. On Saturday morning we have the Anchorage Caucus at the Loussac Library where all the Senators and Representatives from Anchorage gather. Anyone can testify. At East High we have a town hall meeting after the caucus. The Senator has introduced bills to cut oil tax credits. We hope to cut \$500M to a \$1 Billion total. Many lobbyists are here to stop tax increases. There are also bills to change the PFD. Many ways to save money with the Medicaid expansion were mentioned. A correction bills is moving forward.

Representative Gruenberg: Passed away.

Representative LeDoux: The Representative has known Max for 30 years and she will miss him. The budget is the big issue and the House has suspended all the committee meetings that do not focus on the budget. We are trying to cut things sensibly. We have a house majority idea line for

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cutting the budget. Please call 1 844-414-5949. You do not have to leave your name. The National Guard Bill has passed the House.

Representative Pruitt: The Representative reported that he is on the House Finance Comm. and it is all about the budget now but he will also miss Max. Representative Pruitt also talked about the re-appropriations process and thanked everyone for recognizing what you needed to do to get that Muldoon Town Square Park money encumbered. He said there is \$980,000 there and that we all still need to work on it to make sure it does not get swept back at the end of the year. There are other moneys on the East Side of Anchorage that do not have something in place to make sure that those moneys do not get swept back to Juneau. Make sure the Mayor stays involved.

Mayor Ethan Burkowitz: The Mayor was greeted with thank yous and applause for this historic visit. The Mayor talked about his memories of working with Rep. Gruenberg. He said the Representative was a stand up kind of guy. He went on to mention about how revenue sharing is getting cut off so we need to support the bond packages. McConnell mentioned the failure of Planning and Zoning to head community council request and sited the bus stop situation in the Muldoon Town Center that proved to be dangerous with pedestrians crossing the road as predicted. Grenier brought up the homeless camps that appear in Centennial Park after the legal camp ground is closed and the fact that the light poles that were put up across from the Muldoon Town Square Park are not doon dangler friendly. The Mayor said he is working to eliminate homelessness. Ulmer asked if the homeless will be housed in Muldoon. The Mayor said all the communities will house the folks that are homeless now. It is only about 400 people. Solin asked about the timing of traffic lights and if it could be done better. The Mayor said we are working to have a "smart city" that will make things run better. Ziv asked about how things like homeless housing seem to get "dumped" in places like Muldoon rather than higher income parts of town. The Mayor said as we solve the homeless problem it should not be a burden for just one part of the city and talked about how having more police officers will help improve response to illegal homeless camps and how we are moving to "community policing". Laux asked what they Mayor's vision for Muldoon is and the Mayor talked about affordable housing with ways for folks to move around without getting on the roads

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and driving somewhere. Metoyer brought up the \$27,000 paid to rent the community center and that we cannot get in the door for our meetings because it is locked so we pay someone to be a door person. The Mayor pointed out that when the budget gets cut at the city level private groups need to pay more to keep the same services. More details about the contract were discussed and the Mayor agreed to have someone look at the contract so the door situation can get fixed. Dirt piles in the Muldoon Town Square Park were also discussed.

Assembly Person Petersen: AP Petersen talked about changes in the budget and a \$4M revenue surplus from what they projected from last year's budget. Tobacco tax, building permits, hotel and car taxes were all up. ATU was sold. March 8 is when the final cost for the new computer program the Muni is trying to get running will be announced. Cell tower issues are also being discussed and going back to P&Z. If interested please come to the meeting. The tax cap initiative if it passes will force the Muni to find \$1.6M to cover the 2016 budget. Grenier asked about why Eagle River got 1000 ft for pot shops while other parts of town like Muldoon got only 500 ft. Petersen explained the process and said Muldoon will get a better deal since residents will not have to take a bus to down town or drive to buy legal marijuana. He pointed out that the majority voted to legalize. There were many questions about how to measure a buffer zone for a marijuana shop.

Assembly Person Honeman: Was not present.

Old Business

1. NECC Proposed Bylaws Presentation. (As presented on our webpage <http://communitycouncils.org/servlet/content/23.html>). Bylaws Chair Carla McConnell presenting. Many copies of the proposed bylaws were handed out. McConnell said it had taken the NECC longer than many councils to get the bylaws passed and that the proposed bylaws are no different than the previous bylaws but just organized in a way that coincides with what the Muni was looking for.

**Motion in Support of the NECC accepting the Proposed Bylaws.
John Laux, seconded by Bob Reupke.**

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Discussion: Reupke said we spent about two and a half hours on this and McConnell asked if there were any questions. McConnell said the committee member list on the agenda is not correct and Reupke said if passed the Muni will have to approve them. Reupke also pointed out that they cleared up the question if the President can appoint members to the Board if an opening comes up with consent of the Board. Everyone thanked McConnell.

Yea 14 No 0 Abstain 2 Motion Passed

New Business:

1. Pedestrian Fencing Project along the South side of the Glenn Hwy. East from Turpin St. to deter pedestrian crossings. DOT & PF Andrea Morton, P.E. presenting. Handouts were given. Carol Roadifer presented first. This project is being funded through the Highway Safety Improvement Program which targets specific high accident areas (Federal Money). The intention is to deter pedestrian car collisions. The speaker went on to say we all know the pedestrians are breaching the chain link fence that is currently out there and accessing the highway corridor. We plan on replacing 2000 feet of the chain link fence with a more sturdy barrier. This new fence will tie into noise barrier fencing that will be installed as part of the Muldoon-Glenn Interchange Project. As part of this project about 1000 feet of chain link fence will be replaced over by the Diamond - New Seward Interchange. Construction is expected to start this summer dependent on funding. Questions determined the height to be about 9 ft. The material could be wood or metal like the fencing along Merrill Field. A question was asked about how many people are actually crossing at that spot but there had been no count but trails are clearly present. The pedestrians are thought to be going to Tikahtnu Commons. The cost will depend on the type of fence selected. The Candidate Project Nomination Form shows for both the Muldoon and Diamond project combined to be \$2M. The question of how many pedestrians have been killed was asked and will be researched. The accident data is what is used to nominate projects. No trees are planned to be removed. Other Muldoon pedestrian projects were brought up as more important than this one like the pedestrian crossing of the Glenn at Muldoon. Ziv suggested that this project will just channel

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pedestrians to cross in other places. Holubik wanted the council to vote to not support this project.

Motion: The NECC does NOT support the pedestrian fencing project on the South side of the Glenn Highway East of Turpin St. Holubik, seconded by Metoyer.

Before the vote could be taken a motion was made to table the motion. Smestad, seconded by unidentified person.

Vote to table Yea 10 No 4 abstain 0. Original motion is tabled.

2. A review of how the Fairview Community Council Resolution and Neighborhood Plan was started and came together for Marijuana Establishment for Special Land Use Permit. (New business #3 was combined with this). Christopher Constant and Nick Miller presenting. The presenters were introduced by Smestad. One of the speakers works for a state wide provider of drug and alcohol services and is the president of the Fair View Community Council. The speaker said in Fair View we recognized that there were places in our hood that could be used as legal sales points and grow operations so we wanted to get ahead of it rather than be reactive. The title of the plan, Neighborhood Responsibility Plan, comes from Boulder Colorado. In Fair View we closed a liquor store that was causing problems. Good communication means good neighborhoods. The state law says 60 days to establish a permit. The law states that these businesses have the right to operate. Communities cannot just say no. You need to have reasons and to provide an alternative. Smestad handed out the resolution with highlighted parts that he wanted changed. One was the red stripe law. The motion has already passed the FVCC.

Motion: The NECC supports the following motion. Laux, seconded by Metoyer.

A Resolution Concerning Marijuana Establishment Applications for Special Land Use Permits

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WHEREAS, the production, manufacture and distribution of cannabis products for commercial purposes will be legalized under Alaska State law, effective February 24, 2016; and

WHEREAS, under regulations proposed by the Marijuana Control Board (3 AAC 306.025), applicants for a marijuana establishment are required to provide notice to any community council in the area of the proposed licensed premises; and

WHEREAS, under regulations by the Marijuana Control Board (3 AAC 306.025), upon the receipt of a completed application for a marijuana establishment, the “director” “shall immediately provide written notice” to any community council in the area of the proposed licensed premises; and

WHEREAS, under regulations by the Marijuana Control Board (3 AAC 306.060), local governments are allowed 60 days to protest an application for a marijuana establishment license; and

WHEREAS, under proposed Anchorage Assembly ordinance AO. 2015-0119, community councils are required to be noticed in the event of an application for a Marijuana - Special Land Use Permit; and

WHEREAS, under proposed Anchorage Assembly ordinance AO. 2015-0119, persons interested in applying for a Marijuana - Special Land Use Permit are required to hold a “community meeting” prior to submitting an application for said permit; and

WHEREAS, Anchorage Municipal Code Chapter 21.03.020 C.2.b. states “The applicant shall use as its first choice the community council(s) meeting of the project area as the community meeting when the community council(s) meeting is available;” and

WHEREAS, Anchorage Municipal Code Chapter 21.03.020 H. states that community councils are to be noticed prior to the public hearing on a special land use permit but does not specify when such notification must occur; and

WHEREAS, general membership meetings of the **Northeast** Community Council Meetings are scheduled monthly; and

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WHEREAS, the **Northeast** Community Council monthly meeting cycle may not allow sufficient time to effectively deliberate Marijuana Establishment Special Land Use Permit applications prior to public hearings on said applications; and

WHEREAS, the Northeast Community Council would require each shop within its boundaries to card each person purchasing and restrict those with a Red Stripe on their driver's license from purchasing or obtaining Marijuana; and

WHEREAS, the **Northeast** Community Council is anticipating a wave of permit application notices.

THEREFORE, BE IT RESOLVED THAT all proposed Marijuana Establishment Special Land Use Permit applications are hereby opposed by the **Northeast** Community Council, UNLESS notice of the proposed permit is provided by the Marijuana Establishment Special Land Use Permit applicant to the **Northeast** Community Council Executive Board AND the **Northeast** Community Council does not object to the permit application through the processes set forth below; and

BE IT FURTHER RESOLVED THAT the **Northeast** Community Council shall make every effort to work closely with applicants and potential applicants to ensure the smooth implementation of application review; and

BE IT FURTHER RESOLVED THAT the **Northeast** Community Council shall establish a Marijuana Establishment Special Land Use Permit Application Review Committee with authority to respond on behalf of the **Northeast** Community Council and responsibility to report on its actions to the body of the **Northeast** Community Council at the next general membership meeting; and

BE IT FURTHER RESOLVED THAT should the determinations of the Committee be disputed, there will be ample time to bring a motion to the body and present that motion to the Planning and Zoning committee, **Marijuana Control Board** or the Alcohol Beverage Control Board under their review periods.

Vote Yea 10 No 1 Abstain 4. Motion Passes

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Motion: The Neighborhood Responsibility Plan. Smestad, seconded by Metoyer.

A Neighborhood Responsibility Plan is a two-way document outlining agreements between potential applicants and community councils in which the businesses are seeking special land use permits. The intent behind a neighborhood responsibility plan is to establish a reasonable process of communication between proposed business owners and community councils in order to support the successful establishment and operation of cannabis businesses in Anchorage while protecting the interests of local communities. In order for these emerging businesses to successfully integrate into existing neighborhoods, it is reasonable to establish performance expectations of proposed businesses as well as of community councils.

With proper planning and communication, it is fair to expect that preventable conflicts that might from time to time arise between businesses and neighborhoods can be anticipated and avoided. Should more complex issues arise, having an established and pre-negotiated process to manage conflicts can ensure fair and efficient resolution of any but the most challenging of problems.

A well-developed Neighborhood Responsibility Plan can go a long way to ensuring the development of thriving businesses in healthy communities.

Someone who wants to open a Cannabis Business should make notice to the council in writing as soon as they know that they have located the likely facility. An applicant cannot make application for a local license until it has hosted a community meeting. In order to begin the application process, it is recommended that a potential applicant should attend and participate in the regular business of the local community council.

In advance of the 21-day public notice period, the applicant should provide the following information in writing to the board:

- Name of Business
- Name of Owner
- Address of proposed location
- Contact info for owner
- Type of Business (Cultivator, Producer, Testing Facility, Retail Store)

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- Estimated/Preferred date of application

Once the Board has received the request to be included on the agenda, if possible, the Council will place the matter on the next regular meeting agenda or schedule a special meeting to meet the 21 day response requirement. If the council is not responsive, the applicant must host a public meeting advertised to those within 500 feet of the proposed location. An Invitation shall also be sent to the community council.

While the law requires a public meeting, it does not require a meeting with community councils. If a community council desires to have input in the application process, it has a responsibility to provide the opportunity for a potential applicant to be heard in a fair and reasonable manner. It is important to note that the power of a community council is advisory in nature. It can share its opinion with the Mayor, its representatives on the Assembly, or the various commissions but it does not have the authority to block or ban an operation. In order for a council to fairly exercise its authority, its process must be fair and reasonable.

The following describes the basic information that should be included in a well-developed Neighborhood Responsibility Plan:

A Neighborhood Responsibility Plan is a narrative document agreed upon by both the Applicant and the Community Council that shall at the minimum address the following:

- (A) Establish a point of contact, whose name and contact information shall be clearly posted on the outside of the store.
- (B) Establish the preferred method of communication to the Community Council including point of contact and how to contact them.
- (C) Provide a schedule of outreach to the surrounding area (residents and property owners within 500 feet) and the community council, to be not less than one contact per year.
- (D) Provide a discussion of a dispute resolution process: how problems/issues/disputes brought forward by neighbors will be addressed, such as meeting with the complainant or discussing the issue at a community council meeting.
- (E) Establish two individuals who are formally allowed to speak for the business at a Community Council meeting.

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- (F) Identify the frequency the applicant will attend Council meetings. It is recommended at least once every six months.
- (G) Other matters of concern identified by either the applicant or the council.
- (H) **Require each shop to card each person purchasing and restrict those with a Red Stripe on their driver's license from purchasing or obtaining Marijuana.**

The intent and purpose of the Neighborhood Responsibility Plan process is to help applicants and communities to establish communication in advance in order to avoid potential pitfalls and to establish a process for working through challenges that may arise from time to time. The thoughtful time invested by business owners and communities will pay dividends in the establishment of thriving businesses in healthy neighborhoods.

Vote Yea 9 No 0 Abstain 5 Motion Passes

4. Upcoming NECC Election Announcement with procedures and requirements. Election Comm. Chair Wood presenting. The Board Elections are coming up in April. Three seats are up for election. The election committee is McConnell, Metoyer, and Wood. Nominations from the floor are accepted in the March and April Meetings. You must have attended three of the last six meetings. If you only sign in and leave we do not concede that attending. Voting requires ID. Candidates will have two minutes to introduce themselves.

5. Anchorage District Attorney's Office of Community Outreach.

Clinton Campion Anchorage District Attorney presenting. He was appointed by the Governor and Attorneys' General. He is reaching out to all the CCs in the Muni. His office prosecutes all the felony criminal matters in the Muni and misdemeanors as well. We have 29 prosecutors. We are trying to figure out what are your public safety priorities. We also want to identify other organizations in the community that we could partner with so we can be more tuned in to what your priorities are. Reentry is a big issue. Almost nobody spends the rest of their life in prison. Campion asked if there is anything law enforcement has done in the past that you think was successful that we should do again? Are there any concerns in general about the criminal justice system or prosecutors office?

(Clint.campion@alaska.gov). Grenier raised the question of reentry folks

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not being allowed to own firearms so they get vicious pit bulls instead and scare their neighbors and cause problems. Smestad brought up impounding properties used repeatedly for drug dealing. Campion said he read the NECC Minutes and knows about this issue. He said calling in is the most important thing you can do. AP Petersen brought up the red stripe law and why some folks that get busted for DUI in the Muni do not get a red stripe (restricted from purchasing alcohol) on their license. Campion said the PO now has the authority to make sure a restricted license is issue and the old one is destroyed. Ulmer mentioned the "runners" that are purchasing for folks that have red stripes should also get a red stripe. LaFleur brought up texting while driving. The revolving door for the homeless population that are sex offenders was brought up with the case of the alcohol related rape and death of a 14 year old girl in front of the Muldoon Road Baptist Church by a registered pedophile living in the Muldoon Town Square Park. Campion went on to say that we cannot register people that do not have housing and that they often register at the Brother Francis Shelter. Grenier requested that when the case is over that Campion provide the details to the council so we can try to get something started with legislation. McConnell brought up the heroin epidemic. Campion said that if this was an infectious disease causing this many deaths the CDC would be here investigating, but because of the nature of heroin addiction it is not viewed the same way. He talked about treatment for the worst cases but realizes there is limited funding. Ziv asked about petty criminals not getting police attention. Car thefts and chop shops were also mentioned. There was applause for Mr. Campion.

Committee Reports

FCC Report: Reupke reported three police academies will happen this year and 25 more firemen are needed. A community questionnaire was given out about problems in your neighborhood from APD. Bring it to the next meeting.

Bylaws: Already done.

Alcohol Comm: Chair Grenier reported we have six renewal applications for alcohol licenses in our area. The businesses were named.

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Parks Comm: Chair Wood reported we are now in the design process getting construction projects ready. We are trying to encumber funds so we do not lose them. LaFleur is working on grants for trees.

Trails Comm. Nothing new.

CIP Comm: Chair Smestad reported an email will be sent out for a meeting after March 1.

Trails Comm. Chair Ulmer reported nothing new.

Picnic Comm: No report and we need a new Chair.

Treasurer's Report: Non given.

NECC Meeting Minutes: Secretary Grenier reported minutes were not ready for approval.

Community Activities Reports: Candidates Marsett, Gales, Dunbar, and Hadley introduced themselves.

A hat was passed to pay the door person \$20.

Adjournment 9:45 PM