

ASSEMBLY COMMITTEE OF THE WHOLE MINUTES

May 06, 2024, at 5:00 PM



Assembly Chambers/Zoom Webinar

A. CALL TO ORDER

The Assembly Committee of the Whole Meeting on May 6, 2024, was called to order by Deputy Mayor Hale at 5:03pm.

B. LAND ACKNOWLEDGEMENT

Ms. Hughes-Skandijs provided the following land acknowledgement, "We would like to acknowledge that the City and Borough of Juneau is on unceded Tlingit land and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!"

C. ROLL CALL

Assemblymembers present: Greg Smith, Alicia Hughes-Skandijs, Wade Bryson, 'Wáahlaal Gídaag, Paul Kelly, Ella Adkison, Deputy Mayor Hale, Christine Woll (arrived 5:27pm)

Assemblymembers absent: Mayor Beth Weldon

Staff present: City Manager Katie Koester, Deputy City Manager Robert Barr, City Attorney Robert Palmer, City Clerk Beth McEwen, Deputy City Clerk Andi Hirsh, Parks and Recreation Director George Schaaf, Community Development Director Jill Lawhorne, Housing and Land Use Specialist Joseph Meyers, Assistant City Attorney Emily Wright, Assistant City Attorney Sherri Layne, Assistant City Attorney Nicole Lynch

D. APPROVAL OF AGENDA – *Approved by unanimous consent*

E. APPROVAL OF MINUTES

1. June 5, 2023, Assembly COW DRAFT Minutes
2. June 26, 2023, Assembly COW DRAFT Minutes
3. August 7, 2023, Assembly COW DRAFT Minutes

MOTION by Mr. Smith to approve the minutes and asked for unanimous consent. *Hearing no objection, the motion passed.*

F. AGENDA TOPICS

4. Douglas Cemeteries

Ms. Koester said the idea of CBJ taking over the maintenance of the eight cemeteries in Douglas comes up occasionally, with complications arising from land ownership issues and fiscal impact. She noted that CBJ owns the parcel containing the Odd Fellows Cemetery and that after the construction of the Gastineau Elementary School, CBJ provided weekly maintenance to the Douglas Indian Cemetery, owned by the Ross estate. She laid out four options for the Assembly:

1. Status quo; volunteer maintenance, occasional help from Parks staff.
2. Direct appropriation to an entity to coordinate maintenance.
3. Create a grant program for different entities to apply for funding to maintain cemeteries.
4. Initiate legal process to acquire ownership of cemeteries.

Mr. Palmer said since cemeteries do not pay property taxes or go through a foreclosure process there were several Douglas cemeteries without clear owners. He said if the Assembly wanted to acquire them the first step would be to form of a title search or title report for each cemetery to try and determine who the owners were and if they were interested in continuing to own the cemeteries. If that is the option the Assembly would like to do, they would likely need to do an eminent domain action to acquire some of the cemeteries for public property.

Mr. Bryson asked if the Historic Resources Advisory Committee has weighed in on this issue and if so, what their comments were. Mr. Palmer said that he didn't know the answer to that, but they could look into it if that was the will of the body.

In answer to the COW asking for financial concerns if the city were to become the owners. Mr. Schaaf said if cemeteries were acquired there would be two financial phases – the first would be to get the property up to a level where they could be maintained by seasonal landscape groundskeeper crews and the second cost would be the annual season summertime maintenance of the property. He spoke to the additional staffing levels that would be needed on an annual basis if the city were to obtain ownership and maintenance of the cemeteries.

Mr. Bryson asked what changed to bring this forward again. Ms. Hale said the Assembly decided to look at the topic at its December 2023 retreat.

Mr. Smith asked about the Law department's estimate of between 100 and 1000 hours of staff time to acquire the properties. Mr. Palmer said if willing sellers were identified then it would be relatively simple but if they had to use eminent domain the staff time requirement would be much higher. He said they would not know more unless given direction to start looking into it.

Mr. Kelly asked about administering grants to multiple community groups for cemetery maintenance. Ms. Koester said that was possible but more complicated than a grant to a single group. She noted that they did not want to make the grant program administratively complex or bureaucratic, which was why the preferred option was to pass funds through another agency to administer a possible grant. Ms. Hughes-Skandijs asked if the Juneau Community Foundation had any agencies in their portfolio that would be a good fit. Ms. Koester said she did not know, which is why they included an option to give a direct appropriation to a nonprofit. She said they did not know which entities or nonprofits might be interested.

Ms. Adkison asked about legal risk regarding paying nonprofits to work on properties where ownership was questionable. Mr. Palmer said it was legally possible for the groups to be trespassed but not likely. He said some of the nonprofit groups have been working on title ownership issues to help with this problem.

Ms. Hale said equity was important and cautioned against CBJ only taking over the cemeteries that were easier or cheaper to maintain.

MOTION by Ms. Hughes-Skandijs to recommend to the Assembly that they maintain the status quo of volunteer maintenance with occasional help from park staff for the Douglas cemeteries and asked for unanimous consent. In speaking to her motion, she said other options were complicated and could require a lot of staff time and cost and she was also concerned that whatever option they chose provides equity.

OBJECTION by Mr. Kelly. He said he felt like it was the Assembly's responsibility to maintain cemeteries. He said he was more interested in working with partner organizations. He would like to continue the conversation.

Mr. Smith said he was interested in a direct appropriation to another entity to coordinate maintenance of the cemeteries. He said the cemeteries were a part of our history. He said he wanted to get an idea of what it might cost to support a community organization willing to do the work.

Mr. Bryson spoke in support of the motion. He said that he wasn't opposed to an RFI but that he is in favor of option 1. He suggested that the Historic Resources Advisory Committee (HRAC) weigh in on this topic. Ms. Hale asked if they could wait to request HRAC weigh in on this topic until the Assembly has something specific to ask them to look at. Mr. Bryson agreed with her suggestion.

Ms. Adkison also spoke in support of the motion. She said she felt the only other viable option was option 2.

Ms. Woll joined the meeting (at 5:27pm via Zoom) and asked to be recused from voting as she missed the discussion. Ms. Hale agreed to the recusal.

Ms. Hale said she supported a direct appropriation to an entity and issuing a Request for Interest (RFI) to see which community groups might be interested. She said if that did not work, they could default to the status quo.

Mr. Smith asked a point of order and if Ms. Woll should have been recused. Mr. Palmer explained that when a member is recused, it shows up as a NO vote on the record. Mr. Palmer also explained that recusal may also be in order when a member has not participated in the discussion on the matter to be voted upon and the chair has the liberty to recuse the member or not.

Ms. Hale explained the motion on the floor before the body to Ms. Woll was to move Option 1 – Status Quo option and asked if she felt she could vote on the motion. Ms. Woll said that she didn't feel comfortable voting without having heard the conversation. Ms. Woll said she would prefer to be recused. Ms. Hale ruled that she would allow Ms. Woll to abstain from voting and that Ms. Woll's vote would not be counted as a NO vote.

Ms. Hughes-Skandijs said she did not believe CBJ should be all things to all people. She said she did not support issuing an RFI where city funds paid a nonprofit to work on private land.

ROLL CALL VOTE on Option 1 to maintain the status quo:

Yes: Ms. Hughes-Skandijs, Mr. Bryson, 'Wáahlaal Gídaag, Ms. Adkison

No: Mr. Smith, Mr. Kelly, Deputy Mayor Hale.

Abstain: Ms. Woll

Motion failed; 4 yeas to 3 nays.

MOTION by Mr. Kelly to add a \$50,000 appropriation to the pending list and that staff issue a Request for Interest (RFI) to solicit interested organizations to coordinate maintenance of the Douglas cemeteries.

OBJECTION by Ms. Hughes-Skandijs.

ROLL CALL VOTE on adding the appropriation and issuance of an RFI:

Yes: Mr. Kelly, Deputy Mayor Hale

No: Ms. Adkison, 'Wáahlaal Gídaag, Mr. Smith, Ms. Hughes-Skandijs, Mr. Bryson

Abstain: Ms. Woll

Motion failed; 2 yeas to 5 nays.

MOTION by Mr. Smith for CBJ to issue an RFI to determine entity interest and cost for coordinating maintenance for the Douglas cemeteries.

OBJECTION by Ms. Hughes-Skandijs. In speaking to her objection, she said CBJ does not have unlimited staff time or resources. She said this did not serve the Assembly's goals.

Mr. Smith said the motion did not commit the Assembly to anything. He said there was significant community support on this issue.

ROLL CALL VOTE on adding issuance of an RFI:

Yes: Mr. Smith, Mr. Bryson, 'Wáahlaal Gídaag, Mr. Kelly, Deputy Mayor Hale

No: Ms. Hughes-Skandijs, Ms. Adkison

Abstain: Ms. Woll

Motion passed; 5 yeas to 2 nays.

5. Ridgeview Update

Mr. Barr provided an update on the Ridgeview development project. He said about a year ago the Assembly passed an ordinance for a loan from the Affordable Housing Fund for Ridgeview. He said they did not have a lot of applicants that year and Ridgeview was the only loan applicant that scored well. He noted that sometimes there were competing priorities between the basic need for housing of all kinds and a community funded loan that has requirements like an affordability component.

Mr. Barr said any large housing development also had bank loans, which had a higher priority for payback. He said the \$7.5 million the Assembly has loaned from the Affordable Housing Fund since its inception had been matched by about \$50 million in private investment and should result in approximately 260 new housing units.

He explained that the Assembly decided to remove additional restrictions when providing the \$1.2 million loan to Ridgeview and that the developer shifted their project from apartments to condos. That caused public consternation but was legally allowed within the ordinance which passed. Mr. Barr said the next step was to work with the developers to keep the CBJ loan collateralized while enabling them to move forward with the next multifamily building, with the total project currently envisioned as a 444-unit development.

‘Wáahlaal Gídaag asked about the developer’s future plans. Mr. Barr said he did not have enough information to answer the question. Mr. Garrett Johnson, the developer, said they plan to eventually build up to 444 units. He said they did not apply for future rounds of Affordable Housing Loans so all future buildings would have traditional lender financing and their own capital.

6. Title 49 Rewrite Workplan

Ms. Koester said the Assembly wanted a wholesale Title 49 rewrite, which is why they dedicated funding for this special project was through the Manager’s Office with a dedicated staff member. The bulk of this code was written in 1987, was outdated, had contradicting components, and did not allow for enough flexibility to develop the remaining land. She said they were looking for feedback on the structure of the Title 49 rewrite.

Ms. Koester said the Title 49 rewrite would include a project manager, a contracted land use attorney, and a stakeholder group and/or advisory committee to serve as a sounding board for the project team. She said the committee would be appointed by the Assembly but would not have power to approve or deny code amendments. She recommended limiting the committee to five members with people from membership categories such as a developer, land surveyor, an affordable housing interest, real estate agent, etc.

Mr. Smith asked about the type of legislation that would create this committee. Ms. Koester said it would be established like any other taskforce by the Assembly.

Ms. Woll asked about a seat for a real estate agent. Ms. Koester said they were involved with housing and the housing market and many of the Title 49 code decisions are based on price point. She said the list of potential membership categories was a brainstorming list and the Assembly should decide what, if any, membership limitations they want to impose.

Ms. Hughes-Skandijs asked about the working group’s core function. Ms. Koester said this group would have a lot of influence in working through what the Title 49 code should look like, to help develop code in an iterative process.

Mr. Kelly asked about group size. Ms. Koester said it would be easier to work through things with a smaller group, but that subject matter experts needed to be brought in for specific parts of the code as part of the public process. She gave the example of bringing in someone from Capital City Fire and Rescue when rewriting code sections that look at hazards.

Ms. Woll asked about the working group and public process. Ms. Koester said the working group will work on phased procedural improvements, but CBJ would also have a robust community engagement strategy for the broader community, because it is the broader population that will need to decide what they want the community to look like.

Mr. Smith asked if the Assembly would vote on the entire Title 49 rewrite at once or in parts. Ms. Koester said it would be chunked into sections, and that they are planning for the sections to be reasonable, such as the Assembly seeing code about subdivisions all at once. Mr. Smith stated that he had some concerns about bringing things piecemeal to the Assembly as it might result in a less coherent whole.

Ms. Hale noted that Juneau Commission on Aging and Juneau Commission on Sustainability have expressed interest in sections of Title 49 code and suggested they could be included somehow.

Ms. Hughes-Skandijs asked about scheduling. Ms. Koester said they hoped to have staff hired in August and to begin the workgroup in the fall. She hoped the working group would meet a couple of times a month to provide feedback to staff.

Ms. Woll asked about working on small details verses the larger picture. Ms. Koester said that in a perfect world a rewrite of the Comprehensive Plan would have come first. She said the idea of a Comprehensive Plan rewrite was brought to the Assembly five years ago, but between Covid and staff turnover there has not been progress. She said the Title 49 rewrite does ask some larger questions such as ‘what should neighborhoods look like’ and ‘what businesses should be allowed in neighborhoods’ and ‘what density level is desired’.

Mr. Kelly asked about the role of the Planning Commission in this process. Ms. Koester said they did not intend to run every ordinance through the Planning Commission, but they planned to submit chunks of code changes to the Planning Commission for feedback.

7. Juneau Affordable Housing Guidelines

Ms. Koester said a resolution to formalize the Juneau Affordable Housing Fund was discussed at the January 29, 2024, Committee of the Whole and the March 11, 2024, Lands, Housing, and Economic Development (LHED) meeting. She said the LHED committee wanted to make sure the following two priorities were included in the final resolution:

1. Prioritize housing in downtown Juneau.
2. Prioritize low-income housing over workforce housing projects.

Ms. Koester noted that the above priorities were currently included in the scoring process. She said the resolution was before the Assembly to help provide structure and codification to the scoring process.

Ms. Hale said she disagreed with prioritizing downtown housing development. She said people live all over Juneau and it made her uncomfortable that CBJ would choose to spend money in one area but not another.

MOTION by Mr. Smith to forward Resolution 3022 v2, with the included language “D(3) Downtown Housing Development: Units developed within the boundaries established by the Downtown Juneau Residential Tax Abatement Map (ORD2021-01(c)(am))” and “E Application and Review Process: ... A complete application must include an affordability component defined as 20% of units at or below 80% AMI. Incomplete applications will not be accepted” to the full Assembly and asked for unanimous consent.

OBJECTION by Ms. Woll for purposes of a question. She asked Ms. Hale if she wanted to change this before it was adopted. Ms. Hale said she was fine with the resolution even though she disliked prioritizing downtown housing and would want to look at the priorities when they next looked at the guidelines. Ms. Woll removed her objection.

Hearing no further objection, the motion to forward Resolution 3022 v2 with Mr. Smith’s amendments passed by unanimous consent.

G. STAFF REPORTS

H. NEXT MEETING DATE

June 3, 2024, at 6:00p.m. Immediately following the Special Assembly Meeting.

I. SUPPLEMENTAL MATERIALS

8. RED FOLDER: Tax Abatement Map Ord. 2021-01(c)(am)

9. RED FOLDER: Ord. 2021-01(c)(am) Attachment A - Scoresheet

J. ADJOURNMENT

Having no more business to come before the Assembly Committee of the Whole, the meeting adjourned at 6:37pm.