



CITY & BOROUGH OF WRANGELL PUBLIC HEARING AGENDA

**Tuesday, March 24, 2015
6:30 p.m.**

Location: Assembly Chambers, City Hall

1. Call to Order
2. Roll Call
3. Public Hearing Items:
 - a. PROPOSED ORDINANCE No. 895: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 3.30.090 OF THE WRANGELL MUNICIPAL CODE RELATING TO THE BOARD OF DIRECTORS OF THE SOUTHEAST SOLID WASTE AUTHORITY TO ADD PROVISIONS FOR AN ALTERNATE DIRECTOR (*second reading*)
 - b. PROPOSED ORDINANCE No. 896: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 10, PUBLIC PEACE, MORALS, AND WELFARE, OF THE WRANGELL MUNICIPAL CODE TO ADD A NEW CHAPTER 10.46 TO PROHIBIT THE CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE, AND ESTABLISHING A PENALTY FOR VIOLATION (*second reading*)
 - c. PROPOSED ORDINANCE No: 897: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 8.02.010 OF CHAPTER 8.02 OF THE WRANGELL MUNICIPAL CODE TO CHANGE THE ADMISSION RATES FOR THE MUSEUM/CIVIC CENTER (*second reading*)
4. Written Testimony
5. Oral Testimony
6. Adjournment

Agenda Item 3a

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY PUBLIC HEARING ITEM March 24, 2015

INFORMATION:

PROPOSED ORDINANCE No. 895: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 3.30.090 OF THE WRANGELL MUNICIPAL CODE RELATING TO THE BOARD OF DIRECTORS OF THE SOUTHEAST SOLID WASTE AUTHORITY TO ADD PROVISIONS FOR AN ALTERNATE DIRECTOR (*second reading*)

Background

The Southeast Solid Waste Authority Board approved for the participating municipalities to look at changing their ordinances to allow for an alternate director to attend and participate in the board of director's meetings in the event that a participating municipality director who is appointed is or will be absent from a meeting. The alternate director will have the same power and authority that the director has.

Attachments:

1. Proposed Ordinance No. 895

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 895

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 3.30.090 OF THE WRANGELL MUNICIPAL CODE RELATING TO THE BOARD OF DIRECTORS OF THE SOUTHEAST SOLID WASTE AUTHORITY TO ADD PROVISIONS FOR AN ALTERNATE DIRECTOR

BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

[The changes to the existing code are shown as follows: the words that are underlined are to be added and the words that are **[bolded and in brackets are to be deleted]**.]

SEC. 1. Action. The purpose of this ordinance is to amend Section 3.30.090 of the Wrangell Municipal Code relating to the Board of Directors for the Southeast Solid Waste Authority to add provisions for the appointment of an alternate director to attend and participate in meetings of the Board under certain circumstances.

SEC. 2. Amendment. Section 3.30.090 of the Wrangell Municipal Code is amended to read:

3.30.090 Board of directors.

A. Number and Apportionment. The board shall be comprised of members designated as participating municipality directors and at-large directors whose number and apportionment shall be as follows:

1. In the event that the authority is comprised of a single participating municipality, the board shall be comprised of three directors as follows: one participating municipality director who shall be appointed to represent the appointing participating municipality, and two at-large directors.

2. In the event that the authority is comprised of two participating municipalities, the board shall be comprised of three directors as follows: two participating municipality directors with each participating municipality director appointed to represent the appointing participating municipality, and one at-large director.

3. In the event that the authority is comprised of three or more participating municipalities, the board shall be comprised entirely of participating municipality directors whose total number shall equal the number of the authority's participating municipalities, with each participating municipality director appointed to represent the appointing participating municipality.

4. Each participating municipality shall also appoint one alternate director to attend and participate in meetings of the board of directors as provided in subsection C of this section.

B. Qualifications.

1. Participating municipality directors and the alternate director shall be [a] residents of and shall meet the minimum qualifications for election to the governing body of the participating municipality they are appointed to represent.

2. At-large directors may reside in any community within the boundaries of the authority and shall meet the minimum qualifications for election to the governing body of the community within which they reside.

C. Appointment – Filling Vacancies.

1. Participating Municipality Directors. To first appoint participating municipality directors to the board upon creation of the authority or upon receipt of board notification of its determination and declaration of vacancy, the governing body of the participating municipality shall, not later than 60 calendar days following the date of the notice of vacancy, appoint participating municipality directors of the authority by an affirmative vote of its members at a regular or special meeting.

2. At-Large Directors. To first appoint at-large directors, if any, to the board upon creation of the authority or upon receipt of board notification of its determination and declaration of an at-large director vacancy, the governing bodies of the participating municipalities shall appoint individuals to fill at-large director vacancies as provided in this section.

3. Alternate Directors. Each municipality shall appoint one alternate director to attend and participate in the board of director's meetings in the event a participating municipality director appointed by that municipality is or will be absent from the meeting. The alternate director, if called to service, shall have the same powers, authority, and duties as the other directors.

D. Terms.

1. Participating municipality directors shall serve three-year terms; provided, however, that participating municipality directors first appointed after the creation of the authority shall be randomly assigned to one of three groups, each group to be as nearly equal in number as possible. The directors assigned to one such group shall service one-year terms; the directors assigned to the second such group shall serve two-year terms; and the directors assigned to the third such group shall serve three-year terms.

2. At-large directors shall serve three-year terms; provided, however, that in the event that the authority is comprised of a single participating municipality, one at-large director shall be randomly designated as the at-large director to serve a full director term or until the second participating municipality, if any, appoints its participating municipality director, and the other

at-large director shall be randomly designated to serve a full director term or until the third participating municipality, if any, appoints its participating municipality director; and provided further, that in the event that the authority is comprised of two participating municipalities, the at-large director shall serve a full director term or until the third participating municipality, if any, appoints its participating municipality director.

3. The alternate director shall serve a three-year term and until a successor has been qualified and appointed. If otherwise qualified, an alternate director is eligible to be appointed for more than one term.

E. Each director shall hold office for the term of appointment and until a successor has been qualified and appointed.

F. If otherwise qualified, a director is eligible to be appointed to the board for more than one term.

G. Determination and Declaration of Vacancy. The board shall declare a director position vacant when the director in question:

1. Fails to qualify or take office within 30 days after appointment;
2. Is physically absent from the participating municipality for 180 consecutive days unless excused by the board of directors;
3. Resigns and the resignation is accepted;
4. Is physically or mentally unable to perform the duties of office as determined by two-thirds vote of the board of directors;
5. Is convicted of a felony or of an offense involving a violation of the oath of office;
6. No longer physically resides in the participating municipality; or
7. Misses three consecutive regular meetings and is not excused.

H. Notice of Vacancy. Upon determination that a board position is vacant, the board shall promptly furnish written notice of its determination and declaration of vacancy in the board to the governing body of the participating municipality in the event of a participating municipality director vacancy, or to the governing bodies of all participating municipalities in the event of an at-large director vacancy.

SEC. 3. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 4. Severability. If any portion of this ordinance or any application thereof to

any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

SEC. 5. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: March 10, 2015.

PASSED IN SECOND READING: _____, 2015.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

Agenda Item 3b

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY PUBLIC HEARING AGENDA ITEM March 24, 2015

INFORMATION:

PROPOSED ORDINANCE No. 896: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 10, PUBLIC PEACE, MORALS, AND WELFARE, OF THE WRANGELL MUNICIPAL CODE TO ADD A NEW CHAPTER 10.46 TO PROHIBIT THE CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE, AND ESTABLISHING A PENALTY FOR VIOLATION *(second reading)*

Background

On February 10, 2015, Assembly Member Blake requested that the Borough Assembly consider passing an Ordinance that prohibits the public consumption of Marijuana. There was no objection from the Assembly to move forward with this. Therefore, attached is Proposed Ordinance No. 896, which the Borough Attorney drafted for the Assembly.

Attachments:

1. Proposed Ordinance No. 896

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 896

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 10, PUBLIC PEACE, MORALS, AND WELFARE, OF THE WRANGELL MUNICIPAL CODE TO ADD A NEW CHAPTER 10.46 TO PROHIBIT THE CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE, AND ESTABLISHING A PENALTY FOR VIOLATION

WHEREAS, Ballot Measure 2 – An Act to Tax and Regulate the Production, Sale and Use of Marijuana, and codified as Alaska Statutes 17.38, provides for the legalization of marijuana, was passed by the voters in the recent state election and certified on November 28, 2014 by the State of Alaska, Division of Elections; and

WHEREAS, newly enacted AS 17.38.040 states “Public consumption banned, penalty. It is unlawful to consume marijuana in public. A person who violates this section is guilty of a violation punishable by a fine of up to \$100”; and

WHEREAS, the state statute does not define “public”; and

WHEREAS, the state statute does not discuss or mandate any enforcement mechanism; and

BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

[The changes to the existing code are shown as follows: the words that are underlined are to be added and the words that are **[bolded and in brackets are to be deleted]**.]

SEC. 1. Action. The purpose of this ordinance is to amend the Title 10, Public Peace, Morals, and Welfare, of the Wrangell Municipal Code to add a new chapter to prohibit the consumption of marijuana in a public place and to establish a penalty for violation.

SEC. 2. Amendment. Title 10 of the Wrangell Municipal Code is amended to add a new Chapter 10.46 to the list of chapters to read:

Title 10
PUBLIC PEACE, MORALS, AND WELFARE

Chapters:

- 10.04 False Fire Alarms
- 10.08 Interference with Officers
- 10.12 Repealed
- 10.16 Trespass on Public Floats
- 10.18 Abuse of 911 system
- 10.20 Repealed
- 10.24 Repealed
- 10.28 Curfew for Minors
- 10.32 Misconduct Involving Weapons
- 10.36 Discharge of Firearms and Other Weapons
- 10.40 Abandoned Personal Property
- 10.44 Possession, Control, or Consumption of Alcoholic Beverages
- 10.46 Possession, Control, or Consumption of Marijuana in a Public Place
- 10.48 Possession of Tobacco by a Minor

SEC. 3. New Chapter. A new Chapter 10.46 is added to Title 10 of the Wrangell Municipal Code to read:

Chapter 10.46
PROHIBITION OF CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE

Sections:

10.46.010 Consumption of Marijuana in a Public Place Prohibited

- (a) It is unlawful for any person to knowingly consume marijuana when the person is:
 - 1. On, in, or upon any public place, except as permitted by ordinance,

regulation, statute or permit; or

2. Outdoors on private property adjacent to a public place, and without consent of the owner or person in control thereof.

(b) For purposes of this section, the definitions of the words and phrases below shall apply:

1. "Consume" shall have the meaning, in all conjugate forms, of "consumption" set forth in AS 17.38.900
2. "Marijuana" shall have the meaning set forth in AS 17.38.900
3. "Public place" means a place to which the public or a substantial group of persons has access and includes, but is not limited to, streets, highways, sidewalks, alleys, transportation facilities, parking areas, convention centers, sports arenas, schools, places of business or amusement, shopping centers, malls, parks, playgrounds, jails, and hallways, lobbies, doorways, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

(c) Violation of this section is a minor offense punishable by a fine of \$100.

SEC. 4. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 5. Severability. If any portion of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

SEC. 6. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: March 10, 2015.

PASSED IN SECOND READING: _____, 2015.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

Agenda Item 3c

CITY & BOROUGH OF WRANGELL

**BOROUGH ASSEMBLY
PUBLIC HEARING ITEM
March 24, 2015**

INFORMATION:

PROPOSED ORDINANCE No. 897: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 8.02.010 OF CHAPTER 8.02 OF THE WRANGELL MUNICIPAL CODE TO CHANGE THE ADMISSION RATES FOR THE MUSEUM/CIVIC CENTER *(second reading)*

Attachments:

1. Memo from Terri Henson, Civic Center Director
2. Proposed Ordinance No. 897

MEMORANDUM

TO: BOROUGH MAYOR & MEMBERS OF THE BOROUGH ASSEMBLY

FROM: TERRI HENSON
CIVIC CENTER DIRECTOR

SUBJECT: ORDINANCE NO. 897

DATE: March 20, 2015

I do apologize for not being able to attend the last meeting as I had already made travel plans. I listened in on the last Assembly meeting and know that there was a question regarding the change to the friends admission rate. The way it's stated in the ordinance now does not reflect the current Friends membership in the fact that they don't list free admission until the higher dollar memberships. Membership starts at ten dollars. Some of the friends that do come still pay or donate when they go through. The friends continue to support the museum and we started this past fall with a special day for them. We plan on having two times per year that we invite them to a special "Friends" day with free admission, tours, and preview of a new exhibit. The Nolan board (which is made up of all Friends of the museum) has agreed with the rate increases.

If you need I can call in or please call me with questions. Once again I apologize to you and the council for not being able to attend.

Terri Henson
Nolan Center Director

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 897

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 8.02.010 OF CHAPTER 8.02 OF THE WRANGELL MUNICIPAL CODE TO CHANGE THE ADMISSION RATES FOR THE MUSEUM/CIVIC CENTER

BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

[The changes to the existing code are shown as follows: the words that are underlined are to be added and the words that are **[bolded and in brackets are to be deleted]**.]

SEC. 1. Action. The purpose of this ordinance is to amend Section 8.02.010, Rates, of the Wrangell Municipal Code to change the Admission Rates for the Nolan Museum/Civic Center.

SEC. 2. Amendment. Section 8.02.010 of the Wrangell Municipal Code is amended to read:

8.02.010 Rates.

Adult walk-ins	[\$5.00] <u>\$7.00</u>
Senior citizens (60+)	[\$3.00] <u>\$5.00</u>
Children 6 – 12	[\$2.00] <u>\$4.00</u>
Children under 6	Free
[Family	\$12.00]
Organized groups, 10 or more	[\$3.00] <u>\$5.00</u> each
School groups (non-Wrangell)	[\$2.00] <u>\$4.00</u> each
<u>Wrangell</u> school groups [(Wrangell)]	Free
[Wrangell residents with driver's license/ID	\$2.00]
Friends of the Museum members	[Free] <u>\$4.00</u>
[Individual yearly pass (July – June)	\$10.00
Family yearly pass (July – June)	\$25.00]

SEC. 3. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 4. Severability. If any portion of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

SEC. 5. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: March 10, 2015.

PASSED IN SECOND READING: _____, 2015.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk