



**FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, MAY 7, 2018
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA**

The City Council convened at 7:00 p.m. on the above date, following a 6:00 p.m. Work Session for an update from the Arcadis Team on the FNSB/EAFB Regional Growth Plan, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor Jim Matherly presiding and with the following Council Members in attendance:

Council Members Present: Joy Huntington, Seat A
 June Rogers, Seat B
 Valerie Therrien, Seat C
 Jonathan Bagwill, Seat D (telephonic)
 Jerry Cleworth, Seat E
 David Pruhs, Seat F

Absent: None

Also Present: Paul Ewers, City Attorney
 D. Danyielle Snider, City Clerk
 Christina Rowlett, Risk/Purchasing
 Mike Meeks, Chief of Staff
 Michael Sanders, Housing & Homeless
 Patricia Manuel, HR Admin
 Jim Styers, Fire Chief
 Stephanie Johnson, Dispatch Center Manager
 Angela Foster-Snow, HR Director
 Teal Soden, Communications Director
 Kirk Lockwood, Officer
 Bill Rogers, Engineer II

City Clerk Danyielle Snider read the Mission Statement of the City of Fairbanks.

INVOCATION

The Invocation was given by City Clerk Danyielle Snider.

FLAG SALUTATION

Mayor Matherly asked Mr. Pruhs to lead the Flag Salutation.

CEREMONIAL MATTERS

Mayor Matherly recognized Sergeant Kurt Lockwood for being a tireless volunteer and a Special Olympics coach. Sgt. Lockwood stated he works at the Fairbanks Police Department (FPD) but that it is not the only thing he loves to do. He stated that he also likes to improve the community. He introduced the team of athletes he has been working with for three years. Sgt.

Lockwood commented that playing outside is good clean fun. He shared that 2018 marks the 50th Anniversary of the Special Olympics, and he thanked Eunice Kennedy Shriver who founded the event for people with intellectual disabilities. Sgt. Lockwood gave a rundown of the events his athletes have participated in and the medals they have won. He invited everyone to take part in the Torch Run put on by law enforcement which raises money for the Special Olympics.

Mayor Matherly asked Housing & Homeless Coordinator Mike Sanders to come forward and share about a recent accomplishment. Mr. Sanders thanked Ms. Therrien for the Golden Heart Rotary donation that sponsored the Fairbanks Symposium on Homelessness in December. He announced that the Alaska Mental Health Trust Authority Board recently decided to completely fund the Rapid Re-housing program in Fairbanks. He stated that the Fairbanks Rescue Mission will be the host for the program. He explained that Rapid Re-housing is a successful program nationwide, and organizations in Fairbanks are eager to help. He stated they are set up to help 40 families this year, and there is a possibility of expansion.

CITIZENS' COMMENTS ON CONSENT AGENDA ITEMS

Shaun Tacke, 4720 Drake Street, Fairbanks – Mr. Tacke stated that he thinks it is disingenuous that general citizens' comments are so late in the meeting.

Vivian Stiver, 1420 Moore Street, #10, Fairbanks – Ms. Stiver began speaking to the smell of marijuana; **Mr. Pruhs** called a point of order and stated it is time for public comment on asterisked items only. **Mayor Matherly** clarified that the order of business was changed some months ago, and general public comment would come later in the meeting. Ms. Stiver stated she wanted to know how long it would be before citizens could speak to the one item of importance. **Mayor Matherly** stated that public comment would be held after City business was handled, and it has typically not taken too long to get to. Ms. Stiver stated there is a full house in attendance, and a lot of people would like to be home earlier rather than later.

Darlene Herbert, 906 Woodlawn Road, Fairbanks – Ms. Herbert spoke to Resolution No. 4832 relating to the police bonus program. She stated the police department needs to hire Alaska Natives; she stated that she personally knows a lot of Natives who applied for police positions but were never hired. She stated her nephew applied for a job at the Fire Department and was not hired because he is an Alaska Native. Ms. Herbert reported she read on Facebook that a young Alaska Native girl applied for a Dispatch position but was apparently unsuccessful. She warned of the dangers of nepotism in the workplace.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that one of the goals of former Police Chief Aragon was to hire minorities; he asked how much was done to reach that goal. Mr. Turney stated he heard that there were 12 employees related to each other at FPD, but nothing could be done about it because of the union contract. He stated that Chief Aragon said he had never seen nepotism like that at the FPD in any other department he had worked with in the past.

Shoshana Kun, 326 Wedgewood Drive, #E-27, Fairbanks – Ms. Kun stated as she reads through the minutes she is concerned about the correlation between the number of liquor licenses in the City and the amount of crime directly related to alcohol. She suggested limiting alcohol licenses. Hearing no more requests for public comment, **Mayor Matherly** declared Public Testimony closed.

APPROVAL OF AGENDA AND CONSENT AGENDA

Ms. Therrien, seconded by Ms. Huntington moved to APPROVE the Agenda and Consent Agenda.

Mayor Matherly called for objection and, hearing none, so ORDERED.

City Clerk Snider read the Consent Agenda into the record.

APPROVAL OF PREVIOUS MINUTES

a) Regular Meeting Minutes of March 19, 2019.

APPROVED on the CONSENT AGENDA.

SPECIAL ORDERS

a) The Fairbanks City Council heard interested citizens concerned with the following Liquor License Applications for Renewal:

Lic. #	DBA	License Type	Licensee	Address
884	Pizza Hut #4	Restaurant/ Eating Place	Kurani, Inc.	1990 Airport Way
1475	Pizza Hut #5	Restaurant/ Eating Place	Kurani, Inc.	89 College Road
4344	Thai & Chinese Cuisine	Restaurant/ Eating Place	Chiang Mai Restaurant, LLC	338 Old Steese Hwy.
2424	Sophie Station Hotel	Beverage Dispensary Tourism	Fountainhead Development, Inc.	1717 University Avenue
3074	Wedgewood Resort	Beverage Dispensary Tourism	Fountainhead Development, Inc.	212 Wedgewood Drive
3616	Wedgewood Resort Bear Lodge	Beverage Dispensary Tourism	Fountainhead Development, Inc.	212 Wedgewood Drive
3118	V.F.W. Post #3629	Club	V.F.W. Golden Heart Post #3629	324 2nd Street
3151	Fred Meyer #485	Package Store	Fred Meyer Stores, Inc.	3755 Airport Way
3381	Bei Jing Hot Pot Asian Cuisine	Restaurant/ Eating Place	CJ Hot Pot & Asian Cuisine, Inc.	1694 Airport Way
542	Geraldo's Restaurant	Beverage Dispensary	Garlic Lovers, LLC	701 College Road
4395	The Banks Alehouse	Beverage Dispensary	Goethe, LLC	1243 Old Steese Hwy.
4530	The Event Center & Lounge	Beverage Dispensary	Pacific Rim Associates I, Inc.	1288 Sadler Way
4831	Irashai Japanese Restaurant	Restaurant/ Eating Place	2GIRO, Inc.	419 Merhar Avenue, Ste. B
4846	Wal-Mart Supercenter #2722	Package Store	Wal-Mart Stores, Inc.	537 Johansen Expwy.

Mr. Pruhs, seconded by Ms. Huntington, moved to WAIVE PROTEST on the Liquor License Applications for renewal.

Dan Peters, 2604 Davis Road, Fairbanks – Mr. Peters reminded the Council that liquor licenses allow for onsite consumption of alcohol; he requested that the marijuana industry be treated the same as the alcohol industry in that regard.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney spoke against onsite consumption at a downtown beer garden during summer months.

Shoshana Kun, 326 Wedgewood Drive, 99701 – Ms. Kun spoke against the renewal of some of the liquor licenses due to public safety concerns and the high number of police calls in the report.

Hearing no more requests for public comment, **Mayor Matherly** declared Public Testimony closed.

Mayor Matherly asked Police Chief Eric Jewkes for a staff report. Chief Jewkes stated there is no way to guarantee that calls to larger businesses like Fred Meyer and Wal-Mart are linked to the liquor stores located within.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE LIQUOR LICENSE APPLICATIONS FOR RENEWAL AS FOLLOWS:

YEAS: Cleworth, Pruhs, Rogers, Huntington, Bagwill, Therrien

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

MAYOR'S COMMENTS AND REPORT

a) Special Reports

Brittany Smart, 907 Terminal Street, Fairbanks – Ms. Smart reported that the Fairbanks North Star Borough (FNSB) VISTA volunteer organization is in full swing. She reported recent activities and events of the Borough Mayor's Office. She spoke to the importance of clean air and the need for the public to stay involved in the process.

Mayor Matherly shared that Bob Pristash has accepted the position of City Engineer. **Mayor Matherly** welcomed Patricia Manuel as a new HR employee. He stated he did a ride-along with the Fire Department on a 24-hour shift, and he plans to do it again. He reported he will also be doing a ride-along with the Public Works Department. He spoke to the meetings and activities he participated in since the last Council meeting.

Mayor Matherly stated that he recently moved and sold his home. He stated that friends showed up to help him move, and one friend showed up with three other guys to help. He disclosed he later learned that those three individuals worked in the cannabis industry, and he did not want it to appear that they were doing favors or giving gifts to the Mayor. He reported that he later paid each of them \$15.00/hour for three hours of work.

UNFINISHED BUSINESS

- a) Ordinance No. 6070, as Amended – An Ordinance to Amend Fairbanks General Code Chapter 14, Businesses, by Adding Article VI Regulating Marijuana Establishments. Introduced by Mayor Matherly. POSTPONED from the Regular Meeting of February 26, 2018. Public Hearing was held on February 26, March 19, and April 23, 2018.

The motion to ADOPT Ordinance No. 6070, made by Mr. Pruhs and seconded by Mr. Bagwill, was on the floor from the Regular Council Meeting of February 26, 2018.

Mayor Matherly thanked City Staff, the Council, the public, and the marijuana industry for taking part in the regulation process. He requested that each proposed substitute sponsor speak briefly to the changes offered in their respective substitute ordinance.

Mr. Cleworth stated the version on the floor is the most restrictive of the three. He stated Substitute A, proposed by him and Ms. Rogers, includes boiler plate language near the end and a change to the number of retail establishments allowed within the City. He spoke to the reasoning behind the proposed number of 15. He stated the Council's original intent was to regulate it like alcohol, but now it is more generous to the marijuana industry.

Ms. Rogers spoke to the "grandfather clause" for marijuana licenses already approved.

Mr. Bagwill asked how grandfather rights would apply in the case of a new owner. City Attorney Paul Ewers stated that a business at the same location would be grandfathered in.

Mr. Pruhs spoke to Proposed Substitute B introduced by him and Ms. Therrien. He clarified that onsite consumption is already illegal within the City per Ordinance No. 5964. He spoke to the stringent limitations presented by the 750-foot buffer zone on cultivation facilities. He stated he spoke with the Alcohol and Marijuana Control Office (AMCO) and the City Building Official about how to address the odor issue; he indicated that carbon air filters would cut down on the smell emanating from a cultivation facility. He spoke to the list of applicants who have begun the process and stated that Substitute B does not place limitations on the number of licenses.

Mr. Cleworth, seconded by **Mr. Pruhs**, moved to SUBSTITUTE Ordinance No. 6070, as Amended, Proposed Substitute B, for Ordinance No. 6070, as Amended.

Mr. Cleworth, with the concurrence of the Second, moved to WITHDRAW the motion to substitute.

Mr. Cleworth, seconded by **Mr. Bagwill**, moved to SUBSTITUTE Ordinance No. 6070, as Amended, Proposed Substitute A, for Ordinance No. 6070, as Amended.

Mr. Pruhs stated there was no public comment on Proposed Substitute A. He indicated that it was disingenuous of Mr. Cleworth to not bring up the added restrictions on cultivation in his summary.

Ms. Therrien spoke against the limitations that Substitute A places on retail and cultivation licenses.

Mr. Pruhs spoke against the method for measuring distances in Proposed Substitute A. **Mr. Cleworth** clarified that Proposed Substitute A does not propose any changes to the method for measuring distances.

Ms. Huntington stated she has issues with the number of licenses authorized and the 750-foot buffer zone; she expressed her intent to vote against substituting version A.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SUBSTITUTE ORDINANCE NO. 6070, AS AMENDED, PROPOSED SUBSTITUTE A, FOR ORDINANCE NO. 6070, AS AMENDED AS FOLLOWS:

YEAS: Bagwill, Cleworth, Rogers, Matherly
NAYS: Huntington, Therrien, Pruhs
Mayor Matherly declared the MOTION CARRIED.

Mr. Cleworth spoke about how the marijuana ordinance came about and to the extensive work that went into the process. He stated he looked at the language of 2014 State Ballot Measure No. 2 a number of times, and it clearly bans public consumption. He stated that the measure also allows for local governments to enact regulation governing the time, place, manner, and number of marijuana establishments. He stated Police Chief Eric Jewkes recommended that the Council place a limit on the number of establishments and ban onsite consumption, and he feels strongly that the Council should heed his advice.

Ms. Therrien, seconded by **Mr. Pruhs**, moved to AMEND Ordinance No. 6070, as Amended, (Substitute A) by striking Sec. 14-212(a)(1).

Mr. Pruhs stated that Substitute A was introduced at a Finance Committee meeting after all public testimony was heard, which means the public never had the opportunity to speak on it. **Mr. Cleworth** pointed out that Mr. Pruhs' substitute had not been up for a public hearing either, and he did not know Mr. Pruhs had drafted a substitute until he received his agenda packet.

Mr. Pruhs stated that setback requirements are not needed, and placing a limit on the number of retail licenses will cause licenses to become commodities. **Ms. Therrien** agreed with Mr. Pruhs on his comment about licenses becoming commodities.

Ms. Therrien, seconded by **Mr. Pruhs**, moved to AMEND the motion to amend, by striking only the sentence beginning with the language, "This limit will decrease through attrition..."

Mr. Cleworth recommended that in order to simplify things, the motion be withdrawn and a new motion be made.

Mr. Bagwill indicated that the language about attrition is a good compromise.

Ms. Huntington stated that she is in favor of striking the language about attrition because she would not have been able to start her own company if she had needed \$90,000 in startup costs.

City Clerk Danyielle Snider asked for clarification on the intent of the motions. **Ms. Therrien** stated that the intent is to strike only the sentence in Sec. 14-212(a)(1) beginning with, "This limit will decrease through attrition..."

Clerk Snider asked whether the Second to the motion concurs with making that clarification to the main motion to amend. The Second concurred. The clarified motion on the floor was to AMEND Ordinance No. 6070, as Amended, (Substitute A) by striking the sentence beginning with, "This limit will decrease through attrition..."

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6070, AS AMENDED, (SUBSTITUTE A) BY STRIKING THE SENTENCE IN SEC. 14-212(a)(1) BEGINNING WITH, "THIS LIMIT WILL DECREASE THROUGH ATTRITION..." AS FOLLOWS:

YEAS: Rogers, Bagwill, Therrien, Pruhs, Huntington
NAYS: Cleworth
Mayor Matherly declared the MOTION CARRIED.

Ms. Therrien, seconded by **Mr. Pruhs**, moved to AMEND Ordinance No. 6070, as Amended, (Substitute A) by changing the number of retail licenses allowed from 15 to 25.

Ms. Therrien stated that increasing the number to 25 would allow for all licenses active and pending. She stated it is not fair to limit the number of licenses to 15 because people have spent a significant amount of money to move forward with their business plans.

Mayor Matherly stated he spoke with Clerk Snider, and the number of licenses on the list provided includes duplicate licenses. Clerk Snider stated that she is not comfortable reporting a firm number of pending licenses from the state's list but indicated that there are duplicates on the list. **Mayor Matherly** stated he has spoken with folks from the industry, and they reported that if there was any discrepancies in their application the State would require a new application.

Ms. Therrien stated she did not count some of the duplicates in the 25 licenses she is proposing.

Mr. Pruhs concurred that 25 licenses is a good number; he expressed doubt that 25 retail licenses would ever be reached in the City.

Ms. Huntington agreed 25 retail licenses is an acceptable number; she commented that placing a limit is an important factor in avoiding future problems.

Mr. Cleworth spoke against increasing the number of licenses from 15 to 25. He stated the number of retail licenses listed increased since the ordinance was introduced, and 15 is enough.

Ms. Rogers suggested changing the language to allow for attrition and for growth in the limit if the population of the City increases.

Mr. Pruhs stated the Fairbanks population has not grown in 20 years, and growth is not likely.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6070, AS AMENDED, (SUBSTITUTE A) BY CHANGING THE NUMBER OF RETAIL LICENSES ALLOWED FROM 15 TO 25 AS FOLLOWS:

YEAS: Pruhs, Huntington, Therrien, Matherly

NAYS: Cleworth, Rogers, Bagwill

Mayor Matherly declared the MOTION CARRIED.

Mr. Pruhs, seconded by **Ms. Therrien**, moved AMEND Ordinance No. 6070, as Amended, (Substitute A) by changing the limit on cultivation facilities in Sec. 14-212(a)(2) to be “as authorized by state law.”

Mr. Pruhs stated there had never been a public discussion of setting a limit on the number of cultivation facilities allowed in the City. He stated there have been no issues with the active cultivation facilities, and there is no reason to set a limit.

Mr. Cleworth agreed that there is no reason to regulate the number of cultivation facilities since the Council has allowed for 25 retail locations; he stated that his intent was to regulate the industry according to the same standard as the alcohol industry.

Ms. Therrien asked how many cultivation facilities would be allowed if they were to be regulated according to the standard for alcohol. Clerk Snider clarified the limit would be 11. **Ms. Therrien** stated that since a limit on cultivation facilities was not previously discussed and because it would prohibit some of the already-initiated licenses, she would not support a limit.

Ms. Huntington stated the Council put a lot of effort into hearing public concerns, and the number of cultivation facilities was never brought up. She spoke in support of the amendment.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6070, AS AMENDED, (SUBSTITUTE A) BY CHANGING THE LIMIT ON CULTIVATION FACILITIES IN SEC. 14-212(a)(2) TO BE “AS AUTHORIZED BY STATE LAW” AS FOLLOWS:

YEAS: Pruhs, Therrien, Huntington, Matherly

NAYS: Cleworth, Bagwill, Rogers

Mayor Matherly declared the MOTION CARRIED.

Mr. Pruhs, seconded by **Ms. Therrien**, moved to AMEND Ordinance No. 6070, as Amended, (Substitute A) by replacing Sec. 14-213 of Substitute A with Sec. 14-212 of Substitute B.

Mayor Matherly indicated he would rather leave regulations and complaints about odors emanating from a cultivation facility to the Borough and the AMCO office; he spoke against tasking the Building Department with investigating odors.

Mr. Pruhs stated the Building Department should investigate odor complaints and indicated that they have the tools to do so. He stated the Building Department should inspect cultivation facilities at the beginning of the building process not just at the completion of construction.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6070, AS AMENDED, (SUBSTITUTE A) BY REPLACING SEC. 14-213 OF SUBSTITUTE A WITH SEC. 14-212 OF SUBSTITUTE B AS FOLLOWS:

YEAS: Therrien, Pruhs, Huntington
NAYS: Rogers, Bagwill, Cleworth, Matherly
Mayor Matherly declared the MOTION FAILED.

Mr. Pruhs, seconded by **Ms. Therrien**, moved to AMEND Ordinance No. 6070, as Amended, (Substitute A) by inserting Section 14-213 of Substitute B as new Sec. 14-218 of Substitute A.

Mr. Pruhs stated this change would require the Building Department to inspect and verify that a carbon air filter system or its equivalent is in place in cultivation facilities.

Mayor Matherly stated the Building Department does not have expertise in this area. He stated cultivation facilities are regulated by the State, and it should remain that way.

Mr. Bagwill expressed concern with the term “equivalent” when referring to a carbon air filter system. He spoke to potential problems that may arise when better technology becomes available. **Mr. Pruhs** explained that every few years the building code is reviewed and updates are recommended by the Building Code Review Commission and the City Building Department; he stated that this item would have to be added to the City building code.

Ms. Huntington speculated about whether marijuana tax revenue might offset the cost of City employees’ time relating to marijuana establishments.

Mr. Bagwill asked if the proposed changes fall under the purview of the Building Department. **Mayor Matherly** replied that it does not currently fall under their purview, but he could task the Building Department with the duties.

Mr. Pruhs stated that the Building Official has been consulted. **Mr. Pruhs** commented that the new task would not bog down the Building Department. He stated there would be a \$350 building inspection fee along with other building permit fees.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6070, AS AMENDED, (SUBSTITUTE A) BY INSERTING SECTION 14-213 OF SUBSTITUTE B AS NEW SEC. 14-218 OF SUBSTITUTE A AS FOLLOWS:

YEAS: Huntington, Bagwill, Therrien, Pruhs, Cleworth, Rogers
NAYS: None
Mayor Matherly declared the MOTION CARRIED.

Mayor Matherly called for a brief recess.

Mr. Pruhs, seconded by **Ms. Therrien**, moved to AMEND Ordinance No. 6070, as Amended, (Substitute A) by adding Sec. 14-214(a)(6) of Substitute B as new Sec. 14-215(b)(12) in Substitute A.

Mr. Pruhs explained that he would like a report of violations filed with the AMCO Office, the Borough, and the City to be included with each marijuana license renewal application.

Mayor Matherly asked Clerk Snider to weigh in on the feasibility of Mr. Pruhs' request. Clerk Snider replied that she can inquire to the other agencies and report her findings to the Council.

Ms. Huntington questioned whether it was necessary to reach out and look for complaints to other agencies if there are none reported to FPD. **Mr. Pruhs** stated the FPD and the Borough will likely not have any complaints, but the AMCO Office may and it would be good for the Council to have that information.

Ms. Huntington stated that complaints received by the state could be irrelevant to the renewal. **Mr. Pruhs** explained that it would give the Council a larger view of what is going on at the licensed establishments.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6070, AS AMENDED, (SUBSTITUTE A) BY ADDING SEC. 14-214(a)(6) OF SUBSTITUTE B AS NEW SEC. 14-215(b)(12) IN SUBSTITUTE A AS FOLLOWS:

YEAS: Cleworth, Pruhs, Rogers, Huntington, Bagwill, Therrien

NAYS: None

Mayor Matherly declared the MOTION CARRIED.

Mr. Pruhs, seconded by **Ms. Huntington**, moved to AMEND Ordinance No. 6070, as Amended, (Substitute A) by adding Sec. 14-214(a)(7) of Substitute B as new Sec. 14-215(b)(13) in Substitute A.

Mr. Pruhs explained that when a liquor license comes up for renewal, the Building Department does an inspection to make sure everything is code compliant; he stated that the same should be done for marijuana licenses as an assurance that everything is safe and sound at the facility.

Mr. Bagwill stated that anytime he works inside the City, he has had to get an electrical permit; he expressed support for the amendment.

Mr. Cleworth asked whether the City does routine inspections on distilleries and package stores at the time of renewal; Clerk Snider stated that the requirement for the Building Department to inspect alcohol premises at the time of renewal was removed from the Code several years ago.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6070, AS AMENDED, (SUBSTITUTE A) BY ADDING SEC. 14-214(a)(7) OF SUBSTITUTE B AS NEW SEC. 14-215(b)(13) IN SUBSTITUTE A AS FOLLOWS:

YEAS: Pruhs, Therrien, Bagwill

NAYS: Huntington, Cleworth, Rogers, Matherly

Mayor Matherly declared the MOTION FAILED.

Ms. Therrien, seconded by **Mr. Pruhs**, moved to AMEND Ordinance No. 6070, as Amended, (Substitute A) by striking Sec. 14-213(d)(1)&(2).

Ms. Therrien stated that she believes it would be wise to continue following Borough ordinance on buffer distances. **Mr. Pruhs** stated agreed with Ms. Therrien; he added that distances should be measured in a uniform manner.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6070, AS AMENDED, (SUBSTITUTE A) BY STRIKING SEC. 14-213(d)(1)&(2) AS FOLLOWS:

YEAS: Therrien, Pruhs, Huntington
NAYS: Rogers, Bagwill, Cleworth, Matherly
Mayor Matherly declared the MOTION FAILED.

Ms. Therrien, seconded by **Mr. Pruhs**, moved to AMEND Ordinance No. 6070, as Amended, (Substitute A) by rewording Sec. 14-213(d) to read, "...shall be measured by Fairbanks North Star Borough regulations" and by striking items (1) and (2) of subsection (d).

Ms. Therrien explained that continuing to follow Borough zoning requirements simplifies the distance issue.

Mr. Cleworth stated there is not consistency between the State and the Borough methods for measuring buffer distances. He used the license on South Cushman across from a drug rehabilitation facility as an example of how State and Borough regulations failed. He stated that the City needs to have its own form of measurement to follow.

City Attorney Ewers clarified that a "standard" of measurement differs from a "method" of measurement. He questioned the maker of the motion's intent.

Ms. Therrien, with the concurrence of the Second, restated the motion for the sake of clarification by replacing the word "regulations" with "methods."

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 6070, AS AMENDED, (SUBSTITUTE A) BY REWORDING SEC. 14-213(d) TO READ, "...SHALL BE MEASURED BY FAIRBANKS NORTH STAR BOROUGH METHODS" AND BY STRIKING ITEMS (1) AND (2) OF SUBSECTION (d) AS FOLLOWS:

YEAS: Huntington, Therrien, Pruhs
NAYS: Bagwill, Cleworth, Rogers, Matherly
Mayor Matherly declared the MOTION FAILED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 6070, AS AMENDED, AS FOLLOWS:

YEAS: Rogers, Bagwill, Therrien, Pruhs, Cleworth, Huntington
NAYS: None
Mayor Matherly declared the MOTION CARRIED and Ordinance No. 6070, as Amended, ADOPTED.

NEW BUSINESS

- a) Resolution No. 4832 – A Resolution to Extend the Sunset Date for the Incentive Bonus Program with the Fairbanks Police Department for Recruitment and Hiring. Introduced by Mayor Matherly.

PASSED and APPROVED on the CONSENT AGENDA.

DISCUSSION ITEMS

- a) Committee Reports

Polaris Work Group – Mr. Pruhs stated the Polaris Group is diligently working on preparing a fiscal note on the option to purchase the note on the Polaris Building. He shared that to date, they have raised approximately \$70,000.

Legislative Committee – Ms. Therrien reported that the Legislative Committee recently met and will meet again on May 9 at 3 p.m.

Fairbanks Diversity Council – Mayor Matherly reported there would be a Fairbanks Diversity Council work session the following evening at 5:30 p.m. in Council Chambers.

WRITTEN COMMUNICATIONS TO COUNCIL

- a) Permanent Fund Review Board Meeting Minutes of January 29, 2018

ACCEPTED on the CONSENT AGENDA.

- b) Clay Street Cemetery Commission Meeting Minutes of April 4, 2018

ACCEPTED on the CONSENT AGENDA.

CITIZENS' COMMENTS

Vivian Stiver – Ms. Stiver spoke to the history of liquor licenses in the City and to how unfair the Council is being in its regulation of marijuana. She stated she handed out information at the last meeting and that none of the Council members spoke about the handouts. She stated that Mr. Pruhs had been very rude to the Mayor throughout the meeting, and it is very disappointing.

Karen Perdue, 204 Front Street, Fairbanks – Ms. Perdue thanked the Council for banning the onsite consumption of marijuana. She spoke against e-cigarettes being advertised and marketed to children, and she spoke against second-hand smoke of any kind.

Christian Hood, 356 Old Steese Hwy., Fairbanks – Ms. Hood stated that Good, LLC donated time and money to the Fairbanks Community Food Bank and that True Dank joined in the efforts. She stated she was happy to hear that Brewster's complimented her business as being an excellent neighbor.

Mesha Pool, P.O. Box 6239, Fairbanks – Ms. Pool stated that she works at a marijuana retail store, and she thanked the Council for all the time and energy put into the marijuana regulations. She spoke to the odor of marijuana cultivation facilities and stated that neighbors of the businesses had an opportunity to speak during the licensing process. She stated that the term “noxious” is not a fair term to describe the smell.

Greg Balvani, 140 Chapman Court, Fairbanks – Mr. Balvani stated he is the Director of the Fairbanks Community Band and invited everyone to a concert on May 23 at 8:00 p.m.

Dan Peters, 2604 Davis Road, Fairbanks – Mr. Peters thanked the Council for working with the industry and encouraged them to reconsider the issue of onsite consumption. He stated that if the Council allows onsite consumption, the State may reconsider its ban.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that, unlike the Mayor, he was handcuffed when he did a ride-along with the police. He spoke to the onsite consumption of cannabis and stated that airborne cannabis does not give a contact high; he added that there is no health effect to the smell of cannabis. He stated he did not believe that there would end up being 25 retail stores in the City.

Darlene Herbert, 906 Woodlawn Road, Fairbanks – Ms. Herbert spoke against the closure of the FNSB public refuse sites. She stated citizens should not be punished because drug addicts are making a mess at dump sites and that the City should build a treatment facility for the homeless.

Mayor Matherly clarified that refuse sites are Borough facilities and are not City-owned.

Karen Bloom, 1170 Park Drive, Fairbanks – Ms. Bloom spoke to onsite consumption and stated that the largest demographic of cannabis consumers are senior citizens. She stated many of them do not have a place to consume because they live in care facilities where it is not allowed.

Lynden Danson, 1170 Park Drive, Fairbanks – Mr. Danson stated he listened to all the comments and noticed that there are some uneducated people voting on ordinances. He stated he has jumped through all the hoops to get his retail license, and he spoke against additional regulations. He spoke in favor of onsite consumption.

Mr. Cleworth asked Mr. Danson why the industry, who pushed for the passing of Ballot Measure No. 2, put in language to ban public consumption if they wanted it so badly.

Mr. Danson did not offer a clear response. He criticized the Council for throwing around false facts and for being so hard on the cannabis industry.

COUNCIL MEMBERS' COMMENTS

Mr. Bagwill stated that tensions were high during the meeting, but that the regulations went with the will of the majority which is what it is all about.

Mr. Cleworth stated it has come to his attention that there is no money in the 2018 budget for street striping. He stated he intends to reorder the budget to include funding for street striping.

Mr. Pruhs stated it was a fun meeting, and he enjoys working with the Council. He stated that some issues like onsite consumption will never go away and that you cannot please everyone.

Ms. Therrien encouraged people – especially minorities – to apply for employment at FPD. She stated the Council came to a good compromise on marijuana regulations.

Ms. Rogers stated the Village Public Safety Officer (VPSO) program hires many Native Alaskans, making it more difficult for FPD to hire them. She spoke to the importance of listening and letting people know they are heard even if she may not agree with their cause.

Ms. Huntington thanked everyone for the work that they did on the marijuana ordinance; she also thanked the public who came out to speak on the ordinance.

Mr. Pruhs, seconded by **Ms. Huntington**, moved to ENTER Executive Session for the purpose of discussing Fairbanks Firefighter Union (FFU) and International Brotherhood of Electrical Workers (IBEW) Labor Negotiations.

Mayor Matherly called for objection and, hearing none, so ORDERED.

Mayor Matherly called for a brief recess.

EXECUTIVE SESSION

- a) FFU Labor Negotiations
- b) IBEW Labor Negotiations

The City Council met in Executive Session to discuss FFU & IBEW Labor Negotiations. Direction was given to the negotiating team, and no action was taken.

ADJOURNMENT

Ms. Huntington, seconded by **Mr. Pruhs**, moved to ADJOURN the meeting.

Mayor Matherly called for objection and, hearing none, so ORDERED.

Mayor Matherly declared the meeting adjourned at 11:47 p.m.



JIM MATHERLY, MAYOR

ATTEST:



D. DANYELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB