

**SITKA POLICE AND FIRE COMMISSION**

Wednesday, October 5, 2011  
Harrigan Centennial Hall

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**Regular Meeting Minutes**

- A. CALL TO ORDER:** Acting Chair Reeves called the meeting to order at 6:15pm.  
Present: Joseph Reeves.  
Present via teleconference: Ryan Haug and Elaine O’Neill (via teleconference).  
Absent: Albert Duncan.  
Vacancy: One seat.  
Assembly Liaison: Terry Blake (absent)  
City: Police Chief Schmitt; Fire Chief Miller; Municipal Attorney Hillhouse.  
Members of the Public: Ryan Kauffman, Amanda Roberts, Jay Bingham, BettyJo Moore.

- B. ADDITIONS/DELETIONS to the AGENDA**  
“New Business” will begin with “Smoking Ordinance: Review”, and will follow “Public Participation for Items not on the Agenda”.

- C. APPROVAL of MINUTES: June 1, 2011**  
Police and Fire Commission adjourned for summer recess July and August. There was no quorum September 7, 2011.

**MOTION: M/S to approve the minutes of Wednesday, June 1, 2011.**

**ACTION: Motion passed.**

- D. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA – None.**

**E. NEW BUSINESS.**

1. Smoking Ordinance: Review

The Ordinance prohibits smoking in public places and within buildings. Municipal Attorney Hillhouse elaborated on the reference to “stand alone”, a term created by the public initiative. Definition of this term can only be made by a change to the Ordinance. An ordinance change requires sponsorship by two Assembly members. Police Chief Schmitt reported the City enforces the Ordinance with a working interpretation of “stand alone”. Chair Haug requested a written statement on enforcement and the interpretation of “stand alone.” Commissioner O’Neill would also appreciate such a statement on how the Police Department interprets this vague Ordinance.

“Reasonable distance” in the Ordinance was also left open to reflect circumstances. The criteria to determine “reasonable distance” depend on conditions to prevent smoke from drifting inside a building from outside.

Signage clearly marking no-smoking areas was also discussed. Signage is the responsibility of the building and/or business owner. Enforcement procedures were described.

Commissioner O'Neill asked about reporting infractions that occur at municipal buildings. The Building Manager is the appropriate staff person to contact. Police Chief Schmitt will contact Chris Wilbur, Building Manager about enforcement at the Airport.

Amanda Roberts, SEARHC Tobacco Program, provided a report on a recent walk through town with other members of the Tobacco Coalition. They found 90% of businesses did not have signage; of those that did, signage was old and not clearly visible.

Ryan Kauffman would like a clear definition of "stand alone". Municipal Attorney Hillhouse stated the only way to change the Ordinance to define "stand alone" is by two Assembly members sponsoring an Ordinance revision. The term is used in just two places in the current Ordinance. Municipal Hillhouse observed there have been only a few instances of non-compliance in the six years the Ordinance has been in effect.

Mr. Kauffman and Ms. Roberts expressed appreciation to Commissioners' for their consideration of this matter. They offered their assistance, such as with signage. Attorney Hillhouse acknowledged SEARHC was very active in providing the City with support on gathering information in the past. Police Chief Schmitt will look further into and report on concerns discussed.

## 2. Local Cell Phone Ordinance

Attorney Hillhouse introduced this item, and reviewed existing State law. Due to term expiration of one of two original Assembly sponsors, the ordinance will need a new Assembly member co-sponsor to proceed. When originally presented, municipal action was postponed to await action on similar legislation under consideration by the State Legislature. Police and Fire Commission recommendation will be helpful.

Commissioner Haug supported the proposal as a natural progression of restricting cell phone use while operating a moving vehicle. Commissioner O'Neill objected to restricting enforcement to minors. Police Chief Schmitt confirmed enforcement would apply to all drivers as a primary offense local ordinance, with monetary consequences only (no points against one's license). Police Chief Schmitt supports the ordinance. Commissioner Reeves also expressed his support for the ordinance.

A member of the public observed there are a lot of local businesses that operate solely with cell phones. Another member of the public observed many business drivers use a variety of hand held communication devices. Attorney Hillhouse noted this particular hands-free ordinance applies to cell phone use only.

**MOTION: M/S Haug/Reeves to support the cell phone ordinance prohibiting use of a cell phone while driving, without a hands-free device.**

**ACTION: Motion passed by roll call vote.**

## 3. Meters for Taxis: Discussion Item

Police Chief Schmitt provided information on this matter, noting recent complaints about disparities in cab fares. Technology has evolved, and meters may be useful.

Meters would be purchased by cab drivers from the City at cost. If there is a will among local cab drivers to use meters, then it would make sense to proceed.

Members of the public who operate cabs spoke on the matter. A driver for a local cab company stated his employer is in favor of meters. However, the employee does not favor meters. The cab driver ran a meter and compared it to the zone fare system currently in use, and noted the meter would have consistently lost income. The cab driver cited inherent problems in using meters, and described incompatibility for use in situations of double fares and/or short distances between remote areas, such as between the ferry terminal and Halibut Point Marine. He predicted meters would cause a rise in cab fares.

Another local cab owner/driver present stated there would be overhead to implement meters and it would not be cost effective.

The problem solved by meters would be consistency in fares. Other problems would be created. It was observed cab drivers have the prerogative to charge a customer less than, but no more than, the zone fare. Commissioner Haug stated consistent fares could be achieved by clearly posting zone rates and policies in all cabs.

Commissioners O'Neill and Haug stated they favor meters to enforce consistent fares. Commissioner Reeves stated he was not certain meters would fix the problem(s).

BettyJo Moore introduced herself as the owner of Moore Taxis and Tours, as well as Moore Shuttles and Tours. Her business can operate as a taxi or a shuttle; her commercial operator permit covers a broad range. If meters were required, she and other operators could simply operate as shuttles and "beat your meter gig." She noted there are no rules on shuttle operations except to transport from point A to B. She advocated for definitions of Shuttles, Tours and Taxis. She noted she can see advantages and disadvantages to meters. She observed a disparity exists in rules and regulations applied to taxi businesses that are not applied to other businesses that operate transportation. Businesses that operate transportation on gratuity are making more money than she is as a taxi business; she observed the City is losing revenue in many ways. Ms. Moore said applying more restrictions and expense to taxi operators is not beneficial to the City and cited various instances. Ms. Moore would like regulations to be more equitable.

A cab driver noted the geography of the town does not lend itself well to use of meters. Double fares are not addressed in the current Ordinance. Meters are not conducive to double fares. Practice and procedures to assess fares (double and shared) were described. Police Chief Schmitt noted that to avoid hurting businesses, if meters were implemented rates would need to be raised.

Commissioner Haug observed definitions of shuttles, taxis and tours have been discussed at previous PFC meetings and are not the topic of this agenda item. Chair Haug encouraged enforcement of the taxi ordinance through formal complaint(s).

Acting Chair Reeves observed the taxi meter item is on the agenda as discussion only. Any action of the Commission could occur only if this matter is brought forward as an action item on another agenda. Commissioners consented to bring the matter forward as an action item on next month's meeting agenda.

**F. COMMUNICATIONS**– None.

**G. REPORTS**

**Chair** – None.

**Vice Chair** – None.

**Liaisons** – None.

**Police Department** – Chief Schmitt provided a brief report. The dispatch center is under remodel. The major case was a drug bust resulting in two arrests. A full report will be provided next month when all Commissioners are physically present.

**H. UNFINISHED BUSINESS.** None.

**I. COMMISSIONER COMMENTS**

Chair Haug mentioned his concern about the attendance record of Commissioner Duncan. He welcomes suggestions to keep and engage this valued member of the Commission.

Police Chief Schmitt advised there are mechanisms to remove Commissioners based on absences. The Police and Fire Commission Ordinance Section 2.19.050 "Attendance" was read: "A member's position on the commission shall automatically be vacated if the member fails to attend three regular meetings within 12 months without being excused by the commission."

Currently, PFC has four seated Commissioners and one vacancy. Consistent attendance of all Commissioners is imperative as a quorum requires three Commissioners.

Commissioner Duncan will be notified that his absences will be placed as an action item on next month's agenda. Commissioners hope Commissioner Duncan will be present next month to discuss his attendance.

**J. NEXT MEETING DATE AND AGENDA ITEMS:**

Next meeting date: Wednesday, **November 2, 2011** at 6pm.

**K. ADJORNMENT:**

**MOTION:** M – Haug/S – O'Neill to adjourn.

**ACTION:** Motion passed unanimously.

Acting Chair Reeves adjourned the meeting at 7:46 pm.

Minutes prepared by: Gail J Peterson, Contract Secretary