I. Call to Order

Chairman Jim Powell called the meeting to order at 5:00 p.m.

Members Present: Deputy Mayor Jim Powell; Mayor Bruce Botelho, Jeannie Johnson, Dan Peterson, Merrill Sanford, David Stone, Randy Wanamaker, Marc Wheeler.

Members Absent: Stan Ridgeway.

Staff Present: Rod Swope, City Manager; Donna Pierce, Deputy City Manager; John Hartle, City Attorney; Laurie Sica, Municipal Clerk; Ben Mello, Airport Planner; Maria Gladziszewski, Special Projects; Rob Steedle, MIS Director; Gary Mendivil, Eaglecrest Business Manager; Barbara Berg, Library Director.

II. Approval of Minutes

A. June 28, 2004 Committee of the Whole

MOTION, by Wanamaker, to approve the minutes of the June 28, 2004 Committee of the Whole meeting, and requested that the words “no longer” on page 5 be removed and to substitute the word “not.”

Ms. Johnson asked to include the words “she is certain” before “the airport board will comply…” on the last page.

Mayor Botelho asked to correct Page 1, to delete a grammatical error “if they,” near the bottom of the page.

Hearing no objection to the minutes as corrected, the minutes were approved.

III. Flightseeing in Juneau

A. CBJ Staff Reports

1) Chronology of Flightseeing Issue

Donna Pierce referred to a chronology of efforts regarding flightseeing noise in Juneau, 1988-2004, produced by Ms. Gladziszewski, and provided in the packet material. She said this has been the most persistently difficult issue for the community to address due to the legal issues involved. Many public meetings have been held, the hotline was instituted and Tourism Best Management Practices program was developed. These efforts have had some positive effect; however, it is not the whole solution. Bridgenet consultants and Baker Consultants – noise experts – were hired to do studies. They looked at an alternative heliport analysis and quiet technology, which seem to be the most likely way to resolve noise issues. A mediator was hired but discussions fell apart over process issues. Aircraft noise was the prime focus of the Planning and Policy committee. Two amounts of passenger fee money of $500,000 were budgeted to support the heliport study and quiet technology. The CBJ Tourism Management Policies, which speak to alternative heliports, was adopted by the Assembly. The policy needs to be reviewed for updating, and she suggested...
keeping the work of the past, building on the studies done and keeping all alternatives on the table until we have gone through the NEPA process.

2) Legal Issues

John Hartle said aviation law is a specialty, and he is not a specialist. He has only looked at information from Rick Durden, who is an aviation attorney hired by the City, and Mr. Corso’s memos, but has not done independent research. Referring to Mr. Durden, he said virtually every aspect of aviation is controlled by federal law. Municipal regulation is mostly off-limits. The SeaAir case, which stated flightseeing is not air transportation when passengers return to same location, allowed New York City to regulate flightseeing. The case was discounted by Durden and Corso, however, it is interesting. Mr. Hartle recommended against instituting an ordinance under the SeaAir approach, as it would likely be struck down, and would be expensive to litigate. A wait and see attitude is the best approach for now. He recommended working with operators and FAA cooperatively, and working with taxes and incentives. The Assembly could work to amend Resolution 2170 – Tourism Policies, for updates regarding this issue.

Mr. Sanford – asked if the airport has any plans, surveys or noise studies done.

Ben Mello said yes, a Part 150 FAA noise study done was in 1999, of all noise generated at the airport, but it was not completed. He said the integrated noise model has been updated, and this allows the airport planners to see the noise contours of helicopter noise.

Ms. Johnson asked what it would take to get another noise study at the airport. Mr. Mello said after the Airport EIS is done, another noise study should be done as part of the master plan update.

Ms. Pierce said the requirements by FAA to address noise at airports is extremely particular, and will not allow flightseeing operators to be called out separately. This is a lengthy, very expensive and restrictive route.

3) Review of Public Comments

Maria Gladziszewski referred to data on landings on the ice field and calls to the tourism hotline. There are more calls this year than last year. Actual landings went down from 2002 to 2003, and are up 5% from 2002 to 2004. The number of calls is an indicator of the number of calls, not the amount of noise. People have been urged to call companies directly. The specificity of the calls has increased. She theorized that due to the nice weather this summer, people might be outside more and noticing noise more.

Mayor Botelho asked to hear information about the heliport report as some of the public comment may relate to that.

Mr. Swope referred to a memo in the packet from Steve Gilbertson. Dale Anderson was successful in obtaining money for this program, which was routed through the federal agencies. The Federal Highways Program is the lead agency and the study is specific to location of alternative heliport sites. The Forest Service, the State of Alaska and CBJ were asked to review an initial agreement to see if they wanted to join in. A review shows that the Baker study is cited, that Thane and Montana creek were the only sites listed. We have submitted a revised agreement for Assembly review, which is much more general in nature, and provides options other than alternative heliports. The Lands Committee has reviewed this and referred it to the COW.
Mayor Botelho asked if the staff has any objections to Mr. Wanamaker’s recommendations, which were included in the packet. Mr. Swope said no. Steve Zaske of the Federal Highways program was unwilling to change some items, including the title language, which he felt could be inconsistent with the funding language from the federal government. Mr. Wanamaker was trying to be specific about the deliverable, however they left this specifically vague, as they do not know if an EIS would need to be done at this time.

Mayor Botelho asked if there is anything that can be done to allay concerns of the Thane and West Mendenhall Neighborhood Associations that there is not a pre-determined outcome, with one neighborhood or the other faced with housing a heliport – due to the reference to the Baker Study and the Assembly Resolution 2270. Mr. Swope said the draft agreement before the Assembly is not site specific. The Baker study will be used as background, but additional information will be called upon. Alternative sites and or other feasible noise reduction strategies will be a part of the scope. This starts a public scoping process over.

Mayor Botelho wants a public assurance that there is not a pre-determined outcome for one of the two sites. Mr. Swope said that is consistent with the discussions so far.

Mr. Sanford attended two meetings with the project team members and said they were very open. They were concerned about changing the project title, due to funding, but were open to broadening the perspective of this work. To see what the problem is and what direction we are able to go in. With the amount of money we may not be able to complete this.

Ms. Pierce recommended changing the language of the Assembly’s resolution as the resolution is fairly site specific.

Mr. Wheeler asked if any aviation expertise was included in this agency representation – are they bringing in the best expertise.

Mr. Swope said FAA was encouraged to be a participant, but they were not so inclined. Federal Highways is very familiar with the NEPA process, as is the U.S. Forest Service. The State Department of Transportation is a participant if we are considering locations and access to alternative heliports.

Mayor Botelho said it appeared that most of the appropriation was going to hire expertise, and agencies would administer the consultant’s work. Mr. Swope said the group was very interested in hiring a group very familiar with public process.

B. Flightseeing Routes & Tourism Best Management Practices (TBMP) – Flightseeing Operators

Tim McDonnell, 1650 Maplesden Way, Temsco Helicopters, said all of the operators have filed the letter of agreement on the routes flown in the TBMP. We go over these with TBMP, and we publish these as well. We answer all the hotline issues as fast as we can. We all have different routes, but from operator’s standpoints, we are holding to the agreements as best as we can.

Mr. Sanford asked how many complaints were they getting and how they compared with previous years. Mr. McDonnell said complaints are up, on an average, which he attributed to the good weather and the decreased need to cancel flights this season so far due to inclement weather. He could not say at this time if sales were up, however, there is a 7 – 9% increase in cruise ship “beds.”

Ms. Johnson said there have been a lot of emails with complaints about operating hours.
Mr. McDonnell said the TBMP for helicopters says scheduled flights will not depart after 7 pm and must be down by 9 pm.

Mr. Swope said he would like to hear from operators about the status of alternative technology.

Bob Englebrecht of Northstar Trekking said earlier committees wrestled with the hours of operation. No flights can begin before 8 a.m. The normal aviation requirement is 7 am – 10 pm for airports. Monday are the most challenging days as the ships don’t arrive until noon. We do a longer trip that leaves at 3 pm and returns at 8:15pm. The last trip tonight will arrive back at 8:30.

Not all the operations are tour operations – there can be charter work, emergency rescue flights and maintenance. We schedule to be done as early as possible. There are not any dramatic new changes to routes – we work with the pilots to comply. Regarding the heliport EIS, he understands the concerns and thinks it is better to be broader in its focus. Quiet technology – EC 130 is the quiet tech version of the A-star – this is being used in Hawaii, the Grand Canyon, and NYC. They are having some problems with it. The support has not been great on it – it is new aircraft. They are also more expensive than we were told. They run $450,000 above the price of a new A-star—twice the price of replacing the existing fleet. The time required to replace them all would be significant. This is a piece of the puzzle though, and that, in addition to the heliports, should be evaluated.

Mr. Wheeler asked Mr. Englebrecht if he had any thought about market trends, and if helicopter tours will keep up with the increases in cruise passengers. Mr. Englebrecht said the USFS limits the number of landings made on the glaciers, so that will limit any tour increases. On Mondays through Thursdays it seems like we are at the saturation point with ships – but it is all looking in a crystal ball. The ships are a moveable asset, and the cruise lines can make decisions on how to use them.

Mayor Botelho asked Mr. Englebrecht if he saw any downside to us pushing for greater federal involvement in quiet technology. Mr. Englebrecht said off the top of his head, no. One of the problems is that the fed government has not established standards for quiet technology. No one knows what the standard is going to be and if what is on the market will meet the standards. Having this knowledge would make it easier to invest. Some things to look at would be tax incentives, routes, number of flights, if quieter aircraft are used. There has not been enough focus on developing good, useable quieter technology.

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R E C E S S
5:55 – 6 p.m.

IV. Public Testimony

Jim McEdwards: said he had the permission of Lemon Creek neighborhood association to speak for them. He lives in Lemon Creek. ERA took Mr. McEdwards for a ride, and when returning, approached town they flew in over the Costco parking lot. He would like to see them go over the ridge behind the Chinese Palace. There is no buffer zone from the industrial area in Lemon Creek for the residents.

Larri Spengler: 4545 Thane Rd., President of the Thane neighborhood association spoke with Sally Bibb, a fellow member. Their NA represents about 65 households. They strongly oppose location of a heliport in Thane or the West Mendenhall area, and shifting the problem from one neighborhood to another is not a solution. It may be better to forego NEPA money and look at a collaborative process. They were unhappy with the email from Steve Zaske of FHA. Please read
his message and consider the implications. It was a dismissive response to a city Assemblymember. It still reads that there is a specific construction project being considered. Mr. Wanamaker’s suggestions solved the problem. We think the federal agency is at least an equal partner in the agreement. There is a big difference in constructing a project and doing a study. The imperious attitude of the memo shows it may be better to forego federal money or to seek to reprogram it - to perhaps Collaborate Juneau.

Becky Carls, provided written comment, which she read into the record. Studies have been going on for years and we are tired of putting up with the noise. We should request that no increase in landings be allowed by the USFS, and that heliports should be built on USFS property. The USFS created a nuisance and should be the one to solve the problem.

Karla Hart – Wren Drive, said she is available to talk with Assemblymembers and is willing to work on this issue. The noise is ubiquitous – if we all have noise, no one can be singled out. The low frequency thumps go through my house. We have lost all the trails close to town. She was crossed over by 100 helicopters, which flew over her on Auke Nu trail last weekend. The noisier we get – we get more noise, as we base additional noise on existing noise. This also degrades visitor experience of those tourists not taking a flightseeing trip. We need to get GPS on the aircraft to find out where they are going, to determine if they are flying agreed upon routes. This is a luxury item and is not an essential service. There should be a fee allocated for the passengers to deal with the noise issue. She asked why are we subsidizing this with public money. There needs to be a study on how is noise affecting people’s lives. Take off the kid gloves and ask the hard questions.

Bob Spitzfaden – 4627 Sawa Circle, spoke in part for the West Mendenhall NA and some words of his own. There are over 400 homes in the West Valley area. Heliports, no matter where cited, will not solve the problem – there will be a group of citizens affected. Whatever money is spent will not solve anything. In 2001, you said you would answer questions posed by the West Mendenhall NA. What will be studied with this NEPA – what are the parameters – what does the facility look like. Without that it is wasted money. Is there a pre-selected outcome, as there was in the original version of the agreement. The base of the study is still the Baker study, so we have not undone the basic parameter. We should put helicopters at the airport. Mr. Wanamaker’s memo, page 3 & 4, regarding public comment – were rejected. That shows us is that what the residents think is discounted. His personal comments were to limit access to the helicopter sites, so that only so many busses can access the heliport – that way, flights can be limited. Also, he suggested locating any heliport on the back side of Douglas Island and working toward a second channel crossing. Mr. Spitzfaden said that location would reduce the impact of the noise of take-offs and landings, and any private residences that would be developed there in the future would be aware of the facilities existence.

Paula Terrell – 5025 Thane Rd., spoke with Tim McDonnell, both from Collaboration Juneau. She noted distribution of a final progress report from the consultant, provided to the Assembly, of where Collaboration Juneau has been and where it are going. At the last stakeholder meeting in April, two issues, tourism related congestion and flightseeing noise were selected for work. 5 meetings between September and December are scheduled to start working on both issues. We will begin with congestion, but not wait to complete that to begin working on flightseeing. We will post this information to our website.

Mr. Sanford asked if the information we can glean from the proposed study would be useful to Collaboration Juneau. Ms. Terrell said her personal opinion was if they really do a full EIS and look at what Mr. Wanamaker’s amendments are, there would be a comfort level with what we get.
Ms. Terrell said she thinks at this point it is a diluted product. She was dismayed by the Zaske memo, which did not make her feel that the agencies would listen to what the community has to say. The information that West Mendenhall valley has asked for is a good place to start from. Any information is helpful.

Mr. McDonnell said the information will help. The process with Collaboration Juneau has been successful at this point. We are still at the table, and continuing this collaborative process is very important.

Jennifer Johnson, 9180 Wolfram Way, said she moved to Alaska for heli-skiing, and has two concerns: 1) public money is spent for private industry expansion and 2) the Montana Creek area. There does not appear to be adequate funding for an EIS, so how does this affect the product. The West Mendenhall area has a lot of industrial activity, including gravel pit and several tourism activities. She gets a sense of little planning for this area.

Mala Reges, 226 St. Anns, Douglas, said she has called TBMP for years, has talked with many nice people but has never received substantive relief. The calls may be down because people have stopped calling a non-responsive program. Zoning can regulate industry in residential areas, and through amortization, she suggested moving ERA to another area which is correctly zoned. She referred to past city memos which discuss regulating flightseeing noise through zoning, and urged the Assembly to review those.

Kevin Hubbard, 9706 Trappers Lane, an air traffic controller for the FAA said he was speaking for himself. He is the president of his air traffic controller association. His concern is safety. This is the largest airport he has worked at in a town so small. We have a good neighbor letter of agreement. One jet in the helicopter cut is too many. Putting a heliport away from the airport is an incredibly bad idea. It complicates flights. Bottlenecking helicopters in cramped space concerns him. There is a massive helicopter operation. He said money would be better spent working with the airport board to improve placement of helicopters at the airport.

Ms. Johnson asked if ERA is in the airport airspace. Mr. Hubbard said they are just outside of it—though the tower communicates with ERA daily.

Mr. Powell asked what is the threshold for when enough helicopter traffic is too much for safety. Mr. Hubbard said he could not comment. Mr. Hubbard discussed summer traffic at the airport and the traffic provides significant jobs.

Mayor Botelho asked if he thinks there is the capacity to take on increased traffic at the airport. Mr. Hubbard said they completely change operations in the summer. We need to consider revamping where operations sit on the airport. If we could meet with industry and figure out the best place to put everyone we could maybe run more efficiently and possibly add more traffic.

Kim Turley – 1136 Slim Williams Way, Montana Creek – recently retired from the Federal Highway Administration. He does not want to hear increased heliport noise and have his property value diminish. The operation should not be in a neighborhood. If there is not enough money to do the study right, we can’t find the right solution to a very complex problem. We need to go back to the scoping process. He recommends not signing the agreement, as he feels it is flawed.

Mr. Wheeler asked if Mr. Turley could speak about the FHA undertaking a flightseeing study. Mr. Turley said FHA is good at doing an EIS with roads, but does not know if they would be any good at this.
Barb Turley, 1136 Slim Williams Way, her concerns are the wide area of impact that a heliport would have. There are trails that would be impacted, the lake area would be impacted, locals and visitors alike, and the campground. People don’t come to Alaska to camp next to a heliport, nor live next to one. The search needs to be expanded on a site.

Shane Young, 9081 Ninnis Drive, also has lived on Trappers lane since 1978. Every study done has pointed to West Mendenhall valley and he opposes going in that direction. The rezoning recently is not compatible with a heliport development. There are conflicts with buses and gravel trucks in the area now. He doesn’t want to see any accidents – there are a number of families with small children in this area. DOT has not allocated funding to upgrade the road.

Michelle Kaelke, 9327 Trappers Lane, asked the committee to please refrain from signing this agreement. FHA is focused on designing and constructing, and is not familiar with heliports and noise. She is worried there will not be enough funding and inadequate information developed. She is concerned about tone of Zaske memo. She anticipates a stalled, underfunded project. This study is not a long-term solution – and she fears this precedes development of a heliport in Montana Creek. She supports development of West Douglas. The Assembly needs a long term solution done through Collaboration Juneau. If the city is to partner – the FHA needs to take our suggestions. FAA should be a partner.

Kirby Day – Tarn Court – involved with TMBP – since 1995 – said flightseeing is the most complex piece. All flight operators are members of TMBP. They take the program seriously. The program works to reduce impacts to the best of its abilities. That, including Collaboration Juneau, can go a long ways to respond to the problems. The McDowell Study of 2003 has the most recent information about tourism statistics. He personally feels that an alternative heliport is not the answer, and recommends continuing work with operators.

Mayor Botelho asked if any operators advocate alternative heliport. He was not aware of that.

Mr. Wheeler asked Mr. Day why alternative heliports wouldn’t work. Mr. Day said that alternative heliports just move the problem. They can fly the route and they will still be noisy to someone. There will always be people who are sensitive to noise – and they should not be discounted – but it makes it very difficult for the operators the come up with routes.

Bret Frieder, Slim Williams Way, a father of two children. Bicycles and scooters are the number one method of transportation in the area, and in addition to existing tourism traffic, was concerned there will be a problem with any increase in traffic in that area.

Dixie Hood, 9350 View Drive, said she has lived there 22 years. Helicopters used to use the river for a route. She has seen an improvement in the last 5 years except when there are low ceiling days. As member of the Collaboration Juneau process, she thinks that is a more apt way to move through all of this. She encouraged the Assembly to reject the agreement. The Montana Creek area is residential and recreational, and no industrial increase should be allowed.

Nancy Waterman, 227 Gastineau Ave., said any satellite seasonal infrastructure, publicly or privately funded, it posed to become permanent. Considering this, she can’t help but think of this as a discussion of where to put a second airport. Perhaps the discussion should be framed as a second airport rather than a satellite heliport. She has been working at the Last Chance Mining Museum and it is a very quiet area. Gastineau Ave., above steamship dock, is quite noisy. There
are things we can do to minimize noise, but we live at the base of mountains and there will be limitations. There are places that are quiet and we should keep quiet zones in the community.

**Nick Jans**, 1085 Arctic Circle, said he has heard unanimous opposition to this agreement and he asked the Assembly to heed that.

**Dave Hanna** – 11495 Mendenhall Loop Rd., said he doesn’t mind the fixed wing flight path over his head. We probably have a flawed project with a group of people who are not suited to this job. If we can redirect the funds to the 2nd crossing, this would be the best possible effort we could make.

Mr. Stone asked if he thought this is appropriate for Collaboration Juneau. Mr. Hanna said not immediately. The group is successful in moving at a pace it can sustain. We are tackling a problem we can get our arms around – we need some successes with less difficult projects first.

**R E C E S S**
7:05 - 7:20 p.m.

Mr. Wanamaker said they have heard a lot of good information from staff and public. When FHA declined to amend the scope of the project study, he decided we are better off deciding how to determine the scope of the problem.

Ms. Johnson appreciates all the input. She would like more information on a few items. The FAA may not be involved in the project as this is not an Airport project. FHA was going to hire a consultant. We have been told that FHA was not qualified. She asked Mr. Swope if they would hire a consultant. He said yes. She said it might be nice to redirect funds – but they were directed through a political process and we should remember that they would be redirected through a political process. We probably won’t see that redirection happen. She thanked staff for the work on the packet. For 16 years we have been working to redirect noise. Some things work, some don’t. If we say we don’t want to move forward with this next step, which is to give us some more information - then our only resolve is to hand this over to Collaboration Juneau. I don’t want to see this handed to them and see it be the thing that blows them apart. I would like to move ahead with this project agreement.

Mr. Wheeler said if things were structured a little differently he would be in favor of moving forward with the project. He is concerned with the degree of control they want to maintain over the process. We would benefit from a study that was done right. I have an idea of a noise budget, but I don’t think this study would be able to do this. Before making a decision, he would like to know how much has been spent and how much is left. What is earmarked for EIS, what is needed for project completion. He would like staff to have a conversation with the lobbyist to find out if reappropriation is possible. We did reprogram West Douglas road funds to the Second Crossing EIS – so it is not impossible.

Mr. Swope said that virtually all of the funds are still available. FHA came up for one meeting. State DOT said $3 million is required to take it to completion. Regarding reprogramming, he mentioned this to John Roots, who said there is next to nil chance to reprogram the funds. He is willing to ask, but his opinion is that there is little chance.

Mayor Botelho appreciates Collaboration Juneau’s willingness to look at this. We are all looking for a perfect solution, which is elusive and we may never get there. He doesn’t have reservations about FHA having the ability to find expertise. He finds it interesting that we have not had anyone
advocate for alternative heliports. Part of his discomfort is that we might end up with a proposal that comes up with a preference for an alternative heliport, and he was surprised to hear that there was no one advocating for alternative heliports. Mr. Hubbard’s testimony that it makes sense to concentrate helicopters at the airport was quite compelling. Collaboration, potential concentration at the airport, and quiet technology as a suite of solutions may be good – but the study may produce more ideas. I set my feelings on a second crossing aside on this issue.

Mr. Stone said he is very concerned about dumping this on Collaboration Juneau’s lap at this point. If we do give this to them, they need time. I agree it is next to impossible to rededicate these funds. I support quiet technology, if there is a way we can encourage this through the federal government – we should explore this. I was disappointed in the tone and nature of Mr. Zaske’s comments, and have concerns about the product we will get.

Mr. Sanford said the federal agency they will be the lead, and has changed the agreement to add alternative noise reduction technologies to address our concerns. He doesn’t think this is a study of only two alternative heliports anymore. If we don’t do this now, we will have to come up with local funds to address this problem, which is not going away. He thinks this is a good first step to gather further data.

Mr. Wheeler suggested re-crafting another message to FHA to respond to the concerns about the project agreement. He suggested having a local citizen body to work with the consultant. He would like to spend time outside of this meeting to re-craft comments on the agreements.

Mr. Powell said these are the issues that Collaboration Juneau came together for. It is a big order – but we should give it to them when they are ready. Perhaps we can make a formal recommendation about that. He likes the idea of concentrating operations at airport. Sending a message to federal government about quiet technology is good, but it might not be a viable option for at least 5-15 years. The resolution on tourism management policies should be updated where appropriate.

Mayor Botelho said it would be good to have another opportunity to negotiate with the partners to the agreement - preferably face to face. We have a better sense of community opinion, and what is likely to be acceptable to the Assembly. If they know we are reluctant to move ahead, they may be willing to help.

Ms. Pierce said most of the flights are now at the airport, so consolidating operations at the airport will not substantially address the problem.

Mayor Botelho asked Mr. Swope about approaching the FHA and other agencies again. Mr. Swope said the suggestion of a face to face meeting with Assembly present will add impact. We modified the agreement considerably, but Mr. Zaske was firm about the need to meet federal requirements.

Mr. Sanford said that during the meetings with the team they were very flexible and supportive. The sly remark in the memo does not reflect the people who were there at the meeting. They were interested in including public process, and they were interested in looking at all aspects of the problem and not just alternative heliports.

Mr. Powell said that we have heard the comments that heliports are not an attractive idea. Perhaps we want to communicate this.

Mayor Botelho said if we are in an EIS process, we are not in the position of determining outcomes.
Mr. Wheeler said request to Washington, D.C. need to be carefully coordinated.

Mayor Botelho would like an opportunity to meet with the agencies about amended terms, including revisiting Mr. Wanamaker’s recommendations and reflecting the comments made at this meeting, and be prepared to assist the manager in any way he deems appropriate. There was no objection from the committee to this.

Mr. Powell said Assembly goals would be on the next agenda.

VI. **Adjournment** – 8 p.m.