

Session 16-03 a Regular Meeting of the Homer City Council was called to order on February 8, 2016 at 6:00 p.m. by Mayor Mary E. Wythe at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: ADERHOLD, LEWIS, REYNOLDS, SMITH, VAN
DYKE, ZAK

STAFF: CITY MANAGER KOESTER
CITY CLERK JOHNSON
CITY ATTORNEY WELLS
CITY PLANNER ABBOUD
LIBRARY DIRECTOR DIXON

Council met for a Worksession from 4:00 p.m. to 4:55 p.m. to discuss Homer Accelerated Water and Sewer Program (HAWSP) and Homer Accelerated Roads and Trails Program (HART), Memorandum 16-030 from City Manager, Memorandum 16-022 from Deputy City Clerk, Memorandum 15-099 from Economic Development Advisory Commission, and Memorandums 15-193 and 16-027 from Public Works Director as backup. Council met as a Committee of the Whole from 5:00 p.m. to 5:49 p.m. to discuss **Ordinance 16-04(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.28, Marine Commercial; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Planning Commission; **Ordinance 16-04(A)(S)**, An Ordinance of the City Council of Homer, Alaska, Amending **Homer City Code 21.12, Rural Residential**; Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Lewis; Memorandum 16-016 from City Clerk and Memorandums 16-017 and 16-023 from City Planner as backup.

Department Heads may be called upon from time to time to participate via teleconference.

AGENDA APPROVAL

(Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 1.24.040.)

The following changes were made: **PUBLIC HEARINGS - Ordinance 16-04(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Planning Commission. Written public comments. **Ordinance 16-05**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Reynolds. Written public comments.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Lindianne Sarno, city resident, opposes Ordinance 16-06. A prohibition flouts the will of the people and wastes time of the Planning Commission and Cannabis Advisory Commission to prepare for the cannabis industry.

George Frazier, city resident, opposes Ordinance 16-06. It would be missing the boat to opt out of cannabis.

Jeremiah Emmerson, Homer resident, spoke in opposition of Ordinance 16-06 since people have put a lot of work in for a cannabis industry. His petition in support of cannabis garnered 121 signatures in three days.

Chad Matthews, local business owner, supports Ordinance 16-06. Large corporations are nasty and will spend millions of dollars to cultivate their interests. He is concerned about the kids and keeping the town small.

Bumppo Bremicker, city resident, opposes Ordinance 16-06 as the majority of city residents voted for the statewide referendum to regulate cannabis like alcohol.

Michele Holley, city resident and real estate broker, opposes Ordinance 16-06, dittoing Mr. Bremicker’s comments on the subject.

Misty Van Hooser, city resident, opposes Ordinance 16-06. Marijuana will bring much needed revenue to the City and an increase in tourism.

Loretta Franco, city resident, opposes Ordinance 16-06 as she believes marijuana needs to be decriminalized. The people voted for it and their wishes need to be represented.

Roberta Highland, city resident, expressed support for Ordinance 16-06 since cannabis is a C1 drug. It is a cash only business that will increase robberies with no limitation on the number of businesses.

Brandon Gomez, Coast Guard veteran and former assistant manager and head grower of a medical marijuana dispensary in Colorado, opposes Ordinance 16-06. Legalizing marijuana in Colorado resulted in reduced crime rates, increased revenue, and everyone benefitted.

Beth Carroll, Homer resident, opposes Ordinance 16-06. It is insulting and invalidating to the work of the Planning Commission and Cannabis Advisory Commission.

David Harris, city resident, opposes Ordinance 16-06. It is a slap in the face to the 53% of voters that voted to legalize cannabis cultivation, manufacturing, testing, and sales.

Patrick Brown, Homer resident, supports Ordinance 16-06. The economics do not justify legalization. Hidden costs include trauma to people. The number one and two reasons for abuse are alcohol and marijuana.

Andres Gustafson, Homer resident, opposes Ordinance 16-06. The marijuana industry will provide economic benefits, new opportunities, tourism dollars, and we can put money back into the community.

Duane Parlow, city resident, opposes Ordinance 16-06. Legalization of marijuana will have adverse effects on the youth and provide increased business for the police department.

Mako Haggerty, Homer resident, opposes Ordinance 16-06. If the ordinance passes the loser is the City; the winner is the black market.

Sage Santos, city resident, opposes Ordinance 16-06. Legalizing marijuana will take the drugs out of the hands of children and make it harder to find on the black market.

Shlomo Gherman, Homer resident, opposes Ordinance 16-06. Legalizing it will reduce it as a novelty, making it less enticing for kids to want to try it. Drug education in the schools is minimal; he urged Council to think of the educational factor.

Joni Wise, city resident, supports Ordinance 16-06. It is not appropriate to have drugs readily available to kids. We need to protect the children.

Robert Archibald, city resident, supports Ordinance 16-06. Transportation industry jobs require urinalysis so you cannot use marijuana. He doesn't see tourists coming to Homer just to smoke marijuana; they come to Homer for what it is.

James Donally, Homer resident, opposes Ordinance 16-06 since marijuana is peaceful and soothing. Alcohol removes inhibition and makes a person violent. Marijuana can become an addiction too.

Ryan Walker, Homer resident, opposes Ordinance 16-06 as the cannabis seed is healthy. It contains protein, Omega 3 and 6, and amino fluid. Biblically speaking it is endorsed.

Carrie Harris, city resident, opposes Ordinance 16-06. Council should respect the vote. She questioned what percentage of the vote it would take?

Frank Hodnik, city resident, opposes Ordinance 16-06. Every fear is based on the unknown and Council is adding propaganda slated to dishonesty.

Scott Adams, city resident, opposes Ordinance 16-06. He does have concerns of the amendments made from the Planning Commission presentation.

Mike Fairman, city resident, opposes Ordinance 16-06. It is disheartening when you vote for something and Council takes actions against the vote. Find a responsible way to regulate it.

Brandon Head, city resident, has a rare form of MS. He opposes Ordinance 16-06 as he needs medical marijuana and prefers that it be safely tested. It's for the people, not only the money.

Ken Landfield, city resident, opposes Ordinance 16-06. The residents voted and want it. Opting out won't decrease marijuana smoking; it will recriminalize marijuana. It should be regulated just like alcohol.

John Sheipe, city resident, opposes Ordinance 16-06. With the legalization of marijuana people will get lab-tested, regulated, and clean products.

Tim Clark, city resident, opposes Ordinance 16-06. The vote for cannabis should be respected.

Terry Reed, Homer resident, opposes Ordinance 16-06. It has been a continual spread of misinformation and the vote should hold. She quoted Councilmembers Smith and Van Dyke on their candidacy platform.

Susan Keefoile, Anchor Point resident, opposes Ordinance 16-06. There are a lot of facts and documentaries to substantiate the benefits of marijuana. She provided Council with a list of documentaries on cannabis.

Richard Carellho, city resident, opposes Ordinance 16-06. He would like to open an ancillary marijuana business based on tourism.

Mayor Wythe called for a recess at 7:20 p.m. and reconvened the meeting at 7:25 p.m.

RECONSIDERATION

CONSENT AGENDA

(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- A. Homer City Council unapproved Regular meeting minutes of January 25, 2016. City Clerk. Recommend adoption.
- B. **Memorandum 16-020**, from Mayor Wythe, Re: Reappointment of Steve Zimmerman to the Port and Harbor Advisory Commission.
- C. **Resolution 16-018**, A Resolution of the Homer City Council Awarding the Contract for City Hall, Parks, and Cemeteries Lawn Maintenance 2016, 2017, and 2018 to the Firm of Chugach Yard Care of Anchorage, Alaska, in the Amount of \$31,333.57 Per Year and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Recommend adoption.

Memorandum 16-021 from Parks Maintenance Coordinator as backup.

Moved to Resolutions, Item A. Smith.

- D. **Resolution 16-019**, A Resolution of the Homer City Council Establishing an Americans With Disabilities Act Compliance Committee to Develop a Transition Plan and Establish a Grievance Procedure to Comply with ADA Requirements and Appointing Deputy City Clerk Melissa Jacobsen as the ADA Coordinator for the City of Homer. City Manager. Recommend adoption.
- E. **Memorandum 16-028**, from City Clerk, Re: Vacation of the 30-Foot Wide (approximately 560 feet) Right-of-Way and Easement Along the South Lot Line of That Property Shown as Homer Electric Association on Plat HM 54-2021; Replatted as Lot E Heath Street Replat, HM 90-58, as Recorded in Book 165 Page 294 of the Homer Recording District. All Portions of the Requested Vacation are Located Within the W1/2 of the NE1/4 of Section 20, Township 06 South, Range 13 West, Seward Meridian, in the City of Homer, Alaska and Within the Kenai Peninsula Borough; KPB File 2016-003.

Item C, Resolution 16-018 was moved to Resolutions, Item A. Smith.

Mayor Wythe called for a motion for the approval of the recommendations of the consent agenda as amended.

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. **Mayor's Proclamation**, Congenital Heart Defect Awareness Week, February 7 – 14, 2016

Councilmember Zak read and presented the proclamation to Dottie Zopp, grandmother to Chloe.

- B. **Mayor's Proclamation**, Brother Asaiah Bates Day – February 14, 2016

Mayor Wythe acknowledged the proclamation that will be mailed to Martha Ellen Anderson.

- C. **Mayor's Proclamation**, Winter Carnival and Parade, February 11 – 14, 2016

Mayor Wythe read and presented the proclamation to Karen Zak, Executive Director of the Homer Chamber of Commerce.

- D. Borough Report

Kenai Peninsula Borough Assembly Member Kelly Cooper provided an update on the Marijuana Task Force and the Healthcare Task Force.

- E. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission

Planning Commission Vice Chair Tom Stroozas reported on the commission's work on towers, Hickerson Memorial Cemetery, a birthing clinic on Shelford Street, and the preliminary plat to

create 16 lots between Little Fireweed Lane and Spruce Lane. The commission reviewed the Land Allocation Plan and forwarded recommendations to Council.

- a. Minutes of January 20, 2016
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission

Parks and Recreation Advisory Commissioner Dave Brann reported the commission will revisit the beach policy in another year to see how it is working. They are working with Angie at Public Works on the number and placement of trash receptacles on the Spit and in town. Council provided \$5,000 to replace the picnic shelter on the Spit. To date \$20,100 has been raised towards the \$30,000 goal. He is now focused on meeting with retired timber framers and city engineers to make plans. Mr. Brann referenced a MatSu newspaper article about the amount of dollars that states and the nation receive from parks and trails.

5. Port and Harbor Advisory Commission
 - a. Memorandum 16-025 from Deputy City Clerk, Re: Port and Harbor Advisory Commission Recommendations for Camping on the Spit.
6. Cannabis Advisory Commission

Cannabis Advisory Commissioner Lindianne Sarno reported the commission spent the first few months reading, analyzing, and commenting on state regulations. She commended City Planner Rick Abboud and Attorney Holly Wells for the plans, drawings, and information presented to the commission. Now that the state regulations are finalized it is in the Council's hands for decisions. Regardless of how the Council votes, educators and the cannabis community has spoken in favor of public health education.

PUBLIC HEARING(S)

- A. **Ordinance 16-04(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27,

East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Planning Commission. Introduction January 25, 2016, Public Hearings February 8 and 22, 2016, and Second Reading February 22, 2016.

Ordinance 16-04(A)(S), An Ordinance of the City Council of Homer, Alaska, Amending **Homer City Code 21.12, Rural Residential**; Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Lewis.

Memorandum 16-016 from City Clerk as backup.
Memorandums 16-017 and 16-023 from City Planner as backup.

Mayor Wythe opened the public hearing.

Roberta Highland, city resident, opposes Ordinance 16-04(A)(S), adding commercial operations to rural residential. She is concerned with lighting, security, armed guards, and robberies and no limitation on the number of licenses issued.

Jeremiah Emmerson, Alaska Small Cultivators Association, supports Ordinance 16-04(A)(S). A lot of commercial operations go on in rural residential now. There are security companies and cash excise taxes can be mailed to Juneau. People have a right to protest a license.

Beth Carroll, Homer resident, supports Ordinance 16-04(A)(S). Businesses already exist in rural residential. If neighbors have a problem they can address it with the license application.

Robert Archibald, city resident, opposes cultivation in rural residential. A commercial operation should go in commercial zoning since rural residential is quiet without a lot of light.

Carrie Harris, city resident, supports Ordinance 16-04(A)(S). There are already greenhouses, high tunnels, and bed and breakfasts in rural residential. People voted for this and she expects Council to represent their voice.

Tim Clark, city resident, supports Ordinance 16-04(A)(S). Legitimate operations will be tested and regulated and people can own small businesses.

Ryan Walker, Homer resident, supports Ordinance 16-04(A)(S). The State went through an extensive plan so limited cultivation facilities will be super safe and plants will be checked. People wouldn't even notice a 20x25 sq. ft. area.

Scott Adams, city resident, opposes Substitute Ordinance 16-04(A)(S). He would hate to see high tunnels popping up everywhere.

David Harris, city resident, supports Ordinance 16-04(A)(S) since people are growing in these areas.

Frank Hodnik, city resident, supports Ordinance 16-04(A)(S). Permitted growing areas are swamp land and privately owned; they are not suitable for growing.

August Weber, Homer resident, supports Ordinance 16-04(A)(S) and the ability to grow in rural residential. The black market can make a green market and the City can make revenue.

Amy Christiansen, Homer resident, supports Ordinance 16-04(A)(S). In her travels to Washington and Oregon she saw no loiters or no drug seeking weirdos. It was safe and employees knew their product.

Mike McGuire, business owner, supports Ordinance 16-04(A)(S). We have voted so it needs to be legal and taxed. Either we or the black market will benefit. The whole state is ready to follow Homer.

Sunrise Soberg, city resident, supports Ordinance 16-04(A)(S). Restrictions should not be made on marijuana when they are not made on alcohol.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion to substitute Ordinance 16-04(A)(S) for Ordinance 16-04(A).

LEWIS/REYNOLDS - SO MOVED.

Substitute Ordinance 16-04(A)(S) adds limited marijuana cultivation facility to rural residential district for lots greater than 20,000 square feet. Lighting, locks, air scrubbers, and cameras on the facility are required. Operations will be contained to within the building.

Questions regarding HCC 21.62 provisions were directed at the attorney. Attorney Wells deferred to City Planner Abboud.

City Planner Abboud explained rural residential is different than the business districts. Business districts already have nuisance standards; rural residential does not. The setback of 50 ft. is to keep rural residential rural. You don't want to impose on other people's land. In

other areas the requirement of a 50 ft. setback would be impeding businesses. HCC 21.59 is standard in all zoning, except rural residential.

VOTE: YES. LEWIS, ADERHOLD, REYNOLDS, VAN DYKE

VOTE: NO. SMITH, ZAK

Motion carried.

Another Public Hearing and Second Reading will be held on February 22nd.

Mayor Wythe called for a recess at 8:32 p.m. and reconvened the meeting at 8:37 p.m.

B. **Ordinance 16-05**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Reynolds. Introduction January 25, 2016, Public Hearing and Second Reading February 8, 2016.

Ordinance 16-05(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Reynolds/Aderhold.

Memorandum 16-018 from City Manager as backup.

Memorandum 16-031 from City Attorney as backup.

Mayor Wythe opened the public hearing.

Roberta Highland, city resident, supports the ordinance. It is a compromise. Motorized vehicles and pedestrians are not a good combination.

Ted Schmidt, Homer resident, opposes Ordinance 16-05(S). An easement might have enhanced beach use for all users. Most people with vehicles are respectful.

Jessica Shepherd, Homer resident, supports the ordinance. As the population grows it is logical to drive west of Bishop's Beach to the coal seams. Access at Mud Bay has no clear merits.

Steve Delehanty, Alaska Maritime Wildlife Refuge, supports Ordinance 16-05(S). The Refuge will partner with the City in protecting Beluga Slough. They are willing to bring staff time and interpretive signs or barriers.

Kathy Carssow, city resident, supports the ordinance. She sees traffic turning the berm into a gravel road. People are burning driftwood and staying overnight. The area has to be physically closed off.

Shlomo Gherman, city resident, uses the beach for swimming, bonfires, walks, and coaling. It appears that machinery flattened out the front part of the beach on the right side enabling people to drive out there more.

Ryan Walker, Homer resident, opposes Ordinance 16-05(S). Cars may be helping to hold the berm and he's never noticed anything harmful. He likes the beach the way it is.

Scott Adams, city resident, drives to Mariner Park to coal pick. The City wants to spend lots of money for boulders when pilings would work. It is not respectful to the people that use the beaches the right way to close them.

Louise Ashman, city resident, supports the ordinance and would like to ban all vehicles from city beaches.

Nolan Bunting, Homer resident, supports the ordinance. Beaches are key migratory areas and rest stops for the birds. We can be the first town to close off beaches and set a precedent for Alaska. We have a moral obligation to protect the environment and ideals.

Tim Clark, city resident, opposes Ordinance 16-05(S). He suggested a special use permit to access Zones 4 and 6. Closing vehicular traffic on the Spit may be an issue with some of the businesses there.

Frank Hodnik, city resident, opposes Ordinance 16-05(S). None of the issues he's heard are substantiated. There have been no accidents and deaths and no species being crushed. It is people with control issues that want to button things down.

August Weber, city resident, opposes Ordinance 16-05(S). Sections 6 and 8 should stay open for vehicular traffic. People that are disrespectful should be fined.

Robert Archibald, city resident, supports Ordinance 16-05(S). Coaling on Mariner Park beach in the winter is so much easier than Area 8. Everyone is not in favor of ATVs on the Spit.

Joe Spaeder, city resident, supports the ordinance. It is a compromise and a reasonable middle path. Barrier rocks with the support of Fish and Wildlife to share costs provides a good investment.

Jim Lenny, city resident, supports the ordinance. He supports people who want to get coal. His main concern is Beluga Slough.

Laura Brooks, city resident, supports the ordinance as a great compromise. It is important for the City to have a place for people to take their children who can run wild on the beach without cars.

Ken Landfield, city resident, supports the ordinance. He likes and uses Bishop's Beach. Most days he sees people walking on the beach, kids playing in the water, dogs, horses and an occasional truck.

Rika Mouw, city resident, supports the ordinance and changing the physical boundary for Area 1. People that are destroying the beach are doing it in a hidden area.

Daniel Perry, city resident, supports the ordinance. At low tide people are on the beach late at night racing around. It is reasonable to pick coal in the winter and he's never seen any wild behavior doing that.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion to substitute Ordinance 16-05(S) for Ordinance 16-05.

REYNOLDS/ADERHOLD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

REYNOLDS/ADERHOLD - MOVED TO AMEND LINE 48 TO READ: "A LINE EXTENDING SOUTH FROM THE SOUTHERN END OF THE VACATED EASEMENT FORMALLY KNOWN AS SHIRENE CIRCLE."

There was no discussion.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Council heard comments from people who pick coal from Mariner Park. Issuing permits would be burdensome to the City. Many people collect coal with five-gallon buckets; there

are very few vehicles driving on Mariner Park. Coal is plentiful in the Mariner Park beach area. Providing access for those that truly need it is a concern.

VOTE: (main motion as amended) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

- A. **Ordinance 16-06**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 6.18, Marijuana Establishments, Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores in the City. Smith/Van Dyke. Recommended dates: Introduction February 8, 2016, Public Hearing and Second Reading February 22, 2016.

Mayor Wythe called for a motion for the adoption of Ordinance 16-06 for introduction and first reading by reading of title only.

VAN DYKE/SMITH – SO MOVED.

Councilmember Smith believes it is important to have the discussion. He has seen the element that comes with marijuana and doesn't share the view of many. A petition to prohibit marijuana has garnered over 110 signatures. He is representing the people that voted no on Ballot Measure 2. He has nothing to say against the medicinal value of marijuana and is not trying to limit the ability of anyone to purchase, grow, use, or transport marijuana. He questioned what the cost would be to the community. He wants to slow down and have the discussion; it merits the time.

Councilmember Lewis commented the prohibition will be government outreach since it affects a 10-mile wide circle around the City. That includes the area past McNeil to the Anchor Point Bridge, most of the North Fork, China Poot, and Halibut Cove. Legalization will not open this up to kids; it is up to the parents to keep it out of the reach of kids. Every edible is 5 mg. You can decide your level of intoxication. Hard drugs leave the system early, but pot doesn't. People don't OD on pot and child and spousal abuse happens with alcohol.

Councilmember Reynolds believes there is value to discussing what people thought they were voting for. She is curious to hear from people in the middle.

Councilmember Zak appreciates Councilmember Smith bringing the ordinance forward. We don't know the impact and being careful may be the right thing.

Mayor Wythe added information on the airplane pilots' scientific study that showed a greater landing variation when pilots smoked a joint. Continual smoking means a person never gets outside the impairment cycle as pot stores in fat cells.

VOTE: YES. ADERHOLD, ZAK, SMITH, VAN DYKE

VOTE: NO. REYNOLDS, LEWIS

Motion carried.

Mayor Wythe called for a recess at 10:22 p.m. and reconvened the meeting at 10:30 p.m.

CITY MANAGER'S REPORT

A. City Manager's Report

1. Memorandum 16-029 from Deputy City Clerk, Re: City Records Inventory.

City Manager's Office Staffing

I am happy to welcome Jennifer Carroll to the City Manager's Office as the new Special Projects/Communications Coordinator. Jenny brings a lot of experience working with the community as a grant writer, non-profit executive director and facilitator. I am looking forward to having the help in the office; we have a lot going on!

Website email subscriptions

When the City transferred from the old website to the new one, things went fairly smoothly except for a few broken links. However, one thing that did get dropped was the subscribers who had signed up to receive email notifications when various things were posted to the website (press releases, job offerings, bid openings, etc.) As soon as we became aware of this, we sent an email to all subscribers asking that they re-subscribe to the service. Sign up for email notifications on the City site under How Do I? Alerts & Notifications.

Dog Statue Donation for the Animal Shelter

Last fall, local area resident Alan Kelly passed away. Alan loved dogs and frequently walked them on Bishop's Beach. His brother, Steve Kelly, is a bronze sculpture artist. He has made a bronze sculpture of a dog as a memorial to Alan. Steve has been communicating with the Homer Animal Friends and would like to donate the statute to the Friends in his brother's memory. The Friends would like to place the statue in the memorial garden which is to the left of the driveway in the rocky area in front of the shelter. Alan's friend Ken Lewandowski has offered to pour a small concrete pad for the statue to sit on.

The statue is 2½ feet high and about 2 feet wide. It sits on a round bronze base and has a plaque at the base of its feet. It has horns and wings to represent a dog as being part angel and part devil. The artist estimates the value of this piece at \$6,000.

Since this artwork will be placed on city property, Homer Animal Friends will go before the Public Arts Committee on the 11th to discuss the statue and request Council accept it and authorize the installation.

A Road for the Big Boats

Bay Welding, a local welding and boat building business, requested a letter of support for a project proposal to the DOT/Marine Administration Small Shipyard grant program. With the approval of Council, I will draft a letter of support for their application.

The project consists of the construction of a road linking Bay Welding to the Northern Enterprises yard. This will allow more efficient transportation of larger vessels to the water without using the public roadways. With the construction of this road the size limitations for future boat construction, improvements, and repairs will be expanded. Future projects will encompass a broader customer base with services that up until now were not available in Homer. The road would benefit Homer by making our marine trades professionals more accessible to large vessels. This equates to jobs, quality, efficiency, and marketability in the marine market. See attached map for a visual.

Neighborhood Street Lighting

Public Works has received a number of calls this winter requesting installation of neighborhood street lighting. Currently we have around 50 lights that we pay HEA \$30 a month to operate. There is an installation cost for these lights of \$3,000 - \$4,000. Another option would be city-owned street lights; however installation costs are as much as \$20,000 and the monthly electric bill would be about what we pay HEA. Public Works has told people the funding is not there to install new street lights. I would like to get feedback from Council on how, or if, to approach this issue. See email from Public Works Superintendent Gardner for more information. Possible solutions include:

- 1) Establish a SAD program for street lighting. Pro is you get neighborhood buy-in and cost sharing (not everyone wants a street light on their corner). Con would be the administrative cost of a SAD for a relatively small project (estimate \$400 in staff time) and the ongoing electric bill.
- 2) Do nothing. At this time, the City cannot afford to take on new capital or operational costs.
- 3) Develop a criteria for when it justifies installing a neighborhood street light at the cost of the City.

City Manager Koester provided an update on her trip to Juneau with Mayor Wythe. She will include more information in her next report on the meetings with commissioners.

A civil complaint has been filed against the City by Clear Creek Cat Rescue. We will be working with the attorney on the complaint that challenges the ability to adopt animals from the Homer Animal Shelter and other points.

City Attorney Wells advised Council matters about the complaint should be discussed in Executive Session.

B. Bid Report

CITY ATTORNEY REPORT

COMMITTEE REPORT

- A. Public Arts Committee
- B. Employee Committee Report
- C. Public Safety Building Review Committee

Mayor Wythe announced a meeting for the Public Safety Building Review Committee on Wednesday, February 10th at 5:30 p.m.

- D. Sustainable Animal Control Review Committee
 - 1. Memorandum 16-026 from Sustainable Animal Control Review Committee, Re: Final Report.

Francie Roberts and Casey Moss referenced the Sustainable Animal Control Review Committee's (SACRC) final report in the packet. There was a high level of interest in the committee and people expressed an interest in continuing a committee. The animal shelter contractor will have a committee that meets quarterly to keep looking at issues at the shelter. The SACRC recommends educating the public on the necessity of dog licenses via the website and an update to Homer City Code Chapter 20 to address the safety and rules of animals.

PENDING BUSINESS

NEW BUSINESS

- A. **Memorandum 16-024**, from City Clerk, Re: Authorization for Councilmember Zak to Serve on the Alaska Municipal League Legislative Position Committee and Travel to the Legislative Meeting and Conferences as Required.

Mayor Wythe called for a motion for the approval of the recommendations of Memorandum 16-024 for Councilmember Zak to serve on the AML Legislative Position Committee and travel to conferences.

REYNOLDS/VAN DYKE – SO MOVED.

Councilmember Aderhold asked what benefits the City will gain with Councilmember Zak's involvement versus his personal benefits.

Councilmember Zak answered he doesn't know what his personal benefits would be other than to better comprehend how policies are made in state government. The committee wrote AML policies for economic development and public safety. These policies are presented at the AML annual meeting and input is provided from AML membership from all different size communities. The benefit as a councilmember to serve on the committee is for growth and greater knowledge.

VOTE: YES. REYNOLDS, ADERHOLD, VAN DYKE, ZAK, SMITH, LEWIS

Motion carried.

RESOLUTIONS

- A. **Resolution 16-018**, A Resolution of the Homer City Council Awarding the Contract for City Hall, Parks, and Cemeteries Lawn Maintenance 2016, 2017, and 2018 to the Firm of Chugach Yard Care of Anchorage, Alaska, in the Amount of \$31,333.57 Per Year and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Recommend adoption.

Memorandum 16-021 from Parks Maintenance Coordinator as backup.

Mayor Wythe called for a motion for the adoption of Resolution 16-018 by reading of title only.

REYNOLDS/ADERHOLD – SO MOVED.

Councilmember Smith noted the winning bidder is from Anchorage. He questioned how much of the money will be spent here and if the City's 5% local bidder preference was enough.

Councilmember Zak wishes to sponsor an ordinance to increase the local bidder preference to 10%.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Scott Adams, city resident, questioned passage of Ordinance 16-05(S) that will prohibit vehicular use on beaches for coal collectors. He had thought beaches would be open from October through March from the discussion that occurred in October.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells had no comments.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comments.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comments.

COMMENTS OF THE MAYOR

Mayor Wythe commented on her recent trip to Juneau. The timing was phenomenal as her and Katie met with several commissioners and their deputies. The Commissioner of Corrections talked about a change to Title 47 where jails provide protective services for people under the influence or intoxicated. It is not a function of corrections to provide those services so they will be looking at protocols for who is responsible and to move it off of the State's bill of business. They are looking for cuts with the most impact for the dollar. Cities will have to look harder at how that will trickle down to them. They met with Deputy Chief Hozey who talked about the Governor's sustainable Alaska plan. Mayor Wythe presented several challenging questions to him. It became apparent to her there are a lot of moving parts in the proposed budget. Each division and each director have their own parts they are looking at, but don't know how it impacts what other groups are looking at and considering. They want to bring it all together to create a great plan that will bring the budget into balance. Mayor Wythe suggested they train all of them so they know what everybody else is

doing and how they influence each other. The Speaker of the House announced they are not going to take an action that doesn't result in the whole issue being resolved this year.

COMMENTS OF THE CITY COUNCIL

Councilmember Aderhold thanked the Sustainable Animal Control Review Committee for the great job and for staying until the end of the meeting. Volunteers in our commissions and committees make this work. The Council is dealing with contentious issues of the beach policy and marijuana zoning. She read a passage from the Alaska Constitution Section 1 on inherent rights. In summary, it is not all about me; it is about us as a people and doing what's best for the people as a whole.

Councilmember Smith knew there would be some consternation by introducing Ordinance 16-06 and a little bit of blow back. He was willing to broaden his shoulders and take that on because he cares about the community. He will stand up for things he thinks are in the best interest of the community as a whole. There are a number of people with enterprising minds who want to make some money off of this and he is not against people doing that. One of the most outspoken ones' who has been here a lot, is on committees, and heading up the grower groups, spoke frankly of his desire to see this move forward. On his Facebook page he has pictures of plants that exceed six. This is somebody that is leading to legalize and legitimize this type of industry and yet he can't even follow the law right now. If he's not willing to do it now what makes you think he will do it once he gets into operation? People need to walk the walk to make it work.

Councilmember Zak thanked the Mayor for allowing him to read the proclamation for the Congenital Heart Defect Awareness Week. It brought his awareness back to an individual he knew that was born with a congenital heart defect and what that family went through to raise that child. It was a good team tonight and there was leadership in our community coming out from both sides speaking out and taking part in democracy.

Councilmember Reynolds commented in January the Council passed Resolution 16-008 in support of the syringe exchange program being developed in Homer. There is a meeting of stakeholders tomorrow. She is hopeful she'll be able to give a progress update at the next meeting and what the timeframe will look like. She thanked the library for hosting lunch with a councilmember today. Dave and she jumped in and Katie joined them with some data to share. There were nine people. She thinks it is a great idea and hopes the other councilmembers enjoy it as much as her. She is interested to see the outcome of the Borough Healthcare Task Force. Working in the healthcare field in case management herself, it has been great to see access to quality local care with the infusion care center and being able to get biopsies on the same day as a mammogram. She hopes we can retain that while saving administrative costs. She thanked everyone for coming.

Councilmember Van Dyke commented we had a relatively productive meeting tonight. Not everybody is going to agree with what comes out of the Council, but that is why they call it politics. He gets to talk about one of his pet peeves, which is voting. One of the ladies said “don’t vote, shut up” and he agrees with that 100%.

Councilmember Lewis requested reconsideration of Ordinance 16-05(S) and would like to bring it up again at the next meeting. He asked if we can change the Council’s vote to a majority of three (instead of four votes) when just five members are present.

City Attorney Wells will check Title 29 to make sure there is not an overreaching state statutory authority.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 11:05 p.m. The next Regular Meeting is Monday, February 22, 2016 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. A Worksession is scheduled for Tuesday, February 16, 2016 at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, MMC, CITY CLERK

Approved: _____