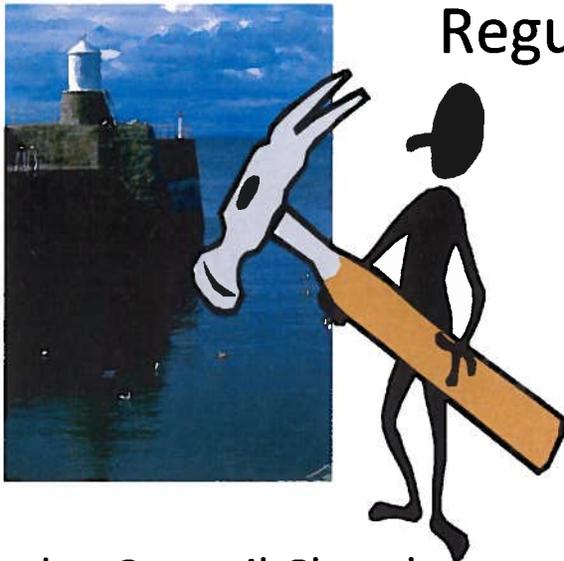


City Council
January 9, 2012
Monday



Special Meeting 4:00 P.M.
Worksession 4:15 P.M.
Committee of the Whole 5:00 P.M.
Regular Meeting 6:00 P.M.



Cowles Council Chambers
City Hall
491 E. Pioneer Avenue
Homer, Alaska



2012 JANUARY

- Monday 9th** **CITY COUNCIL** Special Meeting 4:00 p.m., Worksession 4:15 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.
- Tuesday 10th** **ECONOMIC DEVELOPMENT ADVISORY COMMISSION**
Regular Meeting 6:00 p.m.
- Wednesday 11th** **KACHEMAK DRIVE PATH COMMITTEE** Meeting 5:30 p.m.
- LIBRARY LANDSCAPE COMMITTEE** 12:00 to 1:00 p.m. at Library.
- Wednesday 18th** **PLANNING COMMISSION** Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.
- Thursday 19th** **PARKS AND RECREATION ADVISORY COMMISSION**
Regular Meeting 5:30 p.m.
- Monday 23rd** **CITY COUNCIL** Special Meeting 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.

Regular Meeting Schedule

- City Council 2nd and 4th Mondays 6:00 p.m.**
Library Advisory Board 1st Tuesday 5:00 p.m.
Economic Development Advisory Commission 2nd Tuesday 6:00 p.m.
Parks and Recreation Advisory Commission 3rd Thursday with the exception of December 5:30 p.m.
Planning Commission 1st and 3rd Wednesday 6:30 p.m.
Port and Harbor Advisory Commission 4th Wednesday 5:00 p.m.
Transportation Advisory Committee Quarterly 3rd Tuesday 5:30 p.m.
Public Arts Committee months of February, May, August, and November 2nd Thursday 5:00 p.m.
Lease Committee Quarterly 2nd Thursday 3:00 p.m.
Permanent Fund Committee months of February, May, August, and November 2nd Thursday 5:15 p.m.

MAYOR AND CITY COUNCILMEMBERS AND TERMS

JAMES C. HORNADAY, MAYOR - 12
BARBARA HOWARD, COUNCILMEMBER - 14
DAVID LEWIS, COUNCILMEMBER - 14
FRANCIE ROBERTS, COUNCILMEMBER - 12
KEVIN HOGAN, COUNCILMEMBER - 12
MARY E. (BETH) WYTHE, COUNCILMEMBER - 13
BRYAN ZAK, COUNCILMEMBER - 13
City Manager, Walt Wrede
City Attorney, Thomas Klinkner

<http://www.cityofhomer-ak.gov/cityclerk> for home page access, Clerk's email address is: clerk@ci.homer.ak.us Clerk's office phone number: direct line 235-3130, other number 435-3106.

**COWLES COUNCIL CHAMBERS
491 E. PIONEER AVENUE
HOMER, ALASKA
www.cityofhomer-ak.gov**

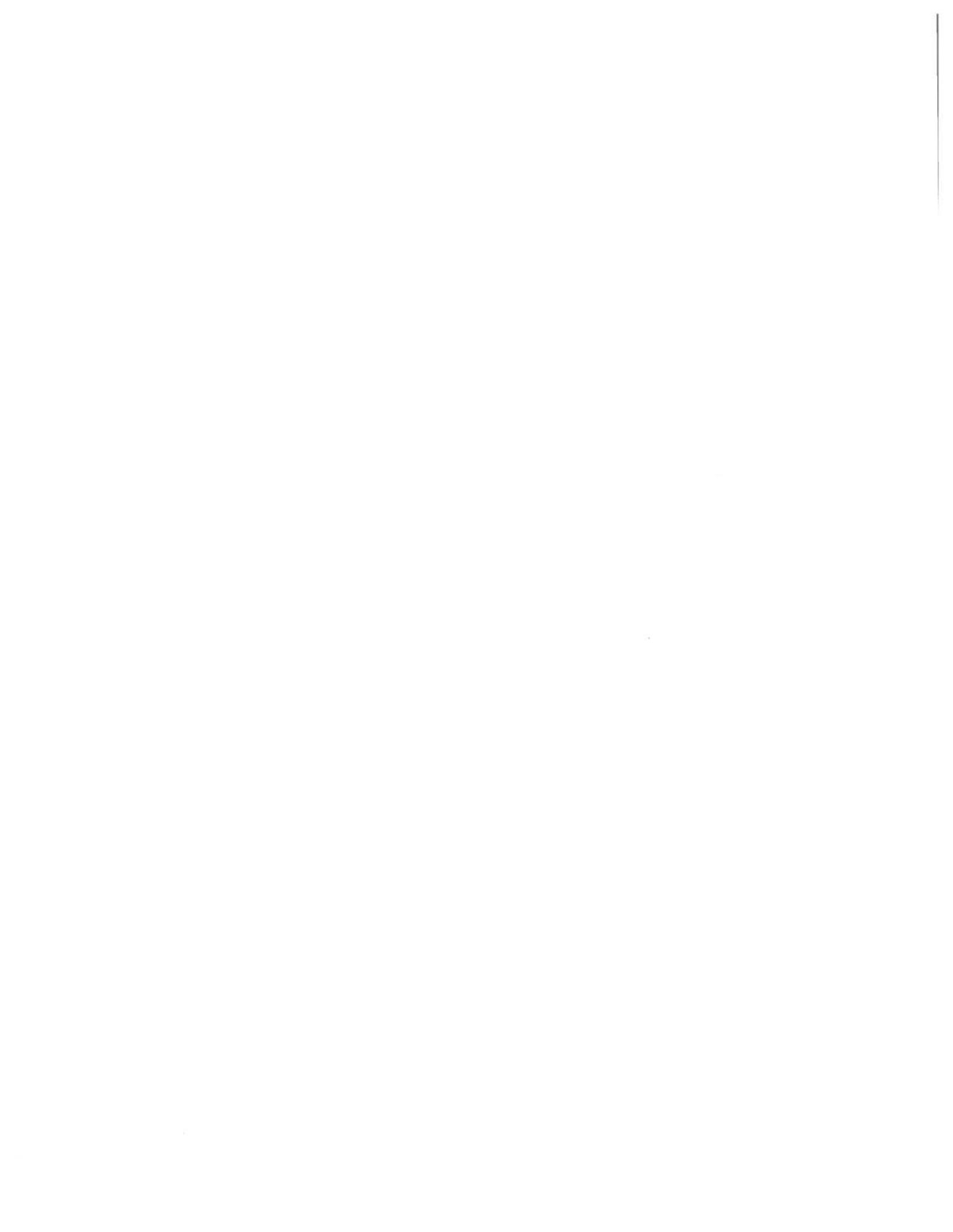


**SPECIAL MEETING
4:00 P.M. MONDAY
JANUARY 9, 2012**

MAYOR JAMES C. HORNADAY
COUNCIL MEMBER BETH WYTHE
COUNCIL MEMBER FRANCI ROBERTS
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER KEVIN HOGAN
CITY ATTORNEY THOMAS KLINKNER
CITY MANAGER WALT WREDE
CITY CLERK JO JOHNSON

**MEETING NOTICE
SPECIAL MEETING AGENDA**

- 1. CALL TO ORDER, 4:00 P.M.**
- 2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)
- 3. Memorandum 12-006**, From City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(C)(1 & 5), Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit and Attorney/Client Privilege. (Kazan Property). Page 7
- 4. COMMENTS OF THE AUDIENCE**
- 5. ADJOURNMENT NO LATER THAN 4:15 P.M.**
Next Regular Meeting is Monday, January 23, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m., and Special Meeting 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



Office of the City Clerk

Jo Johnson, CMC, City Clerk
Melissa Jacobsen, CMC, Deputy City Clerk II
Renee Krause, CMC, Deputy City Clerk I



491 E. Pioneer Avenue
Homer, Alaska 99603
(907) 235-3130
(907) 235-8121
ext: 2224, 2226, or 2227
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM 12-006

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK 

DATE: JANUARY 4, 2012

SUBJECT: REQUEST FOR EXECUTIVE SESSION PURSUANT TO AS §44.62.310(C)(1 & 5), MATTERS, THE IMMEDIATE KNOWLEDGE OF WHICH WOULD CLEARLY HAVE AN ADVERSE EFFECT UPON THE FINANCES OF THE GOVERNMENT UNIT AND ATTORNEY/CLIENT PRIVILEGE. (KAZAN PROPERTY)

Pursuant to Council's Operating Manual – "Any Councilmember, the Mayor or City Manager may place consideration of an executive session on the agenda..."

City Manager Wrede requested an Executive Session regarding "Kazan Property" for the Special Meeting of January 9, 2012. This has been publicly and internally noticed since that time.

Attorney Klinkner will be present.

RECOMMENDATION:

Approve the request for Executive Session and conduct immediately in the Council Chambers.

COWLES COUNCIL CHAMBERS
491 E. PIONEER AVENUE
HOMER, ALASKA
www.cityofhomer-ak.gov



WORKSESSION
4:15 P.M. MONDAY
JANUARY 9, 2012

MAYOR JAMES C. HORNADAY
COUNCIL MEMBER BETH WYTHE
COUNCIL MEMBER FRANCIE ROBERTS
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER KEVIN HOGAN
CITY ATTORNEY THOMAS KLINKNER
CITY MANAGER WALT WREDE
CITY CLERK JO JOHNSON

MEETING NOTICE
WORKSESSION AGENDA

1. **CALL TO ORDER, 4:15 P.M.**
2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)
3. **Ordinance 12-01**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.60.040, Definitions; Homer City Code 21.60.060, Signs Allowed on Private Property With and Without Permits; Homer City Code 21.60.070, Permits Required; Homer City Code 21.60.080 Design, Construction, and Maintenance; Homer City Code 21.60.090, Signs in the Public Right-Of-Way; Homer City Code 21.60.095, Electoral Signs; Homer City Code 21.60.100, Signs Exempt From Regulation Under This Chapter; Homer City Code 21.60.110 Signs Prohibited Under This Chapter; Homer City Code 21.60.130, Temporary Signs-Private Property; Homer City Code 21.60.150, Time of Compliance-Nonconforming Signs and Signs Without Permits; and Homer City Code 21.60.170, Enforcement and Remedies; and Repealing Homer City Code 21.60.120, General Permit Procedures; Homer City Code 21.60.140, Temporary Signs-Public Rights-Of-Way; and Homer City Code 21.60.160, Violations; Regarding the Regulation of Signs. Planning. Recommended dates: Introduction January 9, 2012, Public Hearing and Second Reading January 23, 2012. Page 107

Ordinance 12-01(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.60.040, Definitions; Homer City Code 21.60.060, Signs Allowed on Private Property With and Without Permits; Homer City Code 21.60.070, Permits Required; Homer City Code 21.60.080 Design, Construction, and Maintenance; Homer City Code 21.60.090, Signs in the Public Right-of-Way; Homer City Code 21.60.100, Signs Exempt From Regulation Under This Chapter; Homer City Code 21.60.110 Signs Prohibited Under This Chapter; Homer City Code 21.60.130, Temporary Signs-Private Property; Homer City Code 21.60.150, Time of Compliance-Nonconforming Signs and Signs Without Permits; and Homer City Code 21.60.170, Enforcement and Remedies; and Repealing Homer City Code 21.60.095, Electoral Signs; Homer City Code 21.60.120, General Permit Procedures; Homer City Code 21.60.140, Temporary Signs-

Public Rights-of-Way; and Homer City Code 21.60.160, Violations; Regarding the Regulation of Signs. Page 125

Memorandum 12-007 from City Planner as backup.
Memorandum 12-008 from City Attorney as backup.

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Page 339

4. COMMENTS OF THE AUDIENCE

5. ADJOURNMENT NO LATER THAN 4:50 P.M.

Next Regular Meeting is Monday, January 23, 2012 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Special Meeting 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

**COWLES COUNCIL CHAMBERS
491 E. PIONEER AVENUE
HOMER, ALASKA
www.cityofhomer-ak.gov**



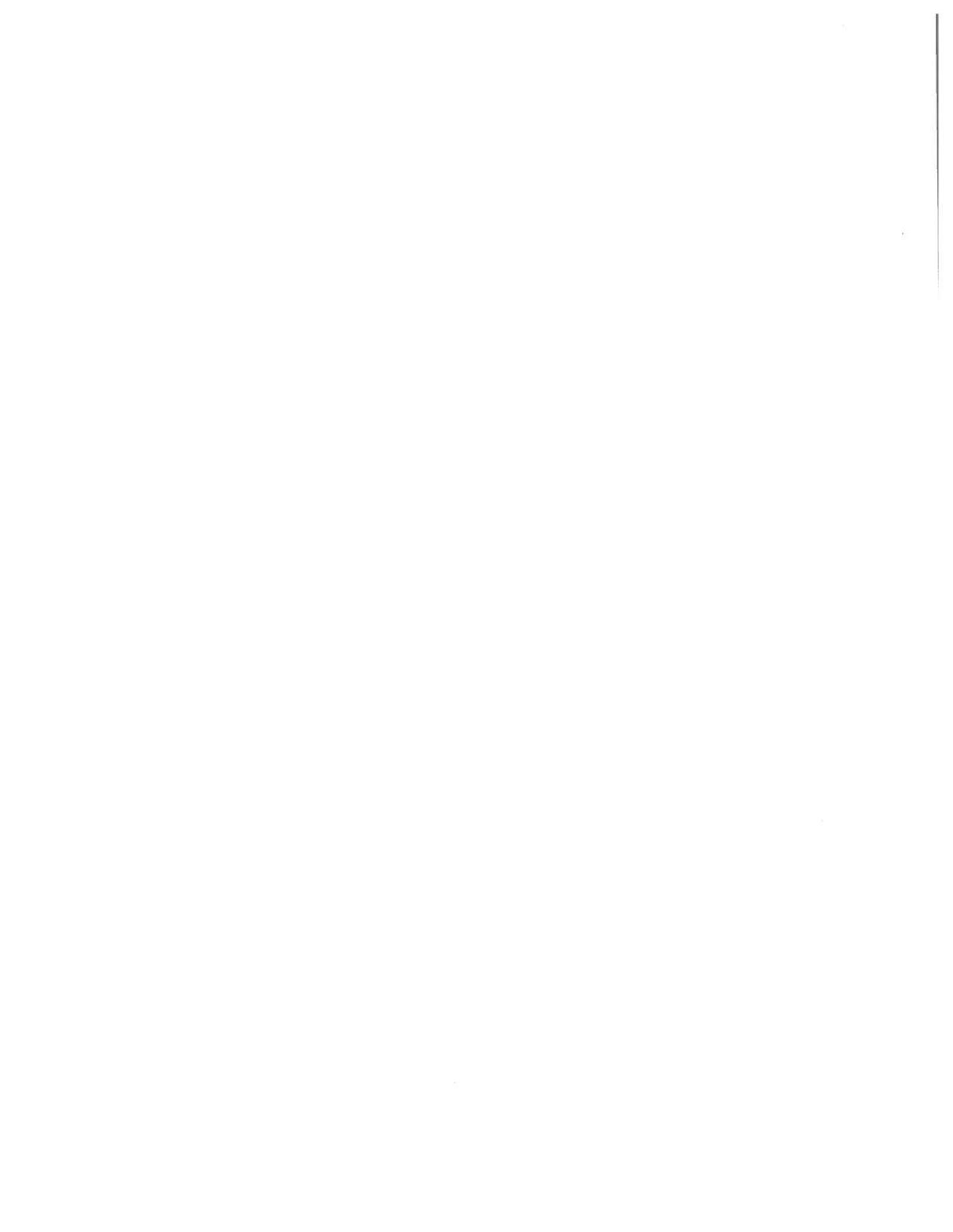
**COMMITTEE OF THE WHOLE
5:00 P.M. MONDAY
JANUARY 9, 2012**

MAYOR JAMES C. HORNADAY
COUNCIL MEMBER BETH WYTHE
COUNCIL MEMBER FRANCIE ROBERTS
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER KEVIN HOGAN
CITY ATTORNEY THOMAS KLINKNER
CITY MANAGER WALT WREDE
CITY CLERK JO JOHNSON

**MEETING NOTICE
COMMITTEE OF THE WHOLE AGENDA**

- 1. CALL TO ORDER, 5:00 P.M.**
- 2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)
- 3. Revolving Energy Fund**

Memorandum 12-009 from Finance Director as backup. Page 13
- 4. REGULAR MEETING AGENDA**
- 5. COMMENTS OF THE AUDIENCE**
- 6. ADJOURNMENT NO LATER THAN 5:50 P.M.**
Next Regular Meeting is Monday, January 23, 2012 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Special Meeting 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.





City of Homer
Finance Department

491 East Pioneer Avenue
Homer, Alaska 99603-7645
(907) 235-8121

Memorandum 12-009

Date: December 27, 2011
To: Mayor and City Council
Through: Walt Wrede, City Manager
From: Regina Mauras, Finance Director
Subject: Revolving Energy Fund

W. Wrede
R. Mauras

The 'Revolving Energy Fund' was created through Ordinance 10-14 with the intent to provide loans for capital projects that improve energy efficiency in the City buildings and facilities. Loans from this fund are to be repaid based on the achieved savings from individual departments to the "Energy Fund".

The opportunity arrived to utilize these funds when City Council accepted and appropriated a grant of \$227,800 from the Alaska Energy Authority through Ordinance 11-02(S)(A). Ten projects were identified to be completed and paid for through a combination of grants, revolving loan and depreciation reserves. Funding used from the depreciation reserves and the revolving energy loan were to be paid back using the projected savings payback period.

What this means in the Finance Department is this, a loan needs to be set up for each of the projects that utilized the Revolving Energy Fund; a loan needs to be set up for each project that utilized depreciation reserves; this is a total of thirteen different loans ranging in period of time from 1.4 years to 13.4 years. The payment amounts range anywhere from \$3 to \$12,000 annually.

Each of these loans need to be accounted for by each of the department's budget annually. Additionally, an analysis will need to be completed annually on the energy usage to determine that the annual savings is an amount equal to the payback for the year. Also, if the budgeted utility charges, (i.e. electricity) increased during the year due to a rate increase, the savings that may have been received will be diminished. This will cause the departments to pay higher utility costs, and still have to transfer funds to pay off "Revolving Energy Funds".

A final concern is the inter-mingling of Enterprise Funds and General Funds. Clear concise lines need to be drawn between the two different funds. Putting monies from both sources and then loaning it out to whatever source needs it, without segregation is an issue all on its own.

With the complexity of this process, one can imagine that our staff time in Finance will increase, as will the audit hours for our annual audit.

Recommendations:

1. Dissolve the Revolving Energy Fund. Use the remaining money to repay the P&H reserves. (Port & Harbor contributed \$48,620 to the Fund, \$29,294 was spent toward Harbor Lighting, leaving a balance of \$19,326)
2. A separate energy efficiency account should be set up in each of the three depreciation accounts, (i.e. General Fund, Utility and Port & Harbor); similar to the separation we have for the fleet reserves. This would mimic HART or HAWSP in that there will be a dedicated source of revenues for energy efficient projects.
3. All future energy efficiency loans or project monies should come directly from one of the three depreciation accounts.
4. 10% of the contribution to depreciation accounts each year should be dedicated to the energy efficiency fund(s).
5. Loan repayment requirements to the Energy Fund and the Depreciation Funds for 2011 and 2012 should be "forgiven." (By eliminating loan repayment requirements, it will allow for greater contributions from the annual transfers to energy efficiency reserves.)

CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

COWLES COUNCIL CHAMBERS
491 E. PIONEER AVENUE
HOMER, ALASKA
www.cityofhomer-ak.gov



REGULAR MEETING
6:00 P.M. MONDAY
JANUARY 9, 2012

MAYOR JAMES C. HORNADAY
COUNCIL MEMBER BETH WYTHE
COUNCIL MEMBER FRANCIE ROBERTS
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER KEVIN HOGAN
CITY ATTORNEY THOMAS KLINKNER
CITY MANAGER WALT WREDE
CITY CLERK JO JOHNSON

REGULAR MEETING AGENDA

Special Meeting 4:00 p.m., Worksession 4:15 p.m. and Committee of the Whole 5:00 p.m. in Homer City Hall Cowles Council Chambers.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

2. AGENDA APPROVAL

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

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

4. RECONSIDERATION

5. 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 Special Meeting minutes of December 12 and 19, 2011 and Regular Meeting minutes of December 12, 2011. City Clerk. Recommend adoption.

Page 21

B. **Memorandum 12-001**, from Deputy City Clerk, Re: Liquor License Renewals anticipated.

Page 55

- C. **Memorandum 12-002**, from Mayor, Re: Appointment of Phil Gordon to the Library Advisory Board and Reappointment of Carla Stanley to the Cook Inlet Regional Citizens Advisory Council. Page 69

6. **VISITORS**

- A. **Susan Kirn**, Big Brothers Big Sisters of Alaska, 10 minutes. Page 75
- B. **Representative Paul Seaton**, Oil and Gas Issues, 10 minutes.

7. **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS**

- A. **Mayor's Proclamation**, January as Mentor Month Page 79

B. Borough Report

C. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission
5. Port and Harbor Advisory Commission

8. **PUBLIC HEARING(S)**

- A. **Ordinance 11-48**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Capital Budget by Accepting and Appropriating a Legislative Grant in the Amount of \$6,000,000 for the Purpose of Constructing Deep Water / Cruise Ship Dock and Passenger Facility Improvements. City Manager. Recommended dates: Introduction December 12, 2011, Public Hearing and Second Reading January 9, 2012. Page 83

9. **ORDINANCE(S)**

- A. **Ordinance 12-01**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.60.040, Definitions; Homer City Code 21.60.060, Signs Allowed

on Private Property With and Without Permits; Homer City Code 21.60.070, Permits Required; Homer City Code 21.60.080 Design, Construction, and Maintenance; Homer City Code 21.60.090, Signs in the Public Right-of-Way; Homer City Code 21.60.095, Electoral Signs; Homer City Code 21.60.100, Signs Exempt From Regulation Under this Chapter; Homer City Code 21.60.110 Signs Prohibited Under this Chapter; Homer City Code 21.60.130, Temporary Signs-Private Property; Homer City Code 21.60.150, Time of Compliance-Nonconforming Signs and Signs Without Permits; and Homer City Code 21.60.170, Enforcement and Remedies; and Repealing Homer City Code 21.60.120, General Permit Procedures; Homer City Code 21.60.140, Temporary Signs-Public Rights-of-Way; and Homer City Code 21.60.160, Violations; Regarding the Regulation of Signs. Planning. Recommended dates: Introduction January 9, 2012, Public Hearing and Second Reading January 23, 2012.

Page 107

Ordinance 12-01(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.60.040, Definitions; Homer City Code 21.60.060, Signs Allowed on Private Property With and Without Permits; Homer City Code 21.60.070, Permits Required; Homer City Code 21.60.080 Design, Construction, and Maintenance; Homer City Code 21.60.090, Signs in the Public Right-of-Way; Homer City Code 21.60.100, Signs Exempt From Regulation Under This Chapter; Homer City Code 21.60.110 Signs Prohibited Under This Chapter; Homer City Code 21.60.130, Temporary Signs-Private Property; Homer City Code 21.60.150, Time of Compliance-Nonconforming Signs and Signs Without Permits; and Homer City Code 21.60.170, Enforcement and Remedies; and Repealing Homer City Code 21.60.095, Electoral Signs; Homer City Code 21.60.120, General Permit Procedures; Homer City Code 21.60.140, Temporary Signs-Public Rights-of-Way; and Homer City Code 21.60.160, Violations; Regarding the Regulation of Signs.

Page 125

Memorandum 12-007 from City Planner as backup.

Page 141

Memorandum 12-008 from City Attorney as backup.

Page 339

- B. **Ordinance 12-02**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating \$114,288 from the Sewer Reserve Account for the Polymer Equipment Replacement Project. City Manager/Public Works Director. Recommended dates: Introduction January 9, 2012, Public Hearing and Second Reading January 23, 2012.

Page 341

Memorandum 12-003 from Public Works Director as backup.

Page 345

- C. **Ordinance 12-03**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating and Transferring \$60,000 from the General Fund Reserves to the Seawall Maintenance Reserve for the Purpose of Repairing and

Maintaining the Wall. City Manager. Recommended dates: Introduction January 9, 2012,
Public Hearing and Second Reading January 23, 2012. Page 347

- D. **Ordinance 12-04**, An Ordinance of the City Council of Homer, Alaska, Amending the Deep Water Dock Security Gates and Video Surveillance Equipment Project Budget by Appropriating an Additional \$9,623.41 from the Port and Harbor Reserves for the Purpose of Addressing Unanticipated Conditions Encountered During Construction. City Manager/Port and Harbor Director. Recommended dates: Introduction January 9, 2012, Public Hearing and Second Reading January 23, 2012. Page 357

Memorandum 12-004 from Port and Harbor Director as backup. Page 361

10. CITY MANAGER'S REPORT

- A. City Manager's Report Page 365
1. Memorandum 12-005 from Public Works Director, Re: City Hall Expansion and Renovation Progress Update. Page 371
- B. Games Report
1. Kachemak Bay Family Planning Clinic Page 393
- a. Pull Tab Vendor Registration – The Alibi & AJ's Steakhouse

11. CITY ATTORNEY REPORT

12. COMMITTEE REPORT

- A. Public Arts Committee
- B. Transportation Advisory Committee
- C. Permanent Fund Committee
- D. Lease Committee
- E. Port and Harbor Improvement Committee
- F. Employee Committee Report

13. PENDING BUSINESS

14. NEW BUSINESS

15. RESOLUTIONS

- A. **Resolution 12-001**, A Resolution of the City Council of Homer, Alaska, Confirming the City Manager's Appointment of Robert Painter as Acting City Manager for the Calendar Year 2012. City Manager. Page 399

- B. **Resolution 12-002**, A Resolution of the Homer City Council Confirming the Appointments of Regina Mauras as Treasurer and Laurie Moore as Deputy Treasurer for Calendar Year 2012. City Manager. Page 401

- C. **Resolution 12-003**, A Resolution of the City Council of Homer, Alaska, Designating Signatories of City Accounts and Superseding Any Previous Resolution So Designating. City Manager. Page 403

- D. **Resolution 12-004**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Advisory Planning Commission Bylaws and Policies and Procedures Manual. Planning. Page 405

- E. **Resolution 12-005**, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Pratt Museum's Legislative Grant Request in the Amount of \$650,000 for the Design Phase of its New Facility and Site Redesign Project. Roberts. Page 421

- F. **Resolution 12-006**, A Resolution of the City Council of Homer, Alaska, Amending the Fee Schedule for Library Fees to Include Overdue Items, Photocopies, Interlibrary Loan Fee, Replacement/Repair of Items, and Improper Return of Digital Devices. City Clerk/Library Director. Page 423

- Memorandum 12-010 from Library Director as backup. Page 425

16. COMMENTS OF THE AUDIENCE

17. COMMENTS OF THE CITY ATTORNEY

18. COMMENTS OF THE CITY CLERK

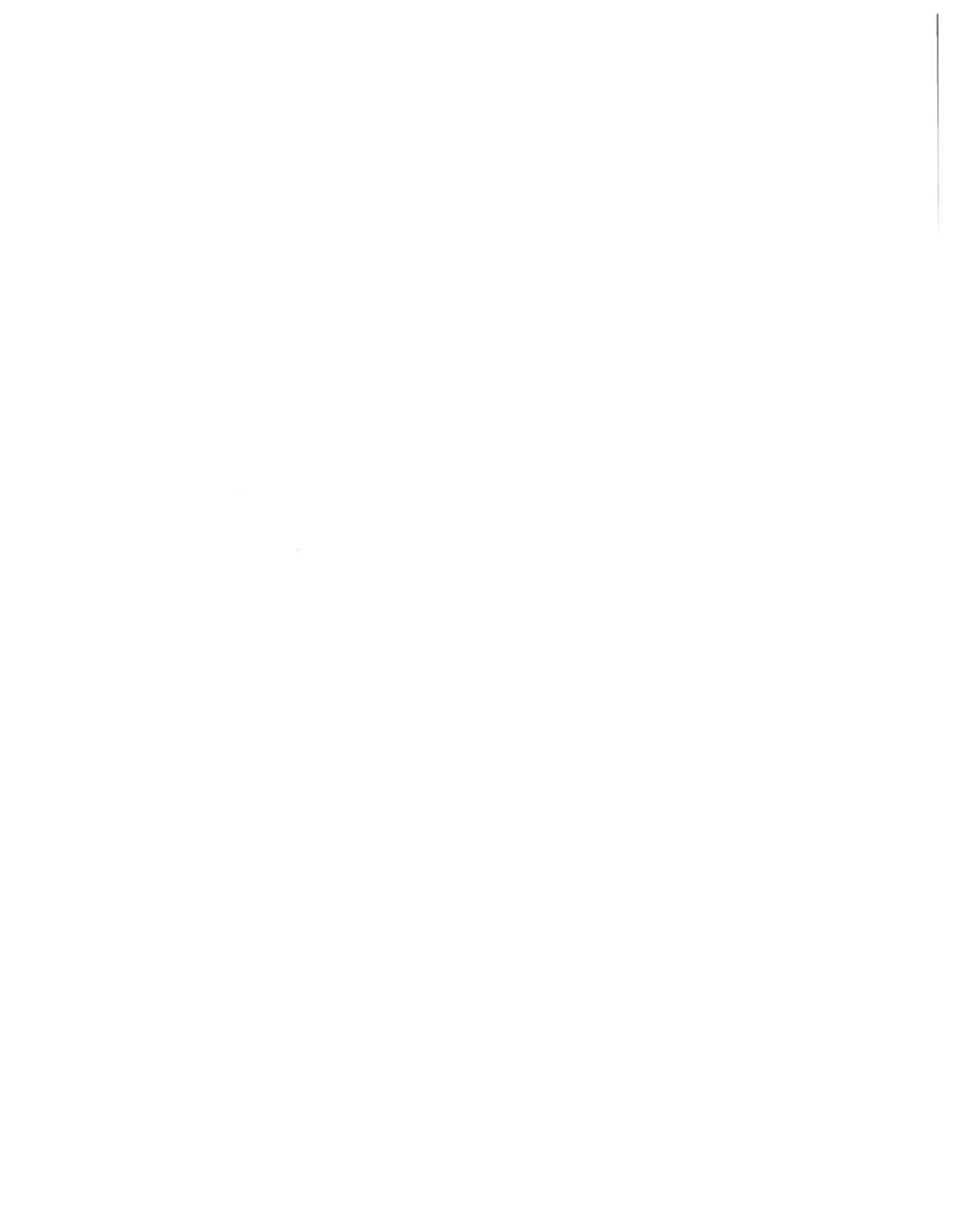
19. COMMENTS OF THE CITY MANAGER

20. COMMENTS OF THE MAYOR

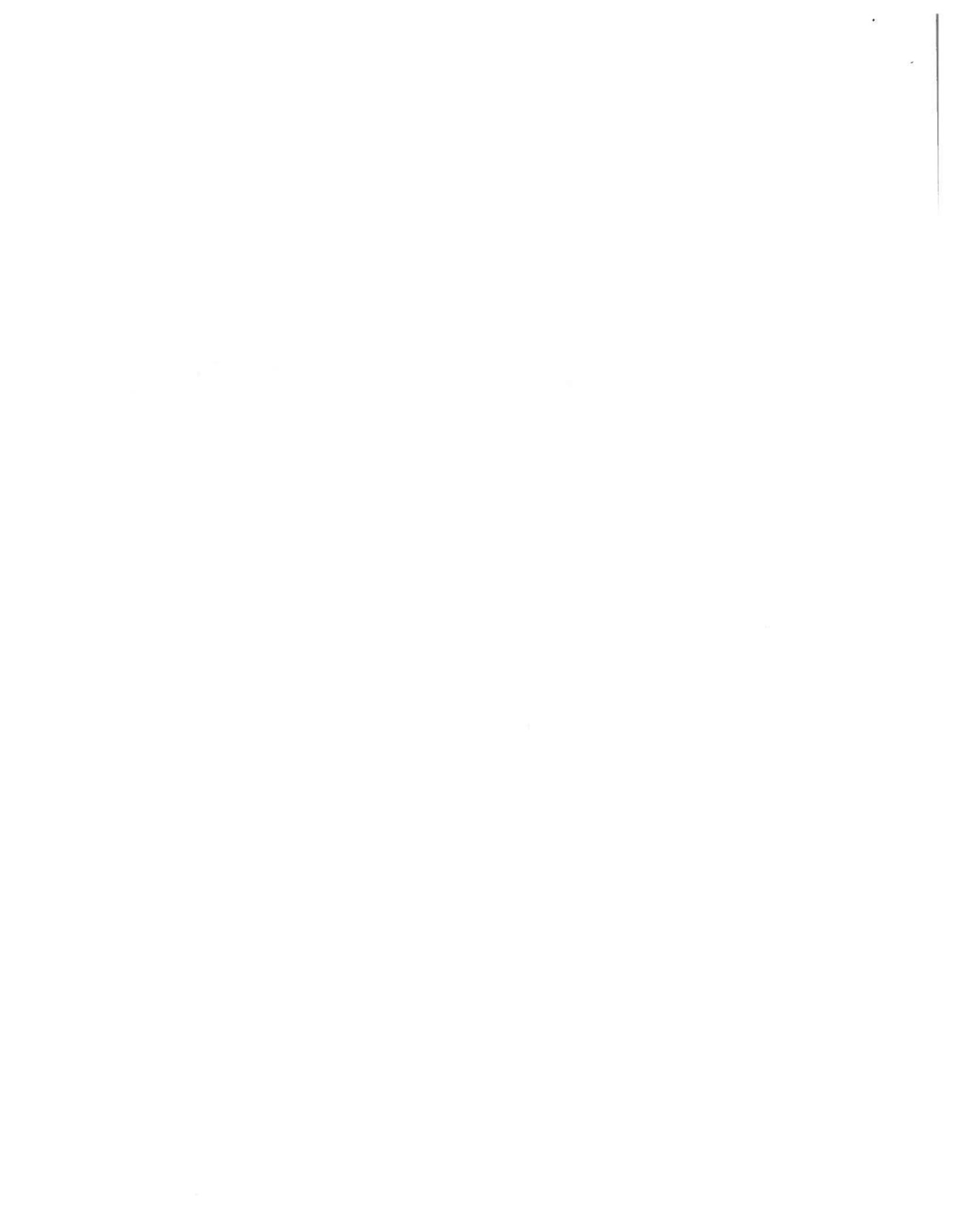
21. COMMENTS OF THE CITY COUNCIL

22. ADJOURNMENT

Next Regular Meeting is Monday, January 23, 2012 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Special Meeting 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



**PUBLIC COMMENTS UPON MATTERS
ALREADY ON THE AGENDA**



RECONSIDERATION

CONSENT AGENDA



Session 11-35 a Special Meeting of the Homer City Council was called to order on December 12, 2011 at 4:00 p.m. by Mayor James C. Hornaday, 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: HOGAN, HOWARD, LEWIS, ROBERTS,
WYTHE, ZAK (excused)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER
PUBLIC WORKS DIRECTOR MEYER

AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

Councilmember Zak requested excusal.

The agenda was approved by consensus of the Council.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were no public comments.

4. NEW BUSINESS

- A. **Memorandum 11-155**, From City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(C)(1 & 5), Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit and Attorney/Client Privilege. (Legal Issues Regarding Seawall).
- B. **Memorandum 11-156**, From City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(C)(1 & 5), Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit and Attorney/Client Privilege. (Kazan Property).
- C. **Memorandum 11-157**, From City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(C)(1 & 5), Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit and Attorney/Client Privilege. (Enforcement and Overdue Fee Collection for Derelict Vessels in the Harbor)

Mayor Hornaday called for a motion for the approval of the recommendations of Memorandums 11-155, 11-156, and 11-157 to meet in Executive Session to discuss legal issues regarding Seawall, Kazan Property, and Enforcement and Overdue Fee Collection for Derelict Vessels in the Harbor.

WYTHE/HOWARD – SO MOVED.

There was no discussion.

VOTE: YES. ROBERTS, WYTHE, HOWARD, HOGAN, LEWIS

Motion carried.

City Attorney Klinkner, City Manager Wrede, and Public Works Director Meyer were invited into the Executive Session.

Council adjourned to Executive Session at 4:03 p.m. and reconvened the meeting at 4:48 p.m.

Mayor Pro Tempore Wythe stated Council met with the attorney and city manager and provided instruction regarding the three items on the agenda.

COMMENTS OF THE AUDIENCE

There were no comments from the audience.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner had no comment.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

COMMENTS OF THE MAYOR

Mayor Hornaday had no comment.

COMMENTS OF THE CITY COUNCIL

Councilmembers Hogan, Howard, Lewis, Roberts and Wythe had no comment.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 4:49 p.m. The next Regular Meeting is scheduled for Monday, January 9, 2012 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, January 9, 2012 at 5:00 p.m. A Worksession is scheduled for Monday, January 9, 2012 at 4:00 p.m. A Special Meeting is

HOMER CITY COUNCIL
SPECIAL MEETING MINUTES
DECEMBER 12, 2011

scheduled for Monday, December 19, 2011 at 5:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____

Session 11-37 a Special Meeting of the Homer City Council was called to order on December 19, 2011 at 5:15 p.m. by Mayor James C. Hornaday, at the West Campus located at 450 Sterling Highway, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: HOGAN, HOWARD, LEWIS, ROBERTS,
WYTHE, ZAK (telephonic)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER (telephonic)
PUBLIC WORKS DIRECTOR MEYER

Councilmember Zak has requested telephonic participation.

Mayor Hornaday called for a motion to allow Councilmember Zak to participate by phone.

HOWARD/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

The agenda was approved by consensus of the Council.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Mayor Hornaday strongly cautioned Council that only the City Manager and City Attorney speak on the seawall in public. When he and Councilmember Wythe joined the Council eight years ago they were advised that there were several comments over the years on this issue by councilmembers that were subject to different interpretations and caused some problems. However, Council may speak due to freedom of speech.

Chris Newby, resident of the seawall, told Council the City has the duty and responsibility under the Corps permit to maintain activity authorizing the permit. The City should repair the seawall when it breaks and reinstate the insurance. The City should find a way to work with property owners for a long term solution and the seawall should be put on the CIP list.

Paul Hueper, resident of the seawall, commented the ordinance is a bad idea. There is no way to fairly collect as two lots are in default, three lots are owned by senior citizens who could not afford to contribute, and two lots are city owned. Fifty percent would not be able to contribute. The seawall is on private property with no easement. The City cannot do repairs and bill him for

it, nor force him to pay his neighbor's bill. The City set a legal precedence by doing repairs, claiming responsibility. He had not seen the Corps permit until two years ago. It would have changed how the courts would have viewed the lawsuit.

Don McNamara, resident of the seawall, appreciates the City funding the seawall. He lives at the west end and has followed the maintenance agreement by replacing boards, bolts, and plates, and installing rocks. He has spent \$15,000 over the last eight years keeping his portion of the wall in good shape. He requests to be let out of the district.

Pat Irwin, resident of the seawall, commented both Senators are up to speed on the seawall and it is on their radar for a long term solution. Senator Begich walked the seawall and emphasized it needs to be a priority on the City's CIP list. Everyone is in agreement the wall needs armor rock, an expensive project. The current wall is working; it just needs improvement. He wants to work with the City Council.

Marilyn Hueper, resident of the seawall, told Council it was another mayor, other council members, and another city manager when the seawall project started. There are a lot of challenges since Homer does not have any rock. When they bought in property values were low. They are now paying increased taxes and other businesses have joined the area bringing benefits to the City. She asked not to enact the emergency ordinance, restore the insurance, and work together for a long term solution.

Donna Rae Faulkner, resident of the seawall, commented there was an understanding homeowners would be responsible for paying for maintenance and repairs. They have spent \$15,000 of their own money on the seawall over the last years. The special service district is the most inequitable thing that could be done. A long term solution is needed such as an LID or federal funding. She doesn't want to be paying lawyers to figure it out, but instead would like to make an investment in the wall. She has asked Dave Casey and the Corps of Engineers to write up information for a good faith transfer of the City's permit. She can't afford to maintain other people's private property and a \$2M project.

Sunny Bourgeois, resident of the seawall, has two properties (formerly Larry Goode's) under lease with the option to buy. How fast the wall is repaired is a huge thing. She sent pictures to the Corps of Engineers. Small repairs turn into big fixes after just a few days. One storm made their neighbors house nearly fall. She asked that something be put in place right away. Their property is less than 20 ft. from the edge.

Councilmember Hogan asked property owners how many had property less than 20 ft. from the water's edge. There were two with properties less than 20 ft. One party (Findlay Abbott) is less than 10 ft. from the water's edge.

NEW BUSINESS

- A. **Ordinance 11-49**, An Emergency Ordinance of the Homer City Council Adopting Homer City Code Chapter 15.10, Ocean Drive Loop Special Service District, to Create a

Differential Property Tax Zone to Levy Property Taxes to Fund Special Services
Provided in the District. City Manager/City Attorney.

ROBERTS/WYTHE – MOVED TO ADOPT ORDINANCE 11-49 FOR FIRST AND FINAL
READING.

Councilmember Hogan called attention to the emergency ordinance that is drafted of a
permanent nature. By statute, an emergency ordinance is limited to 60 days.

Attorney Klinkner advised the emergency ordinance goes into city code and is subject to a sunset
provision. In addition to moving to adopt the emergency ordinance he suggested Council
introduce the ordinance as a regular permanent ordinance and set it for public hearing at the next
available meeting. A subsequent ordinance will levy the mil rate.

Asked by Councilmember Lewis if it was possible to exclude individuals from the special
service district and the homeowners take ownership, Attorney Klinkner answered he should get
advice from city administration on financial and otherwise.

Councilmember Roberts asked if the district can be modified after the vote. Attorney Klinkner
advised the district can be modified at any time.

Councilmember Lewis asked City Manager Wrede about the exclusion of individuals. City
Manager Wrede answered there are both practical and legal implications of excluding people.
One question is if you can have a district where lots are not contiguous. Public Works Director
Carey Meyer and he talked about the history of the wall over the last 10 years. The majority of
damage is at the eastern end of the wall. Due to the way the wall is built waves generate speed
that impact the downstream neighbors. We could have everyone at the west end opt out. When
the seawall was built it was understood it was one for all, all for one.

Councilmember Lewis asked if anyone has looked at Beluga Slough to see how the wall has
affected the change of water flow. City Manager Wrede answered he was asked to do some
surveys to see if the beach line is changing, but that has not happened yet.

Attorney Klinkner advised the emergency ordinance will sunset in 60 days. Levying a tax will be
a separate action from establishing a special service district.

VOTE: YES. ROBERTS, WYTHE, HOWARD, HOGAN, LEWIS

VOTE: NO. ZAK

Motion carried.

HOWARD/WYTHE - MOVED TO INTRODUCE ORDINANCE 11-49 AS A REGULAR
PERMANENT ORDINANCE FOR PUBLIC HEARING AT THE SECOND MEETING IN
JANUARY.

HOWARD/WYTHER – MOVED FOR A FRIENDLY AMENDMENT FOR THE FIRST MEETING IN JANUARY.

HOWARD/WYTHER – MOVED TO WITHDRAW THE FRIENDLY AMENDMENT.
There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VOTE: YES. HOGAN, ROBERTS, WYTHER, HOWARD, LEWIS
VOTE: NO. ZAK

Motion carried.

COMMENTS OF THE AUDIENCE

Marilyn Hueper, resident of seawall, commented at the beginning they were told they were getting a 50 year maintenance free wall. There was no plan for maintenance. The ordinance is only a short term solution since most of the westerly properties will opt out. The easterly properties will end up being vacated and the City will still pay assessments.

Paul Hueper, resident of the seawall, commented the attorney will be busy as the ordinance has holes all over it. It is private property. Everyone has the right to say no to fixes. Will this legally stand up? Do you have the right to come on my property and do something without a legal instrument in place? What is just? What was the original intent and what does the Army Corps permit say? The City has to be responsible for maintaining and paying for it, not passing the bill out to the neighborhood.

Donna Rae Faulkner, resident of the seawall, commented one size may not fit all and there are a lot of things that may be addressed. If the Army Corps is going to do good faith transfers she asked that homeowners be invited to the meeting. The long term solution may be an LID or federal funding. There is no way the City or property owners can afford to do the patches forever. She hates being against the neighbors and the City, but everyone is just trying to figure out the best way with the situation.

Don McNamara, resident of the seawall, commented we should try to make it into a win/win situation. The homeowners on the east end have had 8 years to do maintenance and have chosen not to. The first fix by FEMA was \$240,000. Five different people have worked on the wall, one of them being the City. One 20 ft. board is flopping in the breeze with fiberglass blown through with holes. He chose the west end due to less erosion even before the wall was there. The wall was supposed to be maintenance free. It did fail. All the people signed off on the wall. They all paid less than 50 cents on a dollar to buy the wall. Everyone knew they were buying a failed project. The as-built survey is not where the wall was to be. People all knew they had to maintain the wall, but have been dragging their feet. In 2000 and 2001 council meetings the homeowners said the City would not have to worry about maintenance. The Army Corps of Engineers said to

keep the wall above the 20 ft. tide line, yet it was moved down to the impact zone. When they put armor rocks in front of their property they called all the neighbors to ask if they wanted some. All the neighbors declined, saying the City would take care of their property. He asked to be let out and he will not bother Council or the other homeowners. A trail is the best aspect, yet not everybody wants a trail.

Sunny Bourgeois, resident of the seawall, commented she is on the east end of the wall with the worst section and has spent money on repairs. She is paying a second mortgage for \$60,000 worth of steel. They put another \$16,000 in repairs to keep the main property from falling in. She would like a long term fix and find some way to find the funds. Everyone is willing to make phone calls. Everyone in town says they don't want to pay for a wall that is not doing anything for us. It would be nice to have a path that connects to the Spit.

Pat Irwin, resident of the seawall, asked if there was a max on the mil rate.

Attorney Klinkner answered Council could choose to place a cap on the mil rate. There is a statutory limitation on the total amount of real property taxes that can be levied by a city or borough, either 30 mils or determined by other factors depending on the characteristics of the municipality.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner had no comment.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Wrede commented there are holes in the seawall. Carey has been down there with Troy Jones. One estimate would fix the immediate damage. The next estimate would be for preventative maintenance. He has been told not to go down there. It is way beyond an amount he is willing to spend himself. Council will see an emergency ordinance at the next meeting asking for a money expenditure. As the Corps of Engineers interprets the permit the City of Homer has the obligation. Money left over in the 2011 budget from personnel and travel may be spent for furniture at City Hall.

Mayor Hornaday commented no money should be spent on furniture. We should use the old furniture. The Council did not agree.

City Manager Wrede stated Assemblyman Smith mentioned cruise ship tax at the last council meeting. Seldovia is looking at getting some of Homer's money to build a shelter. The Borough asked if Homer and Seldovia can get together to make a recommendation to the Assembly. It would be sharing the \$35,000 Borough allotment. The City already gets \$35,000 in addition to the \$6M.

COMMENTS OF THE MAYOR

Mayor Hornaday wished everyone a Merry Christmas and Happy New Year.

COMMENTS OF THE CITY COUNCIL

Councilmembers Wythe, Roberts, Howard, Lewis, and Zak had no comment.

Councilmember Hogan commented while in the south of France he viewed their seawall that was built in the 1400's and goes as far as the eye can see. It was built by hand and is still standing. If we could just get the Department of Defense to come in all the problems would be solved.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 6:12 p.m. The next Regular Meeting is scheduled for Monday, January 9, 2012 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, January 9, 2012 at 5:00 p.m. A Worksession is scheduled for Monday, January 9, 2012 at 4:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____

Session 11-36 a Regular Meeting of the Homer City Council was called to order on December 12, 2011 at 6:01 p.m. by Mayor James C. Hornaday, 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: HOGAN, HOWARD, LEWIS, ROBERTS,
WYTHE, ZAK (telephonic)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER
CITY PLANNER ABOUD
FINANCE DIRECTOR MAURAS
LIBRARY DIRECTOR DIXON
PERSONNEL DIRECTOR PETERSEN
POLICE CHIEF ROBL
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

Councilmember Zak has requested telephonic participation or excusal.

Mayor Hornaday called for a motion to allow Councilmember Zak to participate by phone.

LEWIS/HOGAN – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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 agenda was approved by consensus of the Council with the following changes: PUBLIC HEARINGS - Ordinance 11-41, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2012 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures). City Manager. Written public testimony; and RESOLUTIONS - Resolution 11-109(S), A Resolution of the City Council of Homer, Alaska, Establishing the 2012 Regular Meeting Schedule for the City Council, Economic Development Advisory Commission, Library Advisory Board, Parks and Recreation Advisory Commission, Advisory Planning Commission, Port and Harbor

Advisory Commission, Lease Committee, Permanent Fund Committee, Public Arts Committee and Transportation Advisory Committee. City Clerk.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Michele Miller, city resident and Chair of 1% for Arts Committee, reported they selected four pieces of art for the City Hall Renovation and Expansion Project.

Angie Newby, city resident, voiced her support for the 1% for the Arts Committee.

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 November 28, 2011. City Clerk. Recommend adoption.
- B. **Memorandum 11-159**, from Mayor, Re: Appointment of Neil Wagner to the Economic Development Advisory Commission and Appointment of Debra Lowney to the Parks and Recreation Advisory Commission.

Mayor Hornaday called for a motion for the approval of the recommendations of the consent agenda as read.

WYTHE/HOWARD – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

- A. **Buck Laukitis**, North Pacific Fisheries Association, Inc., Report on United Fishermen of Alaska Meeting

Buck Laukitis is President of the North Pacific Fisheries Association (NPFA). The organization was founded in 1954 before Statehood. Members consist of longliners, salmon fishermen, ground fish harvesters, and processors. In October the United Fishermen of Alaska's (UFA) board meeting was held in Homer. NPFA is a member of the UFA; Homer residents are members of the UFA. It was a productive meeting. A side light was the visitors' perception of

Homer as a vibrant marine trades community. Both UFA and NPFA produced economic fact sheets. There are 575 permit holders in Homer, they own over 1,000 permits, 21% of the residents fish commercially, 2010 income for Homer based fishermen was \$77M, seafood processing jobs on the Kenai Peninsula were 1,846, total processing wages were \$11.5M, and first wholesale value on the Kenai Peninsula is \$151M. There is over \$200M of investment value in permits by residents of Kachemak Bay. UFA recognized Bob Moss, Sr., a true pioneer in the seafood industry. He was former Chairman of the Board of Fish and part of the advisory committee what is now called the North Pacific Council. Mr. Moss was instrumental in helping us Americanize the fisheries by working with Jay Hammond and Clem Tillion. The people before us let us enjoy good economic times and the sustainable fisheries.

NPFA passed a resolution for the renewal of coastal zone management; they will oppose the Chuitna Mine development. NPFA would like to work with City Council on House Bill 184, sharing the fisheries business tax and fisheries resource landing tax. Homer is still the halibut capital of the world, but there will be a lot less halibut in the world in the coming years.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Borough Report

Bill Smith, Kenai Peninsula Borough Assemblyman, reported the Borough received \$35,512 for cruise ship tax for the City of Homer. Seldovia believes they are impacted by the cruise ships that land in Homer, so allocation of the money has been postponed to January. The money may be reallocated, resulting in the City of Homer getting less than the allotted amount.

Mayor Hornaday commented Borough Mayor Navarre was in town recently and seems interested in Homer's projects.

Mayor Hornaday gave a shout out to the Finance Director and Finance Department that received indication our finances are being properly handled.

B. Commissions/Board Reports:

1. Library Advisory Board

Eileen Faulkner, Chair of the Library Advisory Board, reported the LAB along with the citizens of Homer and surrounding communities are concerned about the proposed reductions to the book budget. The proposed cuts could amount to \$6,000, bringing the book budget down to \$14,000. Books are the purpose of the library. They are about educating the youngest baby in the lap sit program to the wisest residents in their 90's. A new circulation record was set in 2010 with over 103,000 items being checked out, to include books, magazines, DVDs. The library benefits more than just a select few. Book circulation for 2010 is nearly 28,000 items checked out. Folks still want and need the latest and greatest information. Some books need replacement due to damage. The average age of non fiction books in the library is 1989. Examples of other small Alaska

communities book budgets include: Haines \$19,000, Seward 20,000, Talkeetna and Willow over \$22,000.

2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission

Dave Brann, Parks and Recreation Advisory Commissioner, welcomed the new commissioner appointment. They are anticipating a \$1,000 budget for Park Day. The commission continues to look at Mariner Park, the Kachemak Drive path/trail, and Karen Hornaday Park.

5. Port and Harbor Advisory Commission

C. Matt Clarke, Chair, Employee Committee Report

Memorandum 11-159 from Employee Committee as backup.

Matt Clarke, Chair of the Employee Committee, provided a report on the committee's work on the employees benefit package. In December 2010 several councilmembers expressed their desire for the city employees to take part in their healthcare plan in the form of out of pocket premiums. One employee from each department was dedicated to represent their department on the Employee Committee. In August 2011 the committee met to analyze the benefit package. Meetings were held following Robert's Rules of Order, and requiring seven people present. They developed nine goals and objectives:

- To educate committee members on healthcare terminology
- To review the City's current health insurance plan
- To analyze the parity study and other pertinent industry information
- Identify municipal industry standards within the State of Alaska relevant to the City of Homer
- See what is driving the City's costs
- Review COLA
- Develop options in accordance with municipal industry averages designed to provide the City of Homer savings and achieve benefits package sustainability
- Employee wide vote to determine a majority approved proposal
- Bring the information before City Council

The committee analyzed the parity study and a statistical overview provided by Meritain Health, the claims administrator. At the time of the parity study 277 employees and dependents were insured. The dependent to employee ratio is 2:1. The cost to insure an employee and family is \$1,354, well below municipal industry average. The committee found \$156,000 savings was needed to achieve the municipal industry average. The City's insurance costs are being driven by: 83% medical claims, prescription claims 11%, dental claims 5%, and vision 1%. In 2007 - 2010 employees claims expense was 66%, spouses 26%, and children 7%. In the first and second quarters of 2011 employees claims 77%, spouses 12%, children 11%.

The Employee Committee reviewed COLA, a discretionary budget item. Homer's COLA awards are slightly behind other Kenai Peninsula employers. The committee discussed developing a method of monitoring local factors driving the cost of living in the City rather than relying on Anchorage's consumer price list.

A ballot was developed with two options for the City to save \$150,000 annually. The options were either a premium to employees with no changes to the current insurance plan or a premium to employees with adjustments to the schedule of benefits. Although the committee determined a no change option was preferred by the majority of the employees, the committee chose to exclude that option. On December 6th 57 employees cast their ballot for the premium only which is \$463 annually for an employee; \$1,475.50 annually for spouse; \$125.06 annually for each child. The committee identified additional savings through the PERS agreement. The City and new hires will not be required to contribute to PERS until they successfully pass probation, or six months of service for public safety employees. Recent hiring trends indicate a potential savings of up to \$40,000 annually.

Councilmembers Hogan and Roberts proposals were outlined; neither would supplement the proposed 2012 health insurance budget.

Matt Clarke reported the Employee Committee wants Council to know it was a very difficult decision, one that effectively reduces every benefitted employee's income. City employees offer this contribution after not having received a COLA since 2009. If the City Council determines that it must amend the employee benefit package for budgetary reasons, the proposal is offered as an alternative to the existing proposed budget amendments drafted by Councilmembers Hogan and Roberts.

D. South Peninsula Gas Line Project (Email to Governor Parnell from Karin Marks)

PUBLIC HEARING(S)

A. **Ordinance 11-41**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2012 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures). City Manager. Introduction October 10, 2011, Public Hearings November 28 and December 12, 2011, Second Reading December 12, 2011.

Memorandum 11-160 from Parks and Recreation Advisory Commission.

Mayor Hornaday opened the public hearing.

Bette Seaman, city resident and Library Advisory Board member, advocated for the library books. She asked that the Library Director be able to set the book budget.

Debbie Waldorf, library employee, advocated for library books to stay current with information. As to the employee benefit proposal, her take home pay would be less than when she started in 2008 as a full time employee.

Phil Gordon, city resident and past librarian, spoke in favor of funding for the library. Homer spends only \$1.77 per capita for books.

Todd Cook, city employee, asked Council for more time on the employee benefits.

Lee Page, Homer resident, advocated for funding of library books.

Nick Poolos, new city employee, asked Council to consider the health care benefit package which balanced the cost of living increases of his moving to Homer.

Chris Moss, Homer resident, believes the allocation to the Chamber of Commerce needs to be defined for what it is – visitor marketing.

Nancy Hillstrand, Homer resident, expressed concern on expenditures on lawyer's fees. The amount spent against its own citizens is high. Safety, health, and the environment are the essentials.

Monte Davis, city resident and Executive Director of the Chamber of Commerce, clarified the contribution to the Chamber is for marketing for the City of Homer. He asked that another entity be selected to handle visitor marketing if Council did not want to allocate funds to the Chamber.

Jo Earls, city employee, encouraged Council to leave the budget as presented by the City Manager. She asked for 6 months to a year to look at ideas. Many people on the Employee Committee felt pushed into deadlines and weren't real comfortable with it.

Buck Laukitis, Homer resident, suggested spending the money for visitor marketing with the new marine trades group.

Kathy George, city employee, asked Council to postpone any decisions on employee benefits until hearing from the broker.

Mayor Hornaday closed the public hearing.

WYTHE/LEWIS - MOVED FOR THE ADOPTION OF ORDINANCE 11-41 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Budget Amendment A-1 (Management)

Finance Director Harville clarified the need for additional funds came after preparation of the budget.

WYTHE/HOWARD – MOVED FOR THE ACCEPTANCE OF THE INCREASE OF THE PORT AND HARBOR BY \$2,100 TO COVER OVERTIME EXPENSES.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Budget Amendment A-2 (Wythe)

WYTHE/HOWARD - MOVED TO TRANSFER \$100,000 FROM THE PORT AND HARBOR DEPRECIATION RESERVE FUND TO CREATE A FISHING HOLE (NICK DUDIAK FISHING LAGOON) MAINTENANCE RESERVE FUND.

A maintenance fund will insure monies are available for upkeep on the Fishing Hole. Money originally came from the Port and Harbor fund to create the Fishing Hole.

City Manager Wrede requested the funds come from the general fund depreciation reserves since the Fishing Hole is not a part of Port and Harbor operations.

Councilmember Wythe asked for a friendly amendment that the funds come from the general fund depreciation reserves into a general fund Fishing Hole maintenance reserve.

There was no opposition from Councilmember Howard.

VOTE: YES. ROBERTS, WYTHE, ZAK, HOWARD, LEWIS

VOTE: NO. HOGAN

Motion carried.

Budget Amendment A-3 (Wythe)

WYTHE/HOWARD – MOVED TO TRANSFER \$500,000 FROM THE PORT AND HARBOR DEPRECIATION RESERVE TO CREATE A BOND RESERVE FUND.

A bond reserve fund establishes a dedicated reserve fund that is required for bonding purposes. If we do not bond the monies can be rolled back into reserve. We must have 1.25% of a single year's payment in a reserve account in order to qualify as a bond fund. It is a good faith effort that the funds are available and we are willing to allocate them to the bond reserve. The source of the Port and Harbor reserve fund is the revenue from the Port and Harbor. An income producing product is a requirement for bonding. The Port and Harbor enterprise fund is a revenue producing product.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Amendment A-4 (Management)

Finance Director Mauras clarified the need for additional funds came after preparation of the budget. The replacement of a base station for the Fire Department to meet the FCC requirements is needed.

WYTHE/LEWIS - MOVED FOR THE APPROVAL OF AN ADDITIONAL \$10,000 TO FIRE DEPRECIATION RESERVE FUND.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Hornaday called for a recess at 7:21 p.m. and reconvened the meeting at 7:26 p.m.

Amendment A-5 (Lewis)

LEWIS/HOGAN – MOVED TO TAKE \$10,000 FROM THE GENERAL FUND AND GIVE IT TO THE HOMER FOUNDATION FOR THE KEVIN BELL ARENA.

Lately the skating rink has had a loss of gaming revenue. Recent compressor problems resulted in a \$10,000 bill for repairs. The rink brings a lot of revenue to the city. Tournaments in the winter keep local people home and the shopping here. Most ice skating rinks are owned and operated by their municipality. Homer's rink is the only one in the state, and one of the few rinks in North America that is owned by an association.

Years were spent moving non profits out of council chambers and to The Homer Foundation for funding. The community is interested in non profits, and each person has the ability to make their own contribution to a non profit of their choice.

VOTE: YES. LEWIS, HOGAN
VOTE: NO. ROBERTS, WYTHE, ZAK, HOWARD

Motion failed.

Amendment A-6 (Zak)

ZAK/HOWARD – MOVED TO REMOVE PROPOSED FUNDING FOR SISTER CITY.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ZAK/ROBERTS – MOVED TO FUND THE PARKS AND RECREATION COMMISSION.

It was noted as a low investment in the community to help with volunteers and community projects.

Finance Director Mauras advised a depreciation reserve for Parks and Recreation would come from the general fund balance.

WYTHE/HOWARD – MOVED TO AMEND TO ESTABLISH A FUND FOR PARKS AND RECREATION BY APPLYING \$1,000 FROM THE REMAINING GENERAL FUND BALANCE AFTER THE BUDGET IS COMPLETED.

There was no additional discussion.

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

Motion carried.

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

Motion carried.

ZAK/ROBERTS – MOVED TO REMOVE THE AMENDMENT TO BOOKS.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ZAK/ROBERTS - MOVED TO REMOVE THE AMENDMENT TO BUDGET FOR ADVERTISING.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ZAK/ROBERTS - MOVED TO REMOVE THE \$2,000 AMENDMENT FOR ADVERTISING.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Amendment A-7 (Hogan)

HOGAN/ROBERTS - MOVED TO SUBSTITUTE THE FIRST THREE HEALTH CARE CONTRIBUTIONS LINES 1, 2, AND 3 WITH THE CITY'S HEALTHCARE EMPLOYEE COMMITTEE SUBSTITUTION AND ANY SAVINGS TO GO BACK TO THE HEALTHCARE PLAN AND REQUEST THE HEALTH CARE COMMITTEE PROVIDE AN IMPLEMENTATION REPORT AT THE FIRST MEETING IN JUNE.

Discussion on the effective date included notification requirements to employees before changing their benefits.

Personnel Director Petersen advised since we are a public entity we do not need to follow URESA (Uniform Reciprocal Enforcement of Support Act) that requires a 60-day notice. We could implement the changes January 1st. It would require paperwork for all employees.

Asked of the requirements, City Attorney Klinkner will have to defer to an attorney within his firm who has the expertise in employee benefit laws.

Councilmembers Hogan and Roberts would like to go forward on the amendment.

Councilmember Lewis would like to wait to hear from the benefit broker of the ramifications of the health care law before making changes to the health care benefits. Councilmember Wythe expressed concern for the library employee who reverts to her 2009 wage. Recent employees came here due to the benefit package. There are people it will be a big impact for. The cost of replacing an employee is nearly two times their annual salary. The cost of replacing two employees would wipe out any savings.

Councilmember Howard noted premiums are pre tax. She asked that the insurance premium not be implemented for three months.

HOWARD/HOGAN -- MOVED TO AMEND NOT TO IMPLEMENT THIS PLAN FOR THE NEXT 90 DAYS.

The insurance broker could work with staff to devise a plan for payroll deduction.

VOTE: (secondary amendment) YES. HOWARD, HOGAN, ROBERTS, WYTHE
VOTE: NO. LEWIS, ZAK

Motion carried.

VOTE: (amendment) YES. HOWARD, HOGAN, ROBERTS
VOTE: NO. ZAK, LEWIS, WYTHE

Mayor Hornaday broke the tie with a YES vote.

Motion carried.

Mayor Hornaday would like to hear from the insurance broker. The insurance premiums are implemented, with a 90-day delay.

HOGAN - MOVED TO ELIMINATE THE STIPEND FOR THE CHAMBER OF COMMERCE.

Motion failed for lack of second.

HOGAN/HOWARD - MOVED TO ELIMINATE LEASED PROPERTIES (FUEL/LUBE).

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HOGAN/HOWARD – MOVED TO ELIMINATE LIBRARY (BOOKS).

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HOGAN - MOVED TO INTRODUCE MUSEUM FOR DISCUSSION.

Motion failed for lack of a second.

HOGAN/LEWIS – MOVED TO INTRODUCE HOMER HOCKEY (\$10,000).

HOGAN/ROBERTS – MOVED TO WITHDRAW HOMER HOCKEY ALLOCATION.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HOGAN/LEWIS - MOVED TO AMEND BOYS AND GIRLS CLUB TO \$11,375.

Funds will come from general fund reserves. A later discussion on the Boys and Girls Club will follow.

VOTE: YES. HOGAN, LEWIS

VOTE: NO. WYTHER, ZAK, HOWARD, ROBERTS

Motion failed.

HOGAN/LEWIS – MOVED TO INTRODUCE WATER SERVICE ON THE FLOATS.

The intent is to charge for water service on the harbor floats. Instead of transferring revenue to Port and Harbor reserves the revenue would be transferred to the water and sewer fund. Public Works would collect the money and it would go into the water fund. If someone on the harbor wanted water service they would have to get a water meter and pay the rates accordingly.

Asked for his thoughts on the amendment, Port and Harbor Director Hawkins referenced the discussion last year about putting water meters on the floats and individual meters for vessels. The cost to implement and maintain it would be very high and exceed the revenues generated. Costs for water on the floats is already included in fees paid for moorage.

Councilmember Hogan's idea is that the cost would be borne by the user, not the enterprise fund.

VOTE: YES. HOGAN, LEWIS,
VOTE: NO. ROBERTS, WYTHER, ZAK, HOWARD

Motion failed.

HOGAN/ROBERTS – MOVED TO WITHDRAW CITY CLERKS AND FINANCE (PART-TIME CLERICAL POSITION)

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Amendment A-8 (Howard)

HOWARD/ROBERTS – MOVED TO APPROVE \$10,250 FOR LEASED PROPERTIES.

It is estimated \$21,000 is needed for utilities for the HERC building from January to May. With new revenues of \$3,750 from the Boys and Girls Club rent, a request of \$10,250 from the general fund reserves is requested.

VOTE; YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HOWARD/WYTHER - MOTION TO REDUCE CITY COUNCIL STIPEND OF \$4,500 TO GO TO COMMISSION AND COMMITTEE APPRECIATION EVENT.

Councilmember Howard would like to take one day a year and thank the 65 volunteers that serve on the board, commissions, and committees. It would be a dinner and time for each of the commissions and committees to present themselves to each other, their work plan, and achievements. It would be a time for Council to thank them with the use of their salary. She views boards and commissions as grooming grounds for future city council members.

Councilmember Hogan would rather see the money spent by the commissions on their work products that need a budget.

VOTE: YES. LEWIS, ROBERTS, WYTHE, ZAK, HOWARD, HOGAN

Motion carried.

HOWARD/ROBERTS - MOVED TO WITHDRAW JUSTIFICATIONS TO FUND THE HOMER HOCKEY.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HOWARD/ROBERTS – MOVED TO WITHDRAW REDUCED FUNDING TO THE PRATT MUSEUM AND CHAMBER OF COMMERCE.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Amendment A-9 (Roberts)

ROBERTS/HOWARD – MOVED TO WITHDRAW ALL THREE AMENDMENTS (SALARIES AND BENEFITS).

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Amendment A-10 (Management)

ROBERTS/WYTHE - MOVED TO INTRODUCE CITY MANAGER/AIRPORT/ECONOMIC DEVELOPMENT SALARIES AND BENEFITS.

City Manager Wrede noted there was a \$6,000 deficit and suggested the balance be taken from the general fund reserves or city hall depreciation reserves of \$10,000.

ROBERTS/HOWARD - MOVED TO AMEND TO TAKE THE \$10,000 FROM THE GENERAL FUND.

There was no discussion.

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

Motion carried.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Amendment A-11 (Management)

WYTHE/HOWARD – MOVED FOR THE APPROVAL OF THE PORT AND HARBOR DEPRECIATION FUND FOR A PROJECT OF \$125,000 FOR REPLACEMENT OF THE FENDERS ON THE DEEP WATER DOCK.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Amendment A-12 (Wythe)

WYTHE/HOWARD - MOVED TO MAKE A \$20,000 ALLOCATION FROM THE PORT AND HARBOR RESERVES FOR BONDING ON PORT AND HARBOR IMPROVEMENT PROJECTS.

City Manager Wrede reported the Port and Harbor Improvement Committee met last week. They asked that we keep the ball moving. The committee asked how we could get reasonable enough cost estimates to put a bond application together. The \$20,000 allocation would be sufficient to put a bond application together and to figure out what adjustments to make to the fee schedule to pay for it. An engineer would review the projects and see if the cost estimates were reasonable. Port and Harbor Director Meyer is working on an RFP for a term contract for a marine engineer. Per the Procurement Policy if there are specialists with an expertise in particular jobs they can just be hired. The committee asked for the fast movement so we do not miss deadlines for grant applications and the matching money.

Councilmember Howard noted there is a legislative deadline in April and a grant deadline in June. The committee is asking for a quick current cost estimate of the projects in the resolution.

Councilmember Wythe added there are a number of items on the list that could garner 50% or more funding through matching funds from the State. We cannot put forward a proposal without knowing the cost. There are a number of items that Homer is high on the list for consideration and we want to take advantage of that.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

The Port and Harbor reserve fund balance is \$1.9M. Taking out the above approximate \$500,000 leaves \$1.4M. Funds are still available to the Port and Harbor.

City Manager Wrede hopes we do not spend the \$125,000 allocated for fenders at Deep Water Dock. It is an emergency to get the repairs designed. FEMA will be here this week to look at the project. It may be eligible for the Borough's disaster assistance because of the big wind storm, or alternately from the cruise ship grant tax. Currently the use of the dock is restricted and there are safety issues.

VOTE: (Ordinance 11-41 as amended) YES. HOGAN, LEWIS, ROBERTS, WYTHER, ZAK, HOWARD

Motion carried.

WYTHER/LEWIS – MOVED FOR IMMEDIATE RECONSIDERATION OF THE BUDGET AS PRESENTED.

VOTE: YES. HOWARD, LEWIS, WYTHER, ZAK
VOTE: NO. HOGAN, ROBERTS

Motion carried.

WYTHER/LEWIS – MOVED FOR APPROVAL OF THE BUDGET AS PRESENTED.

Councilmember Wythe noted the reconsideration was to lock the budget in tonight.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. **Resolution 11-094**, A Resolution of the City Council of Homer, Alaska, Maintaining the City of Homer Fee Schedule at the Current Rates. City Clerk. Recommended to follow Budget Ordinance 11-41 schedule.

Resolution 11-094(S), A Resolution of the City Council of Homer, Alaska, Maintaining the City of Homer Fee Schedule at the Current Rates, and Amending Customer

Classifications in the Water and Sewer Rate Schedules. City Clerk. Recommended to follow Budget Ordinance 11-41 schedule.

Mayor Hornaday opened the public hearing. In the absence of public testimony, Mayor Hornaday closed the public hearing.

Motion on the floor from October 10th: MOTION TO ADOPT RESOLUTION 11-094 BY READING OF TITLE ONLY.

WYTHE/HOWARD - MOTION TO SUBSTITUTE RESOLUTION 11-094(S) FOR 11-094.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

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

Motion carried.

C. **Resolution 11-095.** A Resolution of the City Council of Homer, Alaska, Maintaining the Port of Homer Terminal Tariff No. 600 at the Current Rates. City Clerk. Recommended to follow Budget Ordinance 11-41 schedule.

Mayor Hornaday opened the public hearing. In the absence of public testimony, Mayor Hornaday closed the public hearing..

Motion on the floor from October 10th: MOTION TO ADOPT RESOLUTION 11-095 BY READING OF TITLE ONLY.

Councilmember Hogan referenced pg. 168 of the terminal tariff, specifically rule 34.2 regarding contract rates. His thought is filing something with the Federal Maritime Commission is to ensure uniformity to the published rates.

City Attorney Klinkner advised there is a provision for contract rates to be negotiated outside of the filed tariff.

Councilmember Howard supports passing the resolution that shows no change in the tariff. The Port and Harbor Improvement Committee is reviewing all tariffs to determine what rates need to be changed to service the bond. It is expected increases to support the bond will be before Council in March.

Councilmember Hogan asked for those amendments to go to the Port and Harbor Advisory Commission first.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Ordinance 11-44**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.14.020, Permitted Uses and Structures; 21.16.020, Permitted Uses and Structures; and 21.18.020, Permitted Uses and Structures; to Add One Detached Dwelling Unit as a Permitted Accessory Building to a Principal Single Family Dwelling in the Urban Residential, Residential Office, and Central Business Zoning Districts. Planning. Recommended dates: Introduction November 28, 2011, Public Hearing and Second Reading December 12, 2011.

Ordinance 11-44(S) An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.14.020, Permitted Uses and Structures; 21.16.020, Permitted Uses and Structures; and 21.18.020, Permitted Uses and Structures; to Add One Detached Dwelling Unit as a Permitted Accessory Building to a Principal Single Family Dwelling in the Urban Residential, Residential Office, and Central Business Zoning Districts. Planning.

Memorandum 11-154 from City Planner as backup.

Mayor Hornaday opened the public hearing. In the absence of public testimony, Mayor Hornaday closed the public hearing.

WYTHER/LEWIS - MOVED TO SUBSTITUTE ORDINANCE 11-44(S) FOR 11-44.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Hornaday called for a motion for the adoption of Ordinance 11-44(S) by reading of title only for second and final reading.

WYTHER/HOWARD – SO MOVED.

Councilmember Lewis asked if there was a size on the permitted use structure that you can add. He asked if the neighbors would have a chance to weigh in on the changes.

City Planner Abboud answered an accessory would be considered smaller than the primary dwelling and still be acceptable. A permit would be put up and people can object to any decision made in the planning office and bring it to the Planning Commission. There would be no public notice, just a permit displayed on site before building began.

Ordinance 11-44(S) includes the exclusion of mobile homes. Mobile homes are only allowed outright in the Central Business District.

VOTE: YES. ZAK, HOWARD, WYTHE
VOTE: NO. HOGAN, LEWIS, ROBERTS

Mayor Hornaday broke the tie vote with a YES vote.

Motion carried.

E. **Ordinance 11-45**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Accepting and Appropriating a Grant from The Homer Foundation in the Amount of \$4,904.00 for the Purpose of Making Energy Efficiency Improvements at the Port and Harbor Office Building. City Manager. Recommended dates: Introduction November 28, 2011, Public Hearing and Second Reading December 12, 2011.

Mayor Hornaday opened the public hearing. In the absence of public testimony, Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 11-45 by reading of title only for second and final reading.

WYTHE/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

F. **Ordinance 11-46**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget to Accept and Appropriate \$322,100 in the General Fund, the Utility Fund and the Port and Harbor Fund Operating Budgets for the Purpose of Recognizing and Accounting for State of Alaska PERS Relief Provided in 2011. City Manager/Finance. Recommended dates: Introduction November 28, 2011, Public Hearing and Second Reading December 12, 2011.

Mayor Hornaday opened the public hearing. In the absence of public testimony, Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 11-46 by reading of title only for second and final reading.

WYTHE/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- G. **Ordinance 11-47**, An Ordinance of the Homer City Council Amending the FY 2011 Capital Budget by Transferring \$415,873 from the City Hall / Town Center Project Construction Account to the New City Hall Expansion and Renovation Project Construction Account. City Manager/Finance. Recommended dates: Introduction November 28, 2011, Public Hearing and Second Reading December 12, 2011.

Mayor Hornaday opened the public hearing. In the absence of public testimony, Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 11-47 by reading of title only for second and final reading.

ROBERTS/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

- A. **Ordinance 11-48**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Capital Budget by Accepting and Appropriating a Legislative Grant in the Amount of \$6,000,000 for the Purpose of Constructing Deep Water / Cruise Ship Dock and Passenger Facility Improvements. City Manager. Recommended dates: Introduction December 12, 2011, Public Hearing and Second Reading January 9, 2012.

Mayor Hornaday called for a motion for the adoption of Ordinance 11-48 for introduction and first reading by reading of title only.

WYTHE/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

CITY MANAGER'S REPORT

- A. City Manager's Report

City Manager Wrede asked for a discussion on the Revolving Energy Fund at the January 9th Committee of the Whole. Finance Director Mauras will be present to report on some issues with the fund.

B. Games Report

1. Kachemak Bay Family Planning Clinic

CITY ATTORNEY REPORT

City Attorney Klinkner announced his written report for December is not yet ready. It will be forthcoming by the end of the week.

COMMITTEE REPORT

- A. Public Arts Committee
- B. Transportation Advisory Committee
- C. Permanent Fund Committee
- D. Lease Committee
- E. City Hall Renovation and Expansion Task Force
- F. Port and Harbor Improvement Committee

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

- A. **Resolution 11-109**, A Resolution of the City Council of Homer, Alaska, Establishing the 2012 Regular Meeting Schedule for the City Council, Economic Development Advisory Commission, Library Advisory Board, Parks and Recreation Advisory Commission, Advisory Planning Commission, Port and Harbor Advisory Commission, Lease Committee, Permanent Fund Committee, Public Arts Committee and Transportation Advisory Committee. City Clerk.

Memorandum 11-161 from Planning Commission as backup.

Memorandum 11-162 from Parks and Recreation Advisory Commission as backup.

Memorandum 11-163 from Port and Harbor Advisory Commission as backup.

Memorandum 11-164 from Library Advisory Board as backup.

Memorandum 11-165 from Lease Committee as backup.

Memorandum 11-166 from Public Arts Committee as backup.

Memorandum 11-167 from Permanent Fund Committee as backup.
Memorandum 11-168 from Transportation Advisory Committee as backup.

Resolution 11-109(S), A Resolution of the City Council of Homer, Alaska, Establishing the 2012 Regular Meeting Schedule for the City Council, Economic Development Advisory Commission, Library Advisory Board, Parks and Recreation Advisory Commission, Advisory Planning Commission, Port and Harbor Advisory Commission, Lease Committee, Permanent Fund Committee, Public Arts Committee and Transportation Advisory Committee. City Clerk.

WYTHE/HOWARD - MOVED TO SUBSTITUTE RESOLUTION 11-109(S) FOR RESOLUTION 11-109.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Hornaday called for a motion for the adoption of Resolution 11-109(s) by reading of title only.

WYTHE/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. **Resolution 11-110**, A Resolution of the City Council of Homer, Alaska, Approving a New Contract with Anderson Group, LLC in the Amount of \$40,000 for Lobbying Services in Calendar Year 2012. City Manager.

Mayor Hornaday called for a motion for the adoption of Resolution 11-110 by reading of title only.

LEWIS/HOGAN - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Resolution 11-111**, A Resolution of the City Council of Homer, Alaska, Approving a Two Year Extension to the Current Agreement for Professional Services with Coastal Animal Care at the Current Annual Compensation of \$123,800 for Operation and Maintenance of the Homer Animal Shelter. City Manager.

Memorandum 11-169 from Police Chief as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 11-111 by reading of title only.

WYTHE/HOGAN - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Resolution 11-112**, A Resolution of the City Council of Homer, Alaska, Awarding the Art Work for the City Hall Renovation and Expansion Project to Keith Appel of Anchorage, Alaska, in the Amount of \$4,200, to Gerard HouseWorks of Homer, Alaska, in the Amount of \$3,300, to Tierra Tile, LLC of Homer, Alaska, in the Amount of \$5,000, to Moose Run Metalsmiths of Homer, Alaska, in the Amount of \$2,500, and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 11-170 from 1% for the Arts Selection Committee as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 11-112 by reading of title only.

WYTHE/ROBERTS - SO MOVED.

Brief discussion on the criteria used for choosing different works of art over other pieces ensued. 1% for the Arts Selection Committee Member Rick Abboud reported there was a vast scoring criteria. The committee discussed all proposals and narrowed the list.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

There were no comments of the audience.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner had no comment.

COMMENTS OF THE CITY CLERK

City Clerk Johnson announced the special meeting on the Seawall on December 19th at 5:00 p.m. at the West Campus.

COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

COMMENTS OF THE MAYOR

Mayor Hornaday commented it was a nice memorial service for Dennis Novak. He was a good guy. There have been too many funerals.

COMMENTS OF THE CITY COUNCIL

Councilmember Wythe commented she attended a UA Listens meeting at the university. They were going to various towns asking how they could better serve the community. She enjoyed the meeting and the comments. She is sorry to hear the commercial fishing fleet has removed themselves from the Chamber of Commerce. Although she understands their disappointment with decisions the Chamber has made, she feels when you live in a small community and separate yourself from the problem instead of working through it is what creates division. Until they left there was a disagreement; when they left there became a division. She hopes to move forward with the port and harbor development plan. The fleet fishermen will be a big player in that also.

Councilmember Lewis had no comment.

Councilmember Hogan wished everyone a Merry Christmas and Happy New Year.

Councilmember Roberts thanked the employees for coming forward with the proposal. It was a good proposal. She knows it was a difficult evening for them. This is the last time we will sit in the present council chambers. Next time the décor will be different.

Councilmember Howard would like us to read the editorial in last week's newspaper where we are challenged for the community, by getting along with the division of thoughts in the maritime industry. She thanked the Employee Committee for their efforts. Their task was not easy and they did not have much time to work on it. She appreciates they were willing to begin the discussion and help to find solutions for the healthcare costs. The library report is well written and highly informative. She thanked Bryan for interrupting his vacation to attend tonight's meeting. He is missing some good quality weather. She wished everyone happy holidays.

Councilmember Zak said Auf Wiedersehen and thanked everyone for allowing him to participate by phone.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 8:48 p.m. The next Regular Meeting is scheduled for Monday, January 9, 2012 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, January 9, 2012 at 5:00 p.m. A Worksession is scheduled for Monday, January 9, 2012 at 4:00 p.m. A Special Meeting is scheduled for Monday, December 19, 2011 at 5:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____

Office of the City Clerk

Jo Johnson, CMC, City Clerk
Melissa Jacobsen, CMC, Deputy City Clerk II
Renee Krause, CMC, Deputy City Clerk I



491 E. Pioneer Avenue
Homer, Alaska 99603
(907) 235-3130
(907) 235-8121
ext: 2224, 2226, or 2227
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM 12-001

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK WJ
DATE: JANUARY 3, 2012

SUBJ: LIQUOR LICENSE RENEWAL FOR OAKEN KEG, BPO ELKS LODGE, THE ALIBI, SALTY DAWG SALOON, CAPTAIN PATTIES FISH HOUSE,

We have been notified by the ABC Board of liquor license renewals within the City of Homer for the following:

Type: Package Store
Lic #: 4162
DBA Name: Oaken Keg
Premise Address: 90 Sterling Hwy
Owner: Safeway Inc
Mailing Address: PO Box 29096 MS 6531, Phoenix, AZ 85038-9096

Type: Restaurant/Eating Place
Lic #: 2673
DBA Name: Captain Patties Fish House
Premise Address: 4241 Homer Spit Road #1
Owner: Captain Patties Fish House Inc.
Mailing Address: PO Box 210, Anchor Point, AK 99556

Type: Beverage Dispensary
Lic #: 1002
DBA Name: Salty Dawg Saloon
Premise Address: 4380 Homer Spit Road
Owner: Sdawg Inc
Mailing Address: PO Box 2581, Homer, AK 99603

Type: Club
Lic #: 367
DBA Name: BPO Elks Lodge #2127
Premise Address: 215 W Jenny Way
Owner: BPO Elks Lodge #2127
Mailing Address: 215 W Jenny Way, Homer, AK 99603

| | |
|------------------|----------------------------------|
| Type: | Beverage Dispensary |
| Lic #: | 98 |
| DBA Name: | The Alibi |
| Premise Address: | 453 E Pioneer Ave |
| Owner: | Mix Rocks, LLC |
| Mailing Address: | 4525 Heidi Court, Homer AK 99603 |

RECOMMENDATION: Voice non objection and approval for the liquor license renewals as listed above.

Fiscal Note: Revenues.



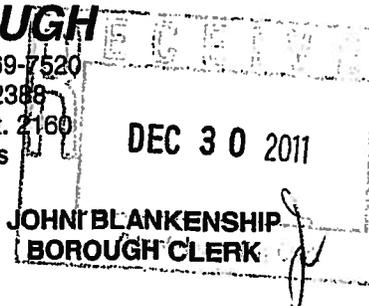
KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2160 • **FAX:** (907) 714-2388

Toll-free within the Borough: 1-800-478-4441 Ext. 2160

Email: assemblyclerk@borough.kenai.ak.us



December 29, 2011

Ms. Christine Lambert
Records & Licensing Supervisor
Alcoholic Beverage Control Board
5848 E. Tudor Road
Anchorage, Alaska 99507-1286

RE: Non-Objection of License Renewal

| | | |
|-------------------------|---|------------------------|
| Business Name | : | Oaken Keg #1832 |
| License Type | : | Package Store |
| License Location | : | City of Homer |
| License No. | : | 4162 |

Dear Ms. Lambert,

This serves to advise that the Finance Department has reviewed the above referenced application and has no objection to the renewal of this license.

Should you have any questions, or need additional information, please don't hesitate to let us know.

Sincerely,

John Blankenship, MMC
Borough Clerk

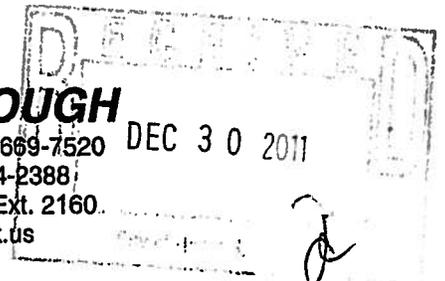
JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



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**JOHNI BLANKENSHIP
BOROUGH CLERK**

December 29, 2011

Ms. Christine Lambert
Records & Licensing Supervisor
Alcoholic Beverage Control Board
5848 E. Tudor Road
Anchorage, Alaska 99507-1286

RE: Non-Objection of License Renewal

| | | |
|------------------|---|----------------------|
| Business Name | : | BPO Elks Lodge #2127 |
| License Type | : | Club |
| License Location | : | City of Homer |
| License No. | : | 367 |

Dear Ms. Lambert,

This serves to advise that the Finance Department has reviewed the above referenced application and has no objection to the renewal of this license.

Should you have any questions, or need additional information, please don't hesitate to let us know.

Sincerely,

John Blankenship, MMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



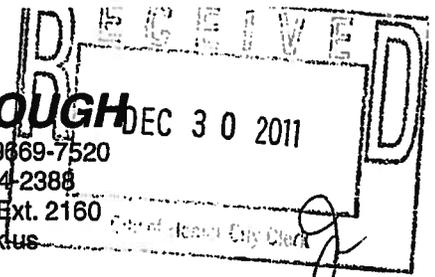
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JOHNI BLANKENSHIP
BOROUGH CLERK

December 29, 2011

Ms. Christine Lambert
Records & Licensing Supervisor
Alcoholic Beverage Control Board
5848 E. Tudor Road
Anchorage, Alaska 99507-1286

RE: Non-Objection of License Renewal

| | | |
|------------------|---|---------------------|
| Business Name | : | The Alibi |
| License Type | : | Beverage Dispensary |
| License Location | : | City of Homer |
| License No. | : | 98 |

Dear Ms. Lambert,

This serves to advise that the Finance Department has reviewed the above referenced application and has no objection to the renewal of this license.

Should you have any questions, or need additional information, please don't hesitate to let us know.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

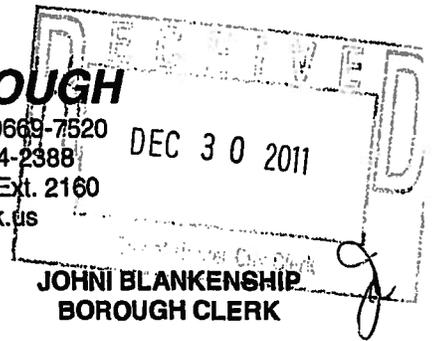
JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



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December 29, 2011

Ms. Christine Lambert
Records & Licensing Supervisor
Alcoholic Beverage Control Board
5848 E. Tudor Road
Anchorage, Alaska 99507-1286

RE: Non-Objection of License Renewal

| | | |
|------------------|---|---------------------|
| Business Name | : | Salty Dawg Saloon |
| License Type | : | Beverage Dispensary |
| License Location | : | City of Homer |
| License No. | : | 1002 |

Dear Ms. Lambert,

This serves to advise that the Finance Department has reviewed the above referenced application and has no objection to the renewal of this license.

Should you have any questions, or need additional information, please don't hesitate to let us know.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

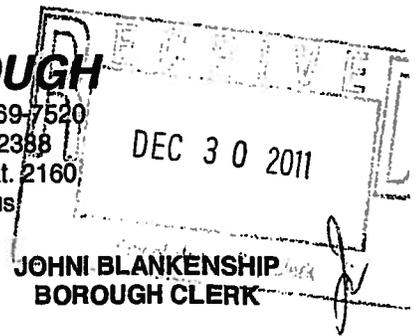
JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



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December 29, 2011

Ms. Christine Lambert
Records & Licensing Supervisor
Alcoholic Beverage Control Board
5848 E. Tudor Road
Anchorage, Alaska 99507-1286

RE: Non-Objection of License Renewal

| | | |
|------------------|---|----------------------------|
| Business Name | : | Captain Patties Fish House |
| License Type | : | Restaurant/Eating Place |
| License Location | : | City of Homer |
| License No. | : | 2673 |

Dear Ms. Lambert,

This serves to advise that the Finance Department has reviewed the above referenced application and has no objection to the renewal of this license.

Should you have any questions, or need additional information, please don't hesitate to let us know.

Sincerely,

John Blankenship, MMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File

Office of the City Clerk

Jo Johnson, CMC, City Clerk
Melissa Jacobsen, CMC, Deputy City Clerk II
Renee Krause, CMC, Deputy City Clerk I



491 E. Pioneer Avenue
Homer, Alaska 99603
(907) 235-3130
(907) 235-8121
ext: 2224, 2226, or 2227
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM

DATE: December 22, 2011
TO: Mark Robl, Police Chief
FROM: Melissa Jacobsen, CMC, Deputy City Clerk
SUBJECT: Liquor License Renewal for for Finn's, Cosmic Kitchen, Cosmic Kitchen on the Spit, Save-U-More, Oaken Keg, Captain Patties Fish House, Down East Saloon, Salty Dawg Saloon, BPO Elks Lodge #2127, and The Alibi

We have been notified by the ABC Board of liquor license renewals within the City of Homer for the following:

Type: Restaurant/Eating Place - Seasonal
Lic #: 4164
DBA Name: Finn's
Premise Address: 4287 Homer Spit Road Unit #4
Owner: Finn's LLC
Mailing Address: PO Box 1435, Homer, AK 99603

Type: Restaurant/Eating Place - Public Convenience Seasonal
Lic #: 4790
DBA Name: Cosmic Kitchen on the Spit
Premise Address: 4460 Homer Spit Road
Owner: Cosmic Kitchen Inc
Mailing Address: 510 E Pioneer Ave., Homer, AK 99603

Type: Restaurant/Eating Place
Lic #: 4359
DBA Name: Cosmic Kitchen
Premise Address: 510 E Pioneer Avenue
Owner: Cosmic Kitchen Inc
Mailing Address: 510 E Pioneer Ave., Homer, AK 99603

Type: Package Store
Lic #: 4221
DBA Name: Save-U-More Liquor #6
Premise Address: 3611 Greatland
Owner: Castle Liquor Inc
Mailing Address: PO Box 58547, Seattle, WA 98138

Type: Package Store
Lic #: 4162
DBA Name: Oaken Keg
Premise Address: 90 Sterling Hwy
Owner: Safeway Inc
Mailing Address: PO Box 29096 MS 6531, Phoenix, AZ 85038-9096

Type: Restaurant/Eating Place
Lic #: 2673
DBA Name: Captain Patties Fish House
Premise Address: 4241 Homer Spit Road #1
Owner: Captain Patties Fish House Inc.
Mailing Address: PO Box 210, Anchor Point, AK 99556

Type: Beverage Dispensary
Lic #: 2300
DBA Name: Down East Saloon
Premise Address: 3125 East End Road
Owner: Down East, Inc.
Mailing Address: 3125 East End Road, Homer, AK 99603

Type: Beverage Dispensary
Lic #: 1002
DBA Name: Salty Dawg Saloon
Premise Address: 4380 Homer Spit Road
Owner: Sdawg Inc
Mailing Address: PO Box 2581, Homer, AK 99603

Type: Club
Lic #: 367
DBA Name: BPO Elks Lodge #2127
Premise Address: 215 W Jenny Way
Owner: BPO Elks Lodge #2127
Mailing Address: 215 W Jenny Way, Homer, AK 99603

Type: Beverage Dispensary
Lic #: 98
DBA Name: The Alibi
Premise Address: 453 E Pioneer Ave
Owner: Mix Rocks, LLC
Mailing Address: 4525 Heidi Court, Homer AK 99603

This matter is scheduled for the January 9, 2012 City Council meeting. Please respond with any objections/non-objections to this liquor license renewal by Wednesday, January 4, 2012.

Thank you for your assistance.

December 22, 2011

HOMER

Type: Restaurant/Eating Place - Seasonal
Lic #: 4164
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Lic #: 2673
DBA Name: Captain Patties Fish House
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Owner: Captain Patties Fish House Inc.
Mailing Address: PO Box 210, Anchor Point, AK 99556

ABC Board Renewal Notice 12/22/11

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Lic #: 2300
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Mailing Address: 3125 East End Road, Homer, AK 99603

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DBA Name: Salty Dawg Saloon
Premise Address: 4380 Homer Spit Road
Owner: Sdawg Inc
Mailing Address: PO Box 2581, Homer, AK 99603

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Lic #: 367
DBA Name: BPO Elks Lodge #2127
Premise Address: 215 W Jenny Way
Owner: BPO Elks Lodge #2127
Mailing Address: 215 W Jenny Way, Homer, AK 99603

Type: Beverage Dispensary
Lic #: 98
DBA Name: The Alibi
Premise Address: 453 E Pioneer Ave
Owner: Mix Rocks, LLC
Mailing Address: 4525 Heidi Court, Homer AK 99603

KENAI

Type: Package Store
Lic #: 1308
DBA Name: Country Liquor
Premise Address: 140 S Willow Street
Owner: Country Liquor LLC
Mailing Address: PO Box 2311, Kenai, AK 99611

Type: Restaurant/Eating Place
Lic #: 4533
DBA Name: Katina's Greek & Italian Restaurant
Premise Address: 1188 Kenai Spur Hwy
Owner: George Lagoutaris & Christine Lagoutaris
Mailing Address: PO Box 4047, Soldotna AK 99669

ABC Board Renewal Notice 12/22/11

Type: Package Store
Lic #: 4535
DBA Name: TJ Seggy's
Premise Address: 50470 Sterling Hwy
Owner: TLS, Inc.
Mailing Address: 50470 Sterling Hwy., Soldotna, AK 99669

Type: Club
Lic #: 4997
DBA Name: Fraternal Order of Eagles Kasilof Aerie #4317
Premise Address: 52322 Jason Road
Owner: Fraternal Order of Eagles Kasilof Aerie #4317
Mailing Address: PO Box 704, Kasilof, AK 99610

Type: Restaurant/Eating Place
Lic #: 3989
DBA Name: Freddie's Roadhouse Inc.
Premise Address: 5245 Arneson Avenue
Owner: Freddie's Roadhouse Inc.
Mailing Address: PO Box 1360, Kenai, AK 99611

We have received application(s) for renewal of liquor license(s) listed licensees within your jurisdiction. You are being notified as required by AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board and the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been

ABC Board Renewal Notice 12/22/11

approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 13 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(e) must be approved by the governing body.

Sincerely,

SHIRLEY A. GIFFORD
Director

/s/ Christine C. Lambert

Christine C. Lambert
Licensing & Records Supervisor
269-0359
Christine.lambert@alaska.gov



Office of the Mayor
James C. Hornaday
Homer City Hall
491 E. Pioneer Avenue
Homer, Alaska 99603-7624

Phone 907-235-8121 x2229

Fax 907-235-3143

MEMORANDUM 12-002

TO: HOMER CITY COUNCIL

FROM: JAMES C. HORNADAY, MAYOR

DATE: JANUARY 3, 2012

SUBJECT: APPOINTMENT OF PHIL GORDON TO THE LIBRARY ADVISORY BOARD AND REAPPOINTMENT OF CARLA STANLEY TO THE COOK INLET REGIONAL CITIZENS ADVISORY COUNCIL.

Phil Gordon is appointed to the Library Advisory Board to fill the seat vacated by Flo Larson. His appointment will expire April 1, 2014.

Carla Stanley is reappointed to the Cook Inlet Regional Citizens Advisory Council as the representative for the City of Homer. Her three-year term expires March of 2015.

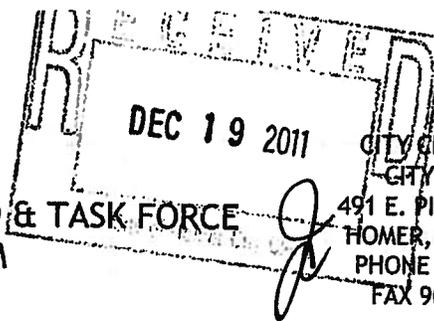
RECOMMENDATION:

Confirm the appointment of Phil Gordon to the Library Advisory Board and reappointment of Carla Stanley to the Cook Inlet Regional Citizens Advisory Council.

Fiscal Note: N/A



CITY OF HOMER
COMMISSION, COMMITTEE, BOARD & TASK FORCE
APPLICATION FORM



CITY CLERKS OFFICE
CITY OF HOMER
491 E. PIONEER AVENUE
HOMER, ALASKA 99603
PHONE 907-235-3130
FAX 907-235-3143

RECEIVED BY CLERK'S OFFICE

The information below provides some basic background for the Mayor and Council.
This information is public and will be included in the Council Information packet.

Name Phil GORDON Date 12-15-11
Physical Address 1811 SALTWATER DR. City HOMER
Mailing Address PO Box 1193 Zip Code 99603
Phone 235-0615 Work# _____ Cell # 808 333 1077
Email Address ALASKAFIL@HOTMAIL.COM

NOTE: The above information will be published in the City Directory and within the City web pages if you are appointed by the Mayor and your appointment is confirmed by the City Council.

Please indicate the commission(s), committee(s), board or task force you are interested in:

| Select | COMMISSION/COMMITTEE/BOARD.TASK FORCE | REGULAR MEETING SCHEDULE |
|-------------------------------------|---|---|
| <input type="checkbox"/> | ADVISORY PLANNING COMMISSION | 1ST & 3RD WEDNESDAY OF THE MONTH AT 7:00 P.M. WORKSESSIONS AT 5:30 P.M. |
| <input type="checkbox"/> | ECONOMIC DEVELOPMENT ADVISORY COMMISSION | 2ND TUESDAY OF THE MONTH AT 6:00 P.M. |
| <input checked="" type="checkbox"/> | LIBRARY ADVISORY BOARD | 1ST TUESDAY OF THE MONTH AT 6:00 P.M. |
| <input type="checkbox"/> | PARKS & RECREATION ADVISORY COMMISSION | 3RD THURSDAY OF THE MONTH AT 6:30 P.M. |
| <input type="checkbox"/> | PORT & HARBOR ADVISORY COMMISSION | 4TH WEDNESDAY OF THE MONTH AT 6:00 P.M. |
| <input type="checkbox"/> | PUBLIC ARTS COMMITTEE | 3RD THURSDAY OF THE MONTH AT 11:00 A.M. WORKSESSIONS AT 10:00 A.M. |
| <input type="checkbox"/> | TRANSPORTATION ADVISORY COMMITTEE | 3RD TUESDAY OF THE MONTH AT 5:30 P.M. |
| <input type="checkbox"/> | PERMANENT FUND COMMITTEE | QUARTERLY - 2ND THURSDAY OF THE MONTH AT 6:00 P.M. |
| <input type="checkbox"/> | LEASE COMMITTEE | QUARTERLY - 2ND THURSDAY AT 3:00 P.M. |
| <input type="checkbox"/> | OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE | |

I have been a resident of the City for 12 mos. yrs

I have been a resident of the area for ^{South Central} 28 mos. yrs.

I am presently employed as: ^{SELF} LAYABOUT and NE'R DOWELL

List any special training, education or background you have which is related to your choice of commission, committee, board, or task force: 28 years librarianship

Have you ever served on a similar commission, committee, board or task force? nope!

If so, when & where: _____

When are you available for meetings? Weekly Monthly Bi-Monthly

I am interested in serving on the above because:

I believe in the values of libraries, and will have fun learning. I may even have something to offer

Do you currently belong to any organizations specifically related to the area of your choice(s) you wish to serve on?

Yes No If yes, please list organizations: _____

Questions regarding the Homer Advisory Planning Commission:

Have you ever developed real property, other than your personal residence? If yes, briefly describe the development:

Questions regarding the Port & Harbor Advisory Commission:

Do you use the Homer Port and/ or Harbor on a regular basis?

If yes, is you use primarily: Commercial Recreational Both

Please include any additional information that may assist the Mayor in his decision making:

Citizen involvement is paramount in my philosophy of democracy.



"The mission of the Council is to represent the citizens of Cook Inlet in promoting environmentally safe marine transportation and oil facility operations in Cook Inlet."

11/18/11

To: yes re appoint Paula! Thanks Amy

Members

Alaska State Chamber of Commerce

Alaska Native Groups

Environmental Groups

Recreational Groups

Aquaculture Associations

Fishing Organizations

City of Kodiak

City of Kenai

City of Seldovia

City of Homer

Kodiak Island Borough

Kenai Peninsula Borough

Municipality of Inchoorage

November 15, 2011

City of Homer
Mayor James Hornaday
491 E. Pioneer Avenue
Homer, Alaska 99603

Dear Mayor Hornaday:

The Cook Inlet Regional Citizens Advisory Council (RCAC) is a citizen's oversight council for oil operations in the Cook Inlet area, organized under provisions in the Oil Pollution Act of 1990 (OPA 90). The Council's mission is to represent the citizens of Cook Inlet in promoting environmentally safe marine transportation and oil facility operations in Cook Inlet.

The Council, formed in late 1990, as a not for profit corporation, consists of special interest groups and municipality seats, which includes the City of Homer.

The Board of Directors are elected on a 3 year rotating basis. The three-year term for the City of Homer seat expires in March of 2012. The seat is currently held by Ms. Carla Stanley.

Your participation in this membership process is important to us! Please submit to our office by January 30, 2012, written notification of your continued appointment of Ms. Stanley or the name of her replacement.

If you have any questions about Cook Inlet RCAC or the selection process, please feel free to contact me at 907-283-7222 or karendelaney@circac.org . We look forward to hearing from you in the very near future.

Sincerely yours,

Karen Delaney
Assistant Executive Director

cc: Carla Stanley
CIRCAC Board of Directors

VISITORS

Putting Our Children on a Path to Success.



OUR VISION IS THAT ALL CHILDREN ACHIEVE SUCCESS IN LIFE.

OUR MISSION IS TO PROVIDE CHILDREN FACING ADVERSITY WITH STRONG AND ENDURING, PROFESSIONALLY SUPPORTED 1-TO-1 RELATIONSHIPS THAT CHANGE THEIR LIVES FOR THE BETTER, FOREVER.

Growing up in Alaska is a precarious endeavor.

- Current drop out risk - 6,000 students at any given time are at risk (5% of all students K-12)
- 20% of kids will be in serious trouble without intervention and BBBS.
- 24% of Alaskan High school aged kids don't feel that people care about them.
- 27% don't feel that they matter to others
- 18% have seriously considered attempting suicide.

WE PARTNER WITH PARENTS/GUARDIANS, VOLUNTEERS AND OTHERS IN THE COMMUNITY AND HOLD OURSELVES ACCOUNTABLE FOR EACH CHILD (LITTLE) IN OUR PROGRAM ACHIEVING:

- HIGHER ASPIRATIONS, GREATER CONFIDENCE, AND BETTER RELATIONSHIPS
- AVOIDANCE OF RISKY BEHAVIORS
- EDUCATIONAL SUCCESS



What we achieve.

Our outcomes are measurable.

- Educational Success
 - Littles stay in school, perform better and are more likely to graduate.
- Improved attitudes and competencies
 - Littles have higher aspirations, more confidence to overcome challenges and improved relationships with their families and communities.
- Risky Behavior Avoidance
 - Littles avoid risky behaviors, substance abuse, delinquency and the juvenile justice system

CURRENTLY, WE SERVE AN AVERAGE OF 1500 CHILDREN IN OVER 20 COMMUNITIES ACROSS ALASKA. OUR GOAL IS TO SERVE 2000 CHILDREN BY 2015.

Why it matters.

We positively impact children....

Children facing adversity become responsible, productive citizens able to achieve lifelong success.

Littles are:

- 52% less likely than their unmatched peers to skip school
- 46% less likely to begin using illegal drugs
- 27% less likely to begin using alcohol.
- More confident in their schoolwork performance
- More likely to get along with their families and peers

...and communities

- Communities are safer
- Graduation rates increased
- High School graduates add resources to communities
- Businesses benefit from better prepared workforce
- Rate of crime, substance abuse and suicide reduced
- State spends less on juvenile detention
- Increased community health and productivity

Our Programs Meet the Needs of Alaska's Children

COMMUNITY BASED – Matches meet out in the community doing things they enjoy 2 to 4 times per month.

SCHOOL BASED – Matches meet in the child's school 2 to 4 times per month.

NATIVE AMERICAN/ALASKA NATIVE MENTORING INITIATIVE (NAMI) – Focuses on Alaska Native Littles and recruitment of more Alaska Native Bigs

MENTORING CHILDREN OF PRISONERS (MCOP) – Serves children with an incarcerated parent

MILITARY MENTORING INITIATIVE (MMI) – Focuses on serving children in military families, especially with deployed parents

JUVENILE JUSTICE INITIATIVE (JJI) – Serves children who have had contact with Justice system

INDEPENDENT LIVING MENTORING PROGRAM (CHAMPS) – Serves youth 16-21 aging out of foster care

Our Partners

School Districts

Native/Tribal Organizations

State Division of Juvenile Justice

State Office of Children's Services

Corporations & Businesses

United Ways

Other Youth Serving Organizations

Community Coalitions

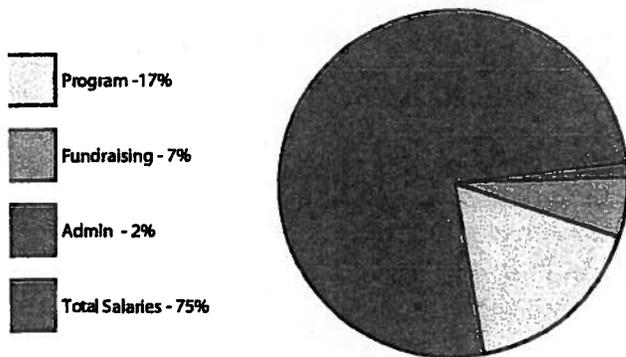
Churches

For the Kids Foundation

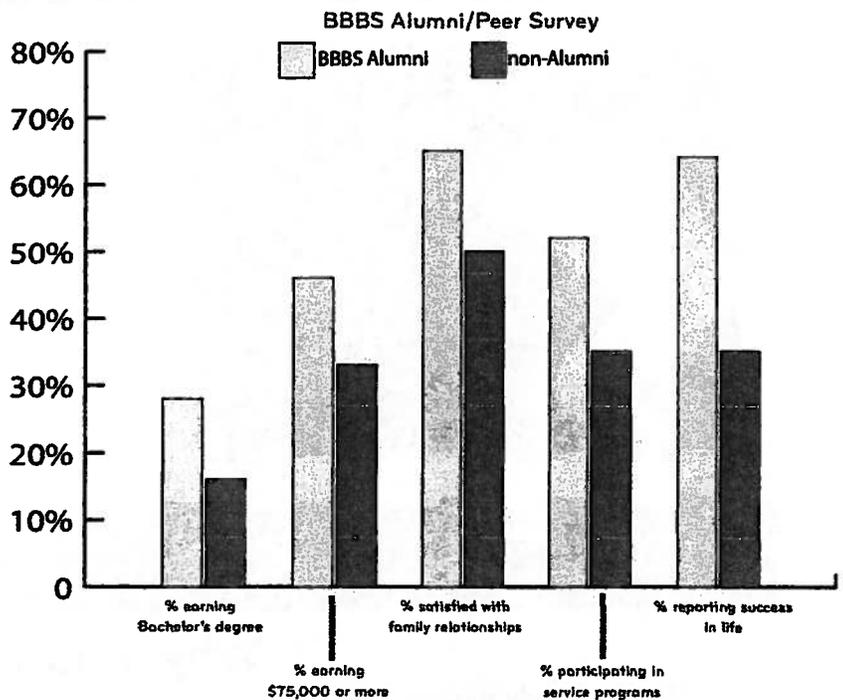
Big Brothers Big Sisters of Alaska is a sound investment in Alaska's children and communities

BBBSAK positively impacts many challenges facing youth, our communities and the state, meaning reduced costs to the state and taxpayers.

2010 Expense Breakdown
Total Expense = \$3.49M



*Percent Spent on Charitable Purpose – 78%



INCARCERATION: The cost for the state to incarcerate a youth is \$140,000/year. The cost per match is \$2214/year. BBBS keeps at least 68 youth out of prison each year equaling \$938,955 in savings each year.

GRADUATION AND EMPLOYMENT RATES: Littles are more likely to graduate from High School. High school graduates have 75% more earning power than non-graduates.



Big Brothers Big Sisters
of Alaska

For more information, call us at 907.235.8397, or visit us online at www.bbbsak.org.



Big Brothers Big Sisters of Alaska - Homer Program

Frequently Asked Questions

How many active matches are there?

- 46 active matches at the close of 2011.

Who are the Bigs?

- Bigs are members of the community. They can also be high school students.
- They don't have to have special training or degrees. They just have to care about children.
- Bigs are not teachers, counselors, therapists or parents. Bigs are special friends.

Important points about matching Bigs & Littles

- All Bigs have reference checks and interviews even the high school Bigs
- Bigs in the Community Based program have proof of car insurance, DMV checks and sex offender checks
- Matches are made based on parent preferences and goals and compatibility of the volunteers and the children
- The child has to also **want** to have a Big. We talk with the child to get information to help us with the matching process.

Who are the children in the program?

- Children come from all backgrounds and family situations.
- 1 and 2 parent families, blended families (step parents)
- Those being raised by grandparents, foster parents, etc.

Who are the parents in the program?

- They come from a variety of economic and educational backgrounds as well as a variety of family situations. They have a range of parenting skills.

One thing they have in common is acknowledging that

- Healthy children need more than they alone are able to give
- Children can benefit from other positive adults in their lives

Program Costs

It costs approximately \$2,000 to **make** and **support** a match.

The majority of that covers personnel costs related to making and sustaining the matches.

- **Recruiting/screening** the Bigs and Littles
- **Interviewing, getting to know** the Bigs/Littles and parents
- **Matching** the Bigs/Littles – This **takes time and thought** – don't just match first come first served etc.
- **Supporting the Bigs/Littles/parents** so that the match is a positive and meaningful one for everyone.

These jobs not only take a lot of staff time but also require highly qualified personnel.

What are the sources of income?

- We have some federal grants but are trying to reduce our dependence on these. We also are United Way members.
- Money at the local level comes from individual and business donations as well grants from The Homer Foundation.
- Bowl For Kids' Sake in March and the Dream Big luncheon in November are our two annual fundraising events.

**ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS**

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

NATIONAL MENTORING MONTH

January 1 - 31, 2012

WHEREAS, Everyone remembers someone special - a neighbor, teacher, relative or friend who broadened our horizons and brought a little magic into our lives; and

WHEREAS, One way to return the favor is to mentor a child; and

WHEREAS, Every adult has something to offer, and a few hours a month can make a big difference in a child's life; and

WHEREAS, Research has shown that children engaged in mentoring programs are more likely to finish high school and become productive and positive members of their community; and

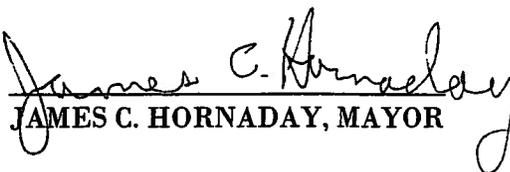
WHEREAS, January has been designated as National Mentoring Month, calling on adults to get involved with mentoring programs.

NOW, THEREFORE, I, James C. Hornaday, Mayor of the City of Homer, do hereby proclaim January 1 - 31, 2012 as:

National Mentoring Month

and encourage all citizens, businesses, public and private agencies, religious and educational institutions to support mentoring in our community and give young people the gift of time and friendship through Big Brothers Big Sisters or other mentoring programs.

CITY OF HOMER


JAMES C. HORNADAY, MAYOR

ATTEST:


JO JOHNSON, CMC, CITY CLERK



PUBLIC HEARING(S)

**CITY OF HOMER
PUBLIC HEARING NOTICE
CITY COUNCIL MEETING**

Ordinance 11-48

A **public hearing** is scheduled for **Monday, January 9, 2012** during a Regular City Council Meeting. The meeting begins at 6:00 p.m. in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Ordinance 11-48 internet address:
<http://www.cityofhomer-ak.gov/ordinances>

Ordinance 11-48, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Capital Budget by Accepting and Appropriating a Legislative Grant in the Amount of \$6,000,000 for the Purpose of Constructing Deep Water / Cruise Ship Dock and Passenger Facility Improvements. City Manager.



All interested persons are welcomed to attend and give testimony. Written testimony received by the Clerk's Office prior to the meeting will be provided to Council.

** Copies of proposed Ordinances, in entirety, are available for review at Homer City Clerk's Office. Copies of the proposed Ordinances are available for review at City Hall, the Homer Public Library, the City of Homer Kiosks at City Clerk's Office, Captain's Coffee, Harbormaster's Office, and Redden Marine Supply of Homer and the City's homepage - <http://clerk.ci.homer.ak.us>. Contact the Clerk's Office at City Hall if you have any questions. 235-3130, Email: clerk@ci.homer.ak.us or fax 235-3143.

Jo Johnson, CMC, City Clerk

A handwritten signature in black ink, appearing to read "Jo Johnson".

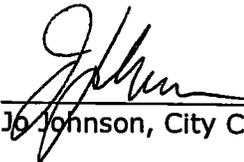
Publish: Homer Tribune: January 4, 2012

CLERK'S AFFIDAVIT OF POSTING

I, Jo Johnson, qualified City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for Ordinance 11-48 Amending the FY 2012 Capital Budget by Accepting and Appropriating a Legislative Grant in the Amount of \$6,000,000 for the Purpose of Constructing Deep Water/Cruise Ship Dock and Passenger Facility Improvements was posted at Homer City Hall, at the Homer Public Library, at the City of Homer kiosks located at City Clerk's Office, Captain's Coffee Roasting Co., Harbormaster's Office, and Redden Marine Supply of Homer on December 29, 2011 and that the City Clerk posted same on City of Homer Homepage on December 29, 2011.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 29th day of December, 2011.




Jo Johnson, City Clerk

ORDINANCE REFERENCE SHEET
2011 ORDINANCE
ORDINANCE 11-48

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Capital Budget by Accepting and Appropriating a Legislative Grant in the Amount of \$6,000,000 for the Purpose of Constructing Deep Water / Cruise Ship Dock and Passenger Facility Improvements.

Sponsor: City Manager

1. City Council Regular Meeting December 12, 2011 Introduction
 - a. FY12 Designated Legislative Grant Agreement
2. City Council Regular Meeting January 9, 2012 Public Hearing and Second Reading
 - a. FY12 Designated Legislative Grant Agreement

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 11-48

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE FY 2012 CAPITAL BUDGET BY ACCEPTING AND APPROPRIATING A LEGISLATIVE GRANT IN THE AMOUNT OF \$6,000,000 FOR THE PURPOSE OF CONSTRUCTING DEEP WATER / CRUISE SHIP DOCK AND PASSENGER FACILITY IMPROVEMENTS.

WHEREAS, The City has received a legislative grant agreement for a grant in the amount of \$6,000,000 to construct Deep Water / Cruise Ship Dock and passenger facility improvements; and

WHEREAS, The City Council wishes to accept and appropriate the grant funds and construct the improvements described in the grant agreement.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY 2012 Capital Budget by accepting and appropriating a legislative grant in the amount of \$6,000,000 for the purpose of constructing Deep Water / Cruise Ship Dock and passenger facility improvements as follows:

Revenue:

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|----------------|--|---------------|
| 415-926 | Dock and Passenger Facility Improvements | \$6,000,000 |

Expenditure:

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|----------------|--|---------------|
| 415-926 | Dock and Passenger Facility Improvements | \$6,000,000 |

Section 2. The City Manager is authorized to execute the appropriate documents.

Section 3. This ordinance is a budget amendment ordinance only, is not permanent in nature, and shall not be codified.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____ 2012.

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CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt E. Wrede, City Manager

Thomas F. Klinkner, City Attorney

Date: _____

Date: _____



DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

Designated Legislative Grant Program
Grant Agreement

| | | | |
|---|---------------------|--|-----------------------|
| Grant Agreement Number 12-DC-609 | | Amount of State Funds \$ 6,000,000.00 | |
| Encumbrance Number/AR/Lapse Date /8889 / 6/30/2016 | | Project Title Cruise Ship dock and Passenger Facility Improvements | |
| Grantee | | Department Contact Person | |
| Name City of Homer | | Name Nancy Pierce | |
| Street/PO Box 7491 East Pioneer Avenue | | Title Grants Administrator | |
| City/State/Zip Homer, AK 99603 | | Street/PO Box PO Box 110809 | |
| Contact Person Walt Wrede, City Manager wwrede@ci.homer.ak.us | | City/State/Zip Juneau, Alaska 99811-0809 | |
| Phone 907-235-8121 ext 2222 | Fax 907-235-3148 | Phone (907) 465-2023 | Fax (907) 465-5867 |

AGREEMENT

The Alaska Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs (hereinafter 'Department') and City of Homer (hereinafter 'Grantee') agree as set forth herein.

Section I. The Department shall pay the Grantee for the performance of the project work under the terms outlined in this agreement. The amount of the payment is based upon project expenses incurred, which are authorized under this Agreement. In no event shall the payment exceed **\$6,000,000.00**.

Section II. The Grantee shall perform all of the work required by this Agreement.

Section III. The work to be performed under this agreement begins 7/1/2011 and shall be completed no later than 6/30/2016.

Section IV. The agreement consists of this page and the following:

ATTACHMENTS

- Attachment A: Scope of Work
1. Project Description
 2. Project Budget
 3. Project Narrative
 4. Project Management/Reporting
 5. Forms Packet
- Attachment B: Payment Method
Attachment C: Standard Provisions

APPENDICES

- Appendix A: Audit Regulations
Appendix B: Audit Compliance Supplement
Appendix B2: Insurance
Appendix C: State Laws and Regulations
Appendix D: Special Requirements and Assurances for Federally Funded Projects (if applicable)
Appendix E: Site Control
Appendix F: State Fire Marshal Review

AMENDMENTS: Any fully executed amendments to this Agreement

| | |
|--|---|
| Grantee | Department |
| Signature | Signature |
| Printed Name and Title Walt Wrede, City Manager | Printed Name and Title Jolene Julian, Grants Administrator III |
| Date | Date |

Reviewed by: UK

Attachment A Scope of Work

1. Project Description

The purpose of this FY 2012 Designated Legislative Grant in the amount of \$6,000,000.00 [pursuant to the provisions of AS 37.05.315, SLA 2011, SB 46, Chapter 5, Section 7, Page 141, Lines 18,] is to provide funding to City of Homer for use towards Cruise Ship dock and Passenger Facility. The objective of this project is to make improvements to the Cruise Ship Dock and Passenger Facilities.

This project may include, but is not limited to:

- Engineering and Design;
- Dock fenders, camel and bollard upgrades;
- Broom attachment for port forklift, steel transition plate;
- Guard house, public restroom, covered passenger waiting area;
- Fenced Staging area, side trail around harbor/ pullouts and signage;
- Paved parking /covered shelter in commercial area;
- Trail from End of Road Park to Coal Point Park/restrooms;
- Two public restrooms and covered bus stops downtown,
- Public art and landscaping; and
- Construction costs, materials and contracts.

No more than five percent (5%) of the total grant award may be reimbursed for Administrative expenses for projects involving equipment purchase or repairs and no more than ten percent (10%) of the total grant award may be reimbursed for Administrative expenses for all other projects. To be reimbursed for eligible administrative costs, expenses must be reported on the Designated Legislative Grant Financial/Progress Report form.

2. Project Budget

| Cost Category | Grant Funds | Total Project Cost |
|----------------------|-----------------------|---------------------------|
| Program Funds | \$6,000,000.00 | \$6,000,000.00 |

3. Budget Narrative

The Grant Funds identified above will be used to complete the project described in the above Project Description.

4. Project Management/Reporting

This project will be managed by the Grantee.

If the Grantee is a City, signatory authority for execution of the Grant Agreement and subsequent amendments is granted to the Mayor. The Mayor may delegate signatory authority for executing the Grant Agreement and amendments to others within the City government via the Signatory Authority Form. The Mayor may also designate financial and progress reporting authority via the Signatory Authority Form. Such delegation is limited to others within the City government, unless otherwise approved by the Department.

If the Grantee is not a City, signatory authority for execution of the Grant Agreement and subsequent amendments is granted to the Chief Executive Officer (CEO). The CEO may delegate authority for executing the Grant Agreement and amendments to others within the Grantee's organization via the Signatory Authority Form. The CEO may also designate financial and performance progress reporting authority via the Signatory Authority Form. Such delegation is limited to others within the Grantee's organization unless otherwise approved by the Department.

The Grantee must establish and maintain separate accounting for the use of this Grant. The use of Grant funds in any manner contrary to the terms and conditions of this Grant Agreement may result in the subsequent revocation of the grant and any balance of funds under the grant. It may also result in the Grantee being required to return such amounts to the State.

The Grantee shall submit a Designated Legislative Grant Financial/Progress Report Form (see attached) each month, or quarterly, with the concurrence of the Department, during the life of the Grant Agreement. Grant Financial/Progress Report Forms are due fifteen (15) days after the end of the month or quarter being reported. The report period is the first of the month through the last day of the month. If quarterly reporting is approved, the report period is the first day of the first month through the last day of the third month of the quarter. The final Financial/Progress Reports must be submitted within thirty (30) days following completion of the project. Under no circumstances will the Department release funds to the Grantee unless all required reporting is current.

5. Grant Forms Packet

The following page, which includes the Designated Legislative Grant Financial/Progress Report Form, is to be used by the Grantee for monthly/quarterly reporting. Additional copies of this form are available from the Department, electronically or in hard copy.

Department of Commerce, Community, and Economic Development
Division of Community and Regional Affairs
DESIGNATED LEGISLATIVE GRANT FINANCIAL/PROGRESS REPORT
AND REQUEST FOR REIMBURSEMENT

| | |
|---|-----------------------|
| Grantee: | Grant Number: |
| Project Title: | Report Period: |
| Report No: | From: To: |
| Note: Financial Report/Request for Reimbursement must include Progress Report narrative. | |

| State Share Grant Funds | | | | |
|--------------------------------|--------------------------|--|---|-------------------------------|
| Cost Category | Authorized Budget | Expenditures this Report Period | Total Grant Expenditures to Date | Balance of Grant Funds |
| Program Funds | 0.00 | 0.00 | 0.00 | 0.00 |
| Administration | 0.00 | 0.00 | 0.00 | 0.00 |
| Total This Report | 0.00 | 0.00 | 0.00 | 0.00 |

| | | | | |
|--|------|--|--|------|
| Current Advance Balance (if any) | - | | | |
| Total Grant Expenditures This Period | 0.00 | | Total Grant Award | 0.00 |
| LESS Advance Recovered This Report (if any) | 0.00 | | LESS Total Grant Expenditures to Date | 0.00 |
| NET REIMBURSEMENT TO GRANTEE | 0.00 | | LESS Unrecovered Advance Balance | 0.00 |
| Advance Balance Remaining (if any) | 0.00 | | TOTAL Grant Funds Remaining | 0.00 |

Progress Report: Describe activities that occurred during this report period. Identify any problems you may be experiencing. Attach additional pages if necessary.

Grantee Certification: I certify that the above information is true and correct, and that expenditures have been made for the purpose of, and in accordance with, applicable grant agreement terms and conditions.

Authorized Signature **Date**

Name and Title

| DCCED Staff Use: | |
|-------------------------|-------------|
| Encumbrance No: | _____ |
| Payment Amount: | _____ |
| GA Approval: | _____ |
| DCCED Signature | Date |

Attachment B Payment Method

1. Advance/Reimbursement Payment

Upon full execution of this Grant Agreement, a State treasury warrant in an amount not to exceed 20% of the amount in Section I may be released upon request. Additional State treasury warrants will be released on a reimbursement basis upon receiving and approving a Grantee's financial/progress reports. The Department will reimburse the Grantee for costs incurred during the reporting period, in accordance with this Grant Agreement. The Department will not reimburse without approved financial/progress reports, prepared and submitted by the Grantee on the form provided in Attachment A. Before approving the financial/progress report for payment, the Department may require the Grantee to submit documentation of the costs reported (e.g., vendor billings, signed timesheets, invoices).

If cost reimbursement significantly inhibits the Grantee's ability to implement the project, the Department may advance to the Grantee an amount not to exceed a projected thirty (30) day cash need, or twenty percent (20%) of the amount in Section I, whichever is less.

Before the Department will issue an advance, the Grantee must submit a "Request for Advance Payment" form along with documentation of costs associated with the advance. The "Request for Advance Payment" form can be obtained from the Department electronically or in hard copy.

All advances will be recovered with the Grantee's next Financial/Progress Report form. Should earned payments during the terms of this Grant Agreement be insufficient to recover the full amount of the advance, the Grantee will repay the unrecovered amount to the Department when requested to do so by the Department, or at termination of the Grant Agreement.

2. Withholding of Ten Percent (10%)

The Department may withhold ten percent (10%) of the amount in Section I until the Department determines that the Grantee has satisfactorily completed the terms of this grant agreement, including all required reporting of the project.

Attachment C Standard Provisions

Article 1. Definition

“Department” refers to the Department of Commerce, Community and Economic Development with the State of Alaska.

Article 2. Indemnification

It is understood and agreed that this Grant Agreement is solely for the benefit of the parties to the Grant Agreement and gives no right to any other party. No joint venture or partnership is formed as a result of the Grant Agreement.

The Grantee, its successors and assigns, will protect, save, and hold harmless the Department and the State of Alaska and their authorized agents and employees, from all claims, actions, costs, damages, or expenses of any nature whatsoever by reason of the acts or omissions of the Grantee, its subcontractors, assigns, agents, contractors, licenses, invitees, employees, or any person whomever arising out of or in connection with any acts or activities authorized by this Grant Agreement. The Grantee further agrees to defend the Department and the State of Alaska and their authorized agents and employees in any litigation, including payment of any costs or attorney’s fees for any claims or actions commenced thereon arising out of or in connection with acts or activities authorized by this Grant Agreement. This obligation shall not include such claims, costs, damages, or expenses which may be caused by the sole negligence of the Department of the State of Alaska or their authorized agents or employees, provided, that if the claims or damages are caused by or result from the concurrent negligence of (a) the Department and the State of Alaska and their agents or employees, and (b) the Grantee, its agents or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Grantee, or Grantee’s agents or employees.

Article 3. Legal Authority

The Grantee certifies that it possesses legal authority to accept grant funds under the State of Alaska and to execute the project described in this Grant Agreement by signing the Grant Agreement document. The Grantee’s relation to the Department and the State of Alaska shall be at all times as an independent Grantee.

Article 4. Waivers

No conditions or provisions of this Grant Agreement can be waived unless approved by the Department in writing. The Department’s failure to insist upon strict performance of any provision of the Grant Agreement, or to exercise any right based upon a breach thereof, or the acceptance of any performance during such a breach, shall not constitute a waiver of any right under this Grant Agreement.

Article 5. Access to Records

The Department and duly authorized officials of the State of Alaska shall have full access and the right to examine, excerpt, or transcribe any pertinent documents, papers, records, and books of the Grantee, and of persons or organizations with which the Grantee may contract, involving transactions related to the project and this Grant Agreement.

Article 6. Reports

The Grantee, at such times and in such forms as the Department may require, shall furnish the Department with such periodic reports as it may request pertaining to the activities undertaken pursuant to this Grant Agreement, including the final close-out report, the costs and obligations incurred in connection therewith, and any other matters covered by this Grant Agreement.

Article 7. Retention of Records

The Grantee shall retain financial and other records relating to the performance of this Grant Agreement for a period of six years from the date when the final financial status report is submitted to the Department, or until final resolution of any audit findings, claims, or litigation related to the grant.

Article 8. Assignability

The Grantee shall not assign any interest in this Grant Agreement and shall not transfer any interest in the same (whether by assignment or novation).

Article 9. Financial Management and Accounting

The Grantee shall establish and maintain a financial management and accounting system that conforms to generally accepted accounting principles.

Article 10. Program Income

Program income earned during the award period shall be retained by the Grantee and added to the funds committed to the award and used for the purpose and under the conditions applicable to the use of award funds.

Article 11. Amendments and Modifications

The Grantee or the Department may request an amendment or modification of this Grant Agreement. However, such amendment or modification shall not take effect until approved, in writing, by the Department and the Grantee.

Article 12. Recordkeeping

The Grantee agrees to keep such records as the Department may require. Such records will include information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays and income. They will also include information pertaining to project performance and efforts to comply with the provisions of the Grant Agreement.

Article 13. Obligations Regarding Third-Party Relationships

None of the Work specified in this Grant Agreement shall be contracted by the Grantee without prior approval of the Department. No permission for subcontracting shall create, between the Department or the State of Alaska and the subcontractor, any contract or any relationship.

The Grantee shall remain fully obligated under the provisions of this Grant Agreement notwithstanding its designation of any third party or parties of the undertaking of all or any part of the project described herein. Any subcontractor that is not the Grantee shall be required by the Grantee to comply with all the provisions of this Grant Agreement.

The Grantee shall bind all subcontractors to each and every applicable Grant Agreement provision. Each subcontract for work to be performed with funds granted under this Grant Agreement shall specifically include a provision that the Department and the State of Alaska are not liable for damages or claims from damages arising from any subcontractor's performance or activities under the terms of the subcontracts.

Article 14. Conflict of Interest

No officer or employee of the Department; no member, officer, or employee of the Grantee or its designees or agents; no member of the governing body of the jurisdiction in which the project is undertaken or located; and no other official of such locality or localities who exercises any functions or responsibilities with respect to the project during his or her tenure, shall have any personal or pecuniary gain or interest, direct or indirect, in any contract, subcontract, or the proceeds thereof, for work to be performed in connection with the project assisted under this Grant Agreement.

The Grantee shall incorporate, or cause to incorporate, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purpose of this provision.

Article 15. Political Activity

No portion of the funds provided hereinunder shall be used for any partisan political activity or to further the election or defeat of any candidate for public office or influence the approval or defeat of any ballot issue.

Article 16. Notices

The Grantee shall comply with all public notices or notices to individuals required by applicable state and federal laws and shall maintain a record of this compliance.

Article 17. Prohibition Against Payment of Bonus or Commission

The assistance provided under this Grant Agreement shall not be used in payment of any bonus or commission for the purpose of obtaining approval or concurrence under this contract provided, however, that reasonable fees of bona fide technical consultant, managerial, or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as project costs.

Article 18. Termination by Mutual Agreement

This Grant Agreement may be terminated, in whole or in part, prior to the completion of contract project activities when both parties agree that continuation is not feasible or would not produce beneficial results commensurate with the further expenditure of funds. The Department will determine whether an environmental review of the cancellation is required under State and/or Federal law. The parties must agree on the termination conditions, including effective date and the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall make funds available to the Grantee to pay for allowable expenses incurred before the effective date of termination.

Article 19. Termination for Cause

If the Grantee fails to comply with the terms of this Grant Agreement, or fails to use the grant for only those purposes set forth herein, the Department may take the following actions:

- A. Suspension – After notice in writing by certified mail to the Grantee, suspend the grant and withhold any further payment or prohibit the Grantee from incurring additional obligations of grant funds, pending corrective action by the Grantee or a decision to terminate. Response must be received within fifteen (15) days of receipt of the written notice.
- B. Termination – Terminate the grant in whole or in part, at any time before the final grant payment is made. The Department shall promptly notify the Grantee in writing of its determination to terminate, the reason for such termination, and the effective date of the termination. Payments made to the Grantee or recoveries by the Department shall be in accordance with the legal rights and liabilities of the parties.

Article 20. Withdrawal of Funds

In the event funding from the state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Grant Agreement and prior to normal completion, the Department may terminate the agreement, reduce funding, or re-negotiate subject to those new funding limitations and conditions. A termination under this article shall be implemented under the same conditions as a termination under Article 19 of this Attachment.

Article 21. Recovery of Funds

In the event of a default or violation of the terms of the Grant Agreement by the Grantee, the Department may institute actions to recover all or part of the project funds paid to the Grantee. Repayment by the Grantee of grant funds under this recovery provision shall occur within thirty (30) days of demand.

All remedies conferred on the Department by this agreement or any other instrument or agreement are cumulative, not exclusive, and may be exercised concurrently or consecutively at the Department's option.

Article 22. Disputes

Except as otherwise provided in this agreement, any dispute concerning a question of fact arising under this agreement that is not disposed of by mutual agreement shall be decided by the Department, which shall reduce its decision to writing and mail, or otherwise furnish a copy thereof, to the Grantee. The decision of the Department shall be final and conclusive.

This "Disputes" clause does not preclude the consideration of questions of law in connection with the decision provided for in the preceding paragraph provided that nothing in the Grant Agreement shall be construed as making final the decisions of any administrative official, representative, or board on a question of law.

Article 23. Jurisdiction

This Grant Agreement shall be governed by the laws and statutes of the State of Alaska. The venue of any suit hereunder may be in the Superior Court for the First Judicial District, Juneau, Alaska.

Article 24. Ownership of Project/Capital Facilities

The Department makes no claim to any capital facilities or real property improved or constructed with funds under this Grant Agreement and, by this grant of funds, does not and will not acquire any ownership interest or title to such property of the Grantee. The Grantee shall assume all liabilities arising from the ownership and operation of the project and agrees to hold the Department and the State of Alaska harmless from any and all causes of action arising from the ownership and operation of the project.

Article 25. Site Control

If the grant project involves the occupancy and use of real property, the Grantee assures that it has the legal right to occupy and use such real property for the purposes of the grant, and further that there is legal access to such property.

Article 26. Insurance

The Grantee is responsible for obtaining any necessary liability insurance. In addition, the Grantee shall provide and maintain Workers' Compensation Insurance as required by AS 23.30 for all employees engaged in work under this Grant Agreement. The Grantee shall require any contractor to provide and maintain Workers' Compensation Insurance for its employees as required by AS 23.30. The Grantee shall require any contractor hired to work on the project be licensed, bonded and insured for at least the amount of the project and if appropriate provide and maintain Professional Liability Insurance.

Article 27. Subcontracts for Engineering Services

In the event that the Grantee subcontracts for engineering services, the Grantee will require that the engineering firm certify that it is authorized to do business in the State of Alaska. In the event that the engineering firm is also the project administrator, the Grantee shall require that the bond or insurance shall be for not less than the amount of the entire project.

Article 28. Governing law

This Grant Agreement is governed by the laws of the State of Alaska. The Grantee shall perform all aspects of this project in compliance with the appropriate laws and regulations. It is the responsibility of the Grantee to ensure that all permits required for the construction and operation of this project by the Federal, State, or Local governments have been obtained.

Article 29. Budget Flexibility

Notwithstanding the provisions of Article 11, Attachment C, the Grantee may revise the project budget in Attachment A without a formal amendment to this agreement. Such revisions are limited within each line item to a maximum of ten percent (10%) of the line item or \$10,000, whichever is less, over the entire term of this agreement. Such budget revisions shall be limited to changes to existing budget line items. Budget revisions may not be used to increase any budget item for project administrative expenses. Changes to the budget beyond the limits authorized by this provision may only be made by a formal amendment to this agreement.

Article 30. Equal Employment Opportunity (EEO)

The Grantee may not discriminate against any employee or applicant for employment because of race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood. The Grantee shall post in a conspicuous place, available to employees and applicants for employment, a notice setting out the provisions of this paragraph.

The Grantee shall state, in all solicitations or advertisements for employees to work on state funded projects, that it is an equal opportunity employer (EEO) and that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood.

The Grantee shall include the provisions of this EEO article in every contract relating to this Grant Agreement and shall require the inclusion of these provisions in every agreement entered into by

any of its contractors, so that those provisions will be binding upon each contractor or subcontractor.

Article 31. Public Purposes

The Grantee agrees that the project to which this Grant Agreement relates shall be dedicated to public purposes for its useful life. The benefits of the project shall be made available without regard to race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood.

If the Grantee is a non-municipal entity and if monies appropriated under this grant constitute the sole or principal funding source for the acquisition of equipment or facilities, the Grantee agrees that in the event a municipal corporation is formed which possesses the power and jurisdiction to provide for such equipment or facilities, the Grantee shall offer, without compensation, to transfer ownership of such equipment or facilities to the municipal corporation.

If the Grantee is a non-profit corporation that dissolves, the assets and liabilities from the grant project are to be distributed according to statutory law, AS 10.20.290-10.20.452.

Article 32. Operation and Maintenance

Throughout the life of the project, the Grantee shall be responsible for the operation and maintenance of any facility, equipment, or other items acquired under this grant.

Article 33. Assurance

The Grantee shall spend monies awarded under this grant only for the purposes specified in this Grant Agreement.

Article 34. Current Prevailing Rates of Wage

Certain grant projects are constrained by the provisions of AS 36. PUBLIC CONTRACTS. To the extent that such provisions apply to the project which is the subject of this Grant Agreement, the Grantee shall pay the current prevailing rates of wage to employees as required by AS 36.05.010. The Grantee also shall require any contractor to pay the current prevailing rates of wage as required by AS 36.05.010.

Article 35. Severability

If any provision under this Grant Agreement or its application to any person or circumstance is held invalid by any court of rightful jurisdiction, this invalidity does not affect other provisions of the contract agreement which can be given effect without the invalid provision.

Article 36. Performance

The Department's failure to insist upon the strict performance of any provision of the Grant Agreement or to exercise any right based upon breach thereof or the acceptance of any performance during such breach shall not constitute a waiver of any rights under this Grant Agreement.

Article 37. Sovereign Immunity

If the Grantee is an entity which possesses sovereign immunity, it is a requirement of this grant that the Grantee irrevocably waive its sovereign immunity with respect to state enforcement of this

Grant Agreement. The waiver of sovereign immunity, effected by resolution of the entity's governing body, is herein incorporated into this Grant Agreement.

Article 38. Audit Requirements

The Grantee shall comply with the audit requirements established by 02 AAC 45.010, set forth in Appendix A of this Grant Agreement.

Article 39. Close-Out

The Department will advise the Grantee to initiate close-out procedures when the Department determines, in consultation with the Grantee, that there are no impediments to close-out and that the following criteria have been met or soon will be met:

- A. All costs to be paid with grant funds have been incurred with the exception of close-out costs and any unsettled third-party claims against the Grantee. Costs are incurred when goods and services are received or contract work is performed.
- B. The last required performance report has been submitted. The Grantee's failure to submit a report will not preclude the Department from effecting close-out if it is deemed to be in the State's interest. Any excess grant amount that may be in the Grantee's possession shall be returned by the Grantee in the event of the Grantee's failure to finish or update the report.
- C. Other responsibilities of the Grantee under this Grant Agreement and any close-out agreement and applicable laws and regulations appear to have been carried out satisfactorily or there is no further State interest in keeping the grant open for the purpose of securing performance.

Article 40. Americans with Disabilities Act

The Americans with Disabilities Act (ADA) prohibits discrimination against persons with disabilities. Title I of the ADA prohibits discrimination against persons with disabilities in employment and provides that a reasonable accommodation be provided for applicants and employees. Title II of the Act prohibits public agencies from discriminating against individuals with disabilities in the provision of services, programs, or activities. Reasonable accommodation must be made to ensure or allow access to all services, programs, or activities. This section of the Act includes physical access to public facilities and requires that public entities must, if necessary, make modifications to their facilities to remove physical barriers to ensure access by persons with disabilities. All new construction must also be accessible to persons with disabilities. A public entity's subgrantees or contractors must also comply with the ADA provisions. Grantees are responsible for assuring their compliance with the ADA.

Appendix A Audit Regulations

The grantee must comply with the audit requirements of the Alaska Administrative Code set forth in 2 AAC 45.010. **AUDIT REQUIREMENTS.**

A copy of the most current 2 AAC 45.010 adopted regulations is available at the State Single Audit website:
<http://doa.alaska.gov/dof/ssa/index.html>.

Appendix B2 Insurance

Article 1. Insurance

Without limiting contractor's indemnification, it is agreed that the contractor shall purchase at its own expense and maintain in force at all times during the performance of services under this agreement the following policies of insurance. Where specific limits are shown, it is understood that they shall be the minimum acceptable limits. If the contractor's policy contains higher limits, the State shall be entitled to coverage to the extent of such higher limits. Certificates of Insurance must be furnished to the Contracting Officer prior to beginning work and must provide for a thirty (30) day prior notice of cancellation, non-renewal or material change. Failure to furnish satisfactory evidence of insurance or lapse of the policy is a material breach and grounds for termination of the contractor's services.

1.1 Workers' Compensation Insurance: The contractor shall provide and maintain, for all employees of the contractor engaged in work under this contract, Workers' Compensation Insurance as required by AS 23.30.045. The contractor shall be responsible for Workers' Compensation Insurance for any subcontractor who directly or indirectly provides services under this contract. This coverage must include statutory coverage for states in which employees are engaging in work and employer's liability protection is not less than \$100,000.00 per occurrence. Where applicable, coverage for all federal acts (i.e. USL & H and Jones Acts) must also be included.

1.2 Comprehensive (Commercial) General Liability Insurance: With coverage limits not less than \$300,000.00 combined single limit per occurrence and annual aggregates where generally applicable and shall include premises-operations, independent contractors, products/completed operations, broad form property damage, blanket contractual and personal injury endorsements.

1.3 Comprehensive Automobile Liability Insurance: Covering all owned, hired, and non-owned vehicles with coverage limits not less than \$100,000.00 per person/\$300,000.00 per occurrence bodily injury and \$50,000.00 property damage.

1.4 Professional Liability Insurance: Covering all errors, omissions or negligent acts of the contractor, subcontractor or anyone directly or indirectly employed by them, made in the performance of this contract which result in financial loss to the State. Limits required are per the following schedule:

| Contract Amount | Minimum Required Limits |
|-----------------------|---|
| Under \$100,000 | \$100,000 per occurrence/annual aggregate |
| \$100,000 - \$499,999 | \$250,000 per occurrence/annual aggregate |
| \$500,000 - \$999,999 | \$500,000 per occurrence/annual aggregate |
| \$1,000,000 or over | Negotiable - Refer to Risk Management |

Appendix B Audit Compliance Supplement Grants to Municipalities

1. Program Objectives

Authorized and administered under AS 37.05.315 - .325, grants to municipalities are made at the discretion of the Legislature. The grants are designated for use on various capital projects and activities.

2. Program Procedures

Once the authorizing legislation becomes effective, a grant agreement specifying the purpose, terms, and conditions of the grant is executed with the municipality.

3. Compliance Requirements and Suggested Audit Procedures

A. Types of Services Allowed and Unallowed

Compliance Requirement Grant funds can be expended for a variety of purposes as provided for in the authorizing legislation and as specified in the grant agreement.

Suggested Audit Procedure Review the grant agreement and related records to determine if the funds were expended in accordance with the terms of the agreement.

Compliance Requirement The facilities and services provided by the grant must be available for use of the general public.

Suggested Audit Procedure Determine whether the facilities and services provided by the grant are available for the use of the general public.

B. Eligibility

The auditor is not expected to make tests for recipient eligibility.

C. Matching, Level of Effort and/or Earmarking Requirements

Compliance Requirement The appropriation or allocation lapses and the municipality must return to the state all grant funds received for construction of a public facility if substantial, ongoing work on the project has not begun within five years of the effective date of the appropriation or allocation.

Suggested Audit Procedure Examine financial records, reports, and supporting documentation to determine if substantial, ongoing work on the project has begun within five years of the effective date of the appropriation or allocation. Expenditures alone should not be a determining factor; site visits, photographic documentation, and/or interviews with contractors may be required if ongoing work is in question.

D. Reporting Requirements

Compliance Requirement The grant agreement will specify the reporting requirements to which the grantee must adhere.

Suggested Audit Procedures Examine reports and supporting documentation and verify completeness, accuracy and timeliness of submission. Verify that required approvals were obtained and that expenditures and matching contributions were within award performance period.

E. Special Tests and Provisions

Compliance Requirement The grant agreement will identify any other compliance requirements to which the recipient is to adhere.

Suggested Audit Procedures Review the grant agreement, identify any other applicable compliance provisions, including the "standard provisions," and verify that the requirements were met.

Appendix C

State Laws and Regulations

Municipality Public Facility Operations and Maintenance—AS 37.05.315(c)

In accepting a grant under AS 37.05.315 for construction of a public facility, a municipality covenants with the State that it will operate and maintain the facility for the practical life of the facility and that the municipality will not look to the State to operate or maintain the facility or pay for its operation or maintenance. This requirement does not apply to a grant for repair or improvement of an existing facility operated or maintained by the State at the time the grant is accepted if the repair or improvement for which the grant is made will not substantially increase the operating or maintenance costs to the State.

Restriction on Use—AS 37.05.321

A grant or earnings from a grant under AS 37.05.315 - 37.05.317 may not be used for the purpose of influencing legislative action. In this section "influencing legislative action" means promoting, advocating, supporting, modifying, opposing, or delaying or seeking to do the same with respect to any legislative action but does not include the provision or use of information, statistics, studies, or analyses in written or oral form or format. A grant or earnings from a grant made under AS 37.05.315 - 37.05.317 may not be used for purposes of travel in connection with influencing legislative action unless pursuant to a specific request from a legislator or legislative committee.

Hiring Preferences—AS 36.10

This chapter of the Alaska Statutes applies to grants for public works projects and requires compliance with the hiring preferences under AS 36.10.150 - 36.10.175 for employment generated by the grant.

Historic Preservation Act—AS 41.35

This chapter of the Alaska Statutes applies to public construction of any nature undertaken by the State, or by a governmental agency of the State, or by a private person under contract with or licensed by the State or a governmental agency of the State. The Department of Natural Resources must be notified if the construction is planned for an archaeological site. The department may stop the construction to determine the extent of the historic, prehistoric, or archaeological values.

Fire Protection—AS 18.70

This chapter of the Alaska Statutes requires the Department of Public Safety (the State Fire Marshal) to adopt regulations (currently in the form of Uniform Fire Code, as amended) establishing minimum standards for:

1. Fire detection and suppression equipment;
2. Fire and life safety criteria in commercial, industrial, business, institutional, or other public buildings used for residential purposes containing four or more dwelling units;
3. Any activity in which combustible or explosive materials are stored or handled in commercial quantities;
4. Conditions or activities carried on outside a building described in (2) or (3) likely to cause injury to persons or property.

Environmental Conservation—AS 46.03

This chapter of the Alaska Statutes applies to municipalities and could subject them to enforcement actions instituted by the Alaska Department of Environmental Conservation for air, land and water nuisances, and water and air pollution in a municipality of 1,000 or more, and may establish a local air pollution control program.

Alaska Coastal Management Program—AS 46.40

This chapter of the Alaska Statutes establishes a planning program for the use, management, restoration, and enhancement of the overall quality of the coastal environment. The law provides for the creation of coastal resource districts and the establishment, review, and approval of district management plans. If a district management plan is not implemented, enforced, or complied with, enforcement action may follow.

Permits and Environmental Procedures

The Alaska Department of Environmental Conservation (ADEC) regulates all activities in Alaska that might pollute the air, water or soil. There are dozens of ADEC permits related to constructing and operating public buildings. The law requires the following permits, including others designated by the commissioner. The following list is not intended to be all-inclusive.

- Air Emissions Permit—AS 46.14.140, 18 AAC 50.030**
- Anadromous Fish Protection Permit—AS 41.14.870, 11 AAC 195.010**
- Authorization for Tidelands Transportation—AS 38.05.035, 11 AAC 51.015**
- Brine or Other Salt Water Waste Disposal Permit—AS 31.05.030**
- Burning Permit during Fire Season—AS 41.15.060, 11 AAC 95.410**
- Coal Development Permit—AS 27.21.030, 11 AAC 85.110**
- Critical Habitat Area Permit—AS 16.20.510, 05 AAC 95.420**
- Dam Construction Permit—AS 46.17.040, 11 AAC 93.171**
- Driveway Permit—AS 19.05.040, 17 AAC 10.020**
- Encroachment Permit—AS 19.25.200, 17 AAC 10.012**
- Miscellaneous State Land Use Permit—AS 38.05.035, 11 AAC 96.010**
- Mineral and Geothermal Prospecting Permits—AS 38.05.181, 11 AAC 82.100**
- Occupied Tide and Submerged Land—AS 38.05.820, 11 AAC 62.010**
- Open Burning Permit—AS 46.03.020, 18 AAC 50.065**
- Permit for Use of Timber or Materials—AS 38.05.110, 11 AAC 71.025**
- Permit to Appropriate Water—AS 46.15.040, 11 AAC 93.120**
- Pesticides Permit—AS 46.03.320, 18 AAC 90.300**
- Preferred Use Permit—AS 46.15.150, 11 AAC 93.240**
- Right-of-Way and Easement Permits—AS 38.05.850, 11 AAC 58.740**
- Solid Waste Disposal—AS 46.03.100, 18 AAC 60.200**
- Special Land Use Permit—AS 38.05.850, 11 AAC 58.210**
- State Game Refuge Land Permit—AS 16.20.050 - 16.20.060**
- State Park Incompatible Use Permit—AS 41.21.020, 11 AAC 18.010**
- Surface Oiling Permit—AS 46.03.740, 18 AAC 75.700**
- Surface Use Permit—AS 38.05.255, 11 AAC 86.600**
- Tide and Submerged Lands Prospecting Permit—AS 38.05.250, 11 AAC 62.700**
- Tidelands Permit—AS 38.05.035**
- Tidelands Right-of-Way or Easement Permit—AS 38.05.820**
- Utility Permit—AS 19.25.010, 17 AAC 15.011**
- Waste Water Disposal Permit—AS 46.03.100, 18 AAC 72.010**
- Water Well Permit—AS 31.05.030, 11 AAC 93.140**

Appendix D
Special Requirements and Assurances
for Federally Funded Projects

Federal grant requirements are not applicable to the Designated Legislative Capital Grant program.

Appendix E Site Control

1. Site Control

The Grantee must provide evidence of site control for a project that involves any use of land, including but not limited to, construction, renovation, utility projects, fuel storage, roads, and trails.

As a minimum requirement, the Grantee should obtain a "sufficient interest" that allows the Grantee the right to use and occupy the site for the expected useful life of the building, structure or other improvement. Generally, the interest obtained should be for at least 20 years. A sufficient interest depends upon the nature of the project and the land status of the site. Site control options are identified in Section 2.

For a project planned on land that is controlled by a public agency, the Grantee must obtain whatever authorization for use that is required by the public agency.

2. Site Control Options

Below are some examples of documents that may be used to satisfy site control requirements for various community facilities/projects. The terms and conditions contained in each document must be examined to determine adequacy for a specific project.

| | Deed | Lease | Easement | Use Permit | License |
|------------------------|------|-------|----------|------------|---------|
| Community Hall | ✓ | ✓ | | | |
| Clinic | ✓ | ✓ | | | |
| Fire Station | ✓ | ✓ | | | |
| Bulk Fuel Storage | ✓ | ✓ | | | |
| Dump | ✓ | ✓ | | | |
| Shop/Storage Building | ✓ | ✓ | | | |
| Cemetery | ✓ | ✓ | | | |
| Dock | ✓ | ✓ | | | |
| Campground | ✓ | ✓ | | | |
| Generator Building | ✓ | ✓ | | | |
| Multi-purpose building | ✓ | ✓ | | | |
| Laundromat | ✓ | ✓ | | | |
| Water well/Septic | ✓ | ✓ | | ✓ | |
| Village Relocation | ✓ | ✓ | ✓ | ✓ | |
| Agriculture Project | ✓ | ✓ | | | |
| Sewage Lagoon | ✓ | ✓ | | | |
| Communication Site | ✓ | ✓ | | | |
| Road (.25') | | | ✓ | ✓ | |
| Trail (.25") | | | ✓ | ✓ | |
| Boardwalk | | | ✓ | ✓ | ✓ |
| Powerline | | | ✓ | ✓ | ✓ |
| Water/Sewer Line | | | ✓ | ✓ | ✓ |
| Pipeline | | | ✓ | ✓ | ✓ |

Appendix F State Fire Marshal Review

The Plan Review Process

Construction, repair, remodel, addition, or change of occupancy of any building/structure, or installation or change of fuel tanks must be approved by the State Fire Marshal's Office before ANY work is started.

Residential housing that is three-plex or smaller is exempt from this requirement.

Exception: The following jurisdictions have accepted a deferral for total code enforcement and plans should be submitted directly to the city: Anchorage, Juneau, Fairbanks, Kenai, Seward, Kodiak, Sitka, and Soldotna

Plans and specifications regarding the location of the building or structure on the property, area, height, number of stories, occupancy, type of construction, interior finish, exit facilities, electrical systems, mechanical systems, fuel storage tanks and their appurtenances, automatic fire-extinguishing systems, and fire alarm systems must be submitted by the owner or owner's representative to the State Fire Marshal for examination and approval. This review does not address structural considerations or accessibility requirements. Mechanical and electrical review is limited to that which is necessary to confirm compliance with fire and life safety requirements.

A copy of the plan review approval certificate must be posted as required in 13 AAC 55.100(b). It is prohibited to occupy a building for which plans have not been examined and approved.

If any work for which a plan review and approval is required has been started without first obtaining plan review and approval, an additional special processing plan review fee of \$100 is charged for the first violation. The special processing plan review fee for a subsequent violation by the same person is an additional charge equal to the amount of the standard plan review fee for the project.

Authority: AS 18.70.080

Alaska Administrative Code: 13 AAC 50.027

ORDINANCE(S)

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-01

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.60.040, Definitions; Homer City Code 21.60.060, Signs Allowed on Private Property With and Without Permits; Homer City Code 21.60.070, Permits Required; Homer City Code 21.60.080 Design, Construction, and Maintenance; Homer City Code 21.60.090, Signs in the Public Right-of-Way; Homer City Code 21.60.095, Electoral Signs; Homer City Code 21.60.100, Signs Exempt From Regulation Under this Chapter; Homer City Code 21.60.110 Signs Prohibited Under this Chapter; Homer City Code 21.60.130, Temporary Signs-Private Property; Homer City Code 21.60.150, Time of Compliance-Nonconforming Signs and Signs Without Permits; and Homer City Code 21.60.170, Enforcement and Remedies; and Repealing Homer City Code 21.60.120, General Permit Procedures; Homer City Code 21.60.140, Temporary Signs-Public Rights-of-Way; and Homer City Code 21.60.160, Violations; Regarding the Regulation of Signs.

Sponsor: Planning

1. City Council Regular Meeting January 9, 2012 Introduction
 - a. Substitute Ordinance 12-01(S)
 - b. Memorandum 12-007 from City Planner as backup
 - c. Memorandum 12-008 from City Attorney as backup

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 12-01

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.60.040, DEFINITIONS; HOMER CITY CODE 21.60.060, SIGNS ALLOWED ON PRIVATE PROPERTY WITH AND WITHOUT PERMITS; HOMER CITY CODE 21.60.070, PERMITS REQUIRED; HOMER CITY CODE 21.60.080 DESIGN, CONSTRUCTION, AND MAINTENANCE; HOMER CITY CODE 21.60.090, SIGNS IN THE PUBLIC RIGHT-OF-WAY; HOMER CITY CODE 21.60.095, ELECTORAL SIGNS; HOMER CITY CODE 21.60.100, SIGNS EXEMPT FROM REGULATION UNDER THIS CHAPTER; HOMER CITY CODE 21.60.110 SIGNS PROHIBITED UNDER THIS CHAPTER; HOMER CITY CODE 21.60.130, TEMPORARY SIGNS-PRIVATE PROPERTY; HOMER CITY CODE 21.60.150, TIME OF COMPLIANCE-NONCONFORMING SIGNS AND SIGNS WITHOUT PERMITS; AND HOMER CITY CODE 21.60.170, ENFORCEMENT AND REMEDIES; AND REPEALING HOMER CITY CODE 21.60.120, GENERAL PERMIT PROCEDURES; HOMER CITY CODE 21.60.140, TEMPORARY SIGNS-PUBLIC RIGHTS-OF-WAY; AND HOMER CITY CODE 21.60.160, VIOLATIONS; REGARDING THE REGULATION OF SIGNS.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.60.040, Definitions, is amended to read as follows:

21.60.040 Definitions. ~~In~~ For the purpose of this chapter, in addition to terms defined in HCC §21.03.040, the following words and phrases shall have the meanings set forth in this section chapter.

"Abandoned sign-" means a ~~Any sign containing copy~~ that refers to a business or activity that is no longer being conducted or pursued.

"Animated sign-" means a ~~Any sign that uses flashing lights, movement or change of lighting to depict action or create a special effect or scene,~~ or that includes characters, letters, or illustrations whose message changes at least one time per day; provided that a changing- ~~A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature~~ does not cause a sign to be shall be considered a time and temperature portion of a sign and not an animated sign for purposes of this chapter.

"Banner-" means a ~~Any sign of lightweight~~ sign that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constructed of non-durable fabric or similar materials, including without limitation cardboard, cloth and plastic. ~~that is mounted to a pole or a building by a permanent frame at~~

[**Bold and underlined added.** Deleted language stricken through.]

45 ~~one or more edges.~~ **Banner material attached to a rigid frame on all edges or** ~~A~~ **flag** shall
46 not be considered a banner.

47 "Beacon-" **means a** ~~Any sign that emits with one or more beams of light,~~ capable of
48 being directed in **one or more** ~~any direction or directions or capable of being rotated or moved.~~

49 "Building marker-" **means a wall** ~~Any sign cut or etched into masonry, bronze, or similar~~
50 material that includes only the building name, date of construction, or historical data on historic
51 site.

52 "Building sign-" **means a** ~~Any sign that is attached to~~ **and/or supported by** ~~any part of a~~
53 building, **but that is not a freestanding sign** ~~unless it is supported in whole or in part by~~
54 structures or supports that are placed on, or anchored in, the ground and that are independent
55 from any building or other structure.

56 "Changeable copy sign-" **means a** ~~A sign that includes or portion thereof with~~
57 characters, letters, or illustrations that can be changed or rearranged without altering the face or
58 the surface of the sign, **and** ~~A sign on which the message changes~~ **less often** ~~more than one time~~
59 per day ~~shall be considered an animated sign and not a changeable copy sign for purposes of this~~
60 ~~chapter;~~ **provided that a** ~~A changing sign on which the only copy that changes is an electronic~~
61 or mechanical indication of time or temperature **does not cause a sign to be** ~~shall be considered~~
62 ~~a time and temperature portion of a sign and not a changeable copy sign for purposes of this~~
63 ~~chapter.~~

64 "Commercial message-" **means letters, graphic material or a combination thereof** ~~Any~~
65 ~~sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls~~
66 attention to a business, brand, product, service or other commercial activity.

67 "Department." The Planning and Zoning division or department of the City.

68 "Electoral sign-" **means a** ~~Any sign used for the purpose of advertising or promoting a~~
69 political party, or the election or defeat of a candidate, initiative, referendum or proposition at an
70 election.

71 "Flag-" **means the flag** ~~Flags of the United States, the State, the City, a~~ foreign nations
72 having diplomatic relations with the United States, and any other flag adopted or sanctioned by
73 an elected legislative body of competent jurisdiction. ~~A flag shall not be considered a banner for~~
74 ~~purposes of this chapter.~~

75 "Freestanding sign-" **means a** ~~Any sign supported, in whole or in part, by structures or~~
76 supports that are placed on, or anchored in, the ground and that are independent **of** ~~from~~ any
77 building or other structure.

78 "Ground sign-" **means** ~~A ground sign is a freestanding sign that is placed directly on the~~
79 ground having or appearing to have a foundation or solid base beneath 50 percent or more of the
80 longest horizontal dimension of the sign.

81 "Handbill." ~~Any flyer, notice or brochure advertising or promoting any product, business,~~
82 ~~cause, political candidate or issue, and intended for distribution to the general public.~~

83 "Incidental sign-" **means an** ~~A sign, generally informational,~~ **or directional sign** that is
84 **incidental and subordinate** ~~has a purpose secondary to a principal~~ the use of the lot on which
85 it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar
86 directives. ~~No sign with a~~ **and that bears no** commercial message **that is** legible from **outside**
87 **that a position off the lot on which the sign is located shall be considered incidental.**

88 "Lot." See HCC § 21.32.030.

[**Bold and underlined added.** Deleted language stricken through.]

89 "Marquee." ~~Any permanent roof-like structure projecting beyond a building or extending~~
90 ~~along and projecting beyond the wall of the building, generally designed and constructed to~~
91 ~~provide protection from the weather.~~

92 "Marquee sign." means a Any sign attached in any manner to, in any manner, or made a
93 part of, a permanent roof-like structure projecting beyond a building, generally designed
94 and constructed to provide protection from the weather marquee.

95 "Non-conforming sign." ~~Any lawfully pre-existing sign that does not conform to~~
96 ~~regulations of this chapter that became applicable after erection of the sign.~~

97 "Official traffic control device" means a sign not inconsistent with Alaska Statutes
98 Title 28, placed or erected by authority of a state or municipal agency or official having
99 jurisdiction, for the purpose of traffic regulating, warning and guiding.

100 "Off-premises sign." means a A sign containing a commercial or non-commercial
101 message drawing attention to goods or services, business or other activity not offered or
102 conducted on the lot on which the sign is located.

103 "Pennant." means a Any lightweight plastic, fabric, or other material, whether or not
104 containing a message of any kind suspended from a rope, wire, or string, usually in series,
105 designed to move in the wind.

106 "Permanent sign" means a sign that is not a temporary sign.

107 "~~Portable sign.~~" ~~means a Any sign not permanently attached to the ground or other~~
108 ~~permanent structure, or a sign designed to be transported, including signs designed to be~~
109 ~~transported by means of wheels; signs converted to A or T frames; menu and sandwich board~~
110 ~~signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on~~
111 ~~vehicles parked and visible from the public right of way, unless said vehicle is used in the~~
112 ~~normal day-to-day operations of the business.~~

113 "Principal building." means a The building in which is conducted the principal use of the
114 lot is conducted on which it is located. Lots with multiple principal uses may have multiple
115 principal buildings, but storage buildings, garages, and other accessory structures shall not be
116 considered principal buildings.

117 "Projecting sign." means a Any building sign attached affixed to a building or wall and
118 that protrudes in such a manner that its leading edge extends more than six inches beyond the
119 surface of the such building or wall.

120 "Public sign." means A Public Sign is an off-premises off-premises sign other than an
121 official traffic control device, that provides direction or information, or identifies public
122 facilities such as parks, playgrounds, libraries, or schools or to a distinct area of the City, such as
123 Pioneer Avenue, the Homer spit, Old Town and entrances to the City. Public Signs may identify
124 categories of services available, but may not carry any other commercial message. Public signs
125 are non-regulatory.

126 "Residential sign." means a Any sign located in the Rural Residential, Residential Office
127 or Urban Residential zoning districts that contains no commercial message except for advertising
128 for goods or services legally offered on the premises where the sign is located, if offering such
129 services at such location conforms to with all requirements of the zoning code.

130 "Roof sign, integral." means a Any sign erected and constructed as an integral part of a
131 normal the roof of a building structure, such that no part of the sign extends vertically more than
132 two feet above the highest portion of that roof of which it is a part.

[Bold and underlined added. Deleted language stricken through.]

133 "Setback-" means the ~~The~~ distance between a sign located on a lot and the closest lot
134 ~~line and the sign.~~

135 "Sign-" means a ~~Any~~ device, fixture, placard, or structure that uses any color, form,
136 graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the
137 purpose of a person or entity, or to communicate information of any kind to the public.

138 "Suspended sign." A sign that is suspended from the underside of a horizontal plane
139 surface and is supported by such surface.

140 "Temporary sign-" means a ~~Any~~ sign that is not affixed permanently to a building or
141 to a permanent support or foundation, ~~used only temporarily and is not permanently mounted~~
142 including without limitation menu or sandwich board signs.

143 "Wall sign-" means a ~~Any~~ sign attached parallel to, but within six inches of, a wall,
144 painted on the ~~wall~~ surface of, or erected and confined within the limits of an outside wall of any
145 building or structure, which is supported by such ~~wall or building or structure,~~ and which
146 displays only one sign surface.

147 "Window sign-" means a ~~Any~~ sign, pictures, symbol, or combination thereof, designed to
148 communicate information about an activity, business, commodity, event, sale, or service, that is
149 placed inside a window or upon the window panes or glass and is visible from the exterior of the
150 window.

151
152 Section 2. The title and subsection (a) of Homer City Code 21.60.060, Signs allowed on
153 private property with and without permits, are amended to read as follows:
154

155 21.60.060 Signs allowed on private property with and without permits. a. Signs shall be
156 allowed on private property in the City ~~in accordance with,~~ and only in accordance with Table 1.
157 If the letter "A" appears for a sign type in a column, such sign type is allowed without prior
158 permit approval in the zoning district represented by that column. If the letter "P" appears for a
159 sign type in a column, such sign type is allowed only with prior permit approval in the zoning
160 districts represented by that column. Special conditions may apply in some cases. If the letter
161 "N" appears for a sign type in a column, such ~~a~~ sign type is not allowed in the zoning districts
162 represented by that column under any circumstances. If the letters "PH" appear for a sign
163 type in a column, such sign type is allowed in the zoning districts represented by that
164 column only with prior approval by the Commission after a public hearing.

165 b. Although permitted under the previous paragraph, a sign designated by an "AP"
166 or "PS" in Table 1 shall be allowed only if:

167 1. The sum of the area of all building and free standing signs on the lot does
168 not exceed ~~conforms with~~ the maximum permitted sign area for the zoning district in
169 which the lot is located as specified in Table 2; and

170 2. The characteristics of the sign conform to ~~with~~ the limitations of Table 3;
171 Permitted Sign Characteristics, and with any additional limitations on characteristics
172 listed in Table 1 or Table 2.

173 c. Any sign type that is not listed on the following tables is prohibited ~~are not~~
174 ~~permitted, with or without a permit.~~

175
176 Section 3. The Key to Tables 1 through 3 that follows Homer City Code 21.60.060,
177 Signs on private property, is amended to read as follows:

[Bold and underlined added. Deleted language stricken through.]

178

| KEY to Tables 1 through 3 | |
|---|---|
| RR Rural Residential UR Urban Residential RO Residential Office INS Institutional Uses Permitted in Residential Zoning Districts (a) CBD Central Business District TC Town Center District | GBD Gateway Business District GC1 General Commercial 1 GC2 General Commercial 2 <u>EEMU East End Mixed Use</u> MC Marine Commercial MI Marine Industrial OSR Open Space Recreation PS Public Sign Uses Permit |
| <p><u>AP</u> = Allowed without sign permit <u>PS</u> = Allowed only with sign permit N = Not allowed PH = Allowed only upon approval by the Planning Commission after a public hearing</p> | |
| For parenthetical references, e.g., "(a)," see Notes following graphical portion of table. | |

179

180

181 **Section 4.** Table 1 following Homer City Code 21.60.060, Signs on private property, is
 182 amended to read as follows:

| Sign Type | RR | UR | RO | INS (a) | CBD | TC | GBD | GC 1 | GC 2 | <u>EEM U</u> | MC | MI | OSR | PS |
|----------------------------|------------------|------------------|--------------------------|-------------------------|------------------|------------------|--------------------------|------------------|------------------|-------------------------|------------------|------------------|------------------|----|
| <u>Freestanding</u> | | | | | | | | | | | | | | |
| Residential (b) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | N | N | <u>N</u> | N | N | <u>AP</u> | PH |
| Other (b) | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> (jk) | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N | PH |
| Incidental (c) | N | N | <u>AP</u> (d) | <u>AP</u> (d) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | N | N |
| <u>Building</u> | | | | | | | | | | | | | | |

[Bold and underlined added. Deleted language stricken through.]

| | | | | | | | | | | | | | | |
|----------------------|-----------|-----------|------------------|------------------|-----------|-----------|-----------|-----------|-----------|----------|-----------|-----------|-----------|----------|
| Banner | N | N | N | N | <u>NS</u> | <u>NS</u> | N | <u>NS</u> | <u>NS</u> | <u>N</u> | <u>NS</u> | <u>NS</u> | N | N |
| Building Marker (e) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | N |
| Identification (d) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | N |
| Incidental (c) | N | N | <u>AP</u> (f) | <u>AP</u> (c) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | N | N |
| Marquee (g) | N | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N | N |
| Projecting (g) | N | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N | N |
| Residential (b) | <u>AP</u> | <u>AP</u> | <u>AP</u> | N | <u>AP</u> | <u>AP</u> | <u>AP</u> | N | N | <u>N</u> | N | N | <u>AP</u> | N |
| Roof | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| Roof, Integral | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N | N |
| Suspended (g) | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N | N |
| Temporary (gh) | <u>AN</u> | <u>AN</u> | <u>AN</u> | <u>AN</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> |
| Wall | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | <u>AP</u> | <u>A</u> |
| Window | N | N | <u>AP</u> | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N | N |
| <u>Miscellaneous</u> | | | | | | | | | | | | | | |
| Banner (e) | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N | N |
| Flag (hi) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> |
| Portable | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | | <u>S</u> | <u>S</u> | N | N |

[**Bold and underlined added.** Deleted language stricken through.]

183 Notes to Table 1:

- 184 a. This column does not represent a zoning district. It applies to institutional uses permitted under
185 the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established
186 organization or corporation of a public, non-profit, or public safety/benefit nature, i.e., schools, churches,
187 and hospitals.
- 188 b. No commercial message allowed on sign, except for a commercial message drawing attention to
189 goods or services legally offered on the lot, except signs approved by the state of Alaska Department of
190 Transportation and signs that meet the requirements of HCC § 21.60.092.
- 191 c. No commercial message of any kind allowed on sign if such message is legible from any location
192 off the lot on which the sign is located.
- 193 d. Only address and name of occupant allowed on sign.
- 194 e. May include only building name, date of construction, or historical data on historic site; must be
195 cut or etched into masonry, bronze, or similar material.
- 196 f. No commercial message of any kind allowed on sign.
- 197 ~~g. If such a sign is suspended or projects above a public right of way, the issuance and continuation~~
198 ~~of a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability~~
199 ~~insurance for such a sign in such form and such amount as the City planner may reasonably from time to~~
200 ~~time determine, provided that the amount of such liability insurance shall be at least \$500,000 per~~
201 ~~occurrence per sign.~~
- 202 gh. The conditions of HCC § 21.60.130 of this ordinance apply.
- 203 hi. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the
204 United States and any other flag adopted or sanctioned by an elected legislative body of competent
205 jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the
206 United States for the stars and stripes. Any flag not meeting any one or more of these conditions shall be
207 considered a banner sign and shall be subject to regulations as such.
- 208 ij. Permitted on the same terms as a temporary sign, in accordance with HCC § 21.60.130, except
209 that it may be free standing.
- 210 jk. The main entrance to a development in GBD may include one ground sign announcing the name
211 of the development. such sign shall consist of natural materials. Around the sign grass, flowers and shrubs
212 shall be placed to provide color and visual interest. The sign must comply with applicable sign code
213 requirements.

214
215 Section 5. Table 2 following Homer City Code 21.60.060, Signs on private property, is
216 amended to read as follows:

Table 2. Maximum Total Sign Area Per Lot by Zoning District

Table 2 Part A

The maximum combined total area of all signs, in square feet, except incidental, building marker and flags (b) shall not exceed the following according to district:

| R | UR | RO | RO (e) | INS (a) | OSR | PS (d) |
|---|----|----|--------|---------|-----|--------|
| 4 | 4 | 6 | 50 | 20 | 4 | 32 |

Table 2 Part B

In all other districts not described in Table 2 Part A, the maximum combined total area of all signs, in square feet, except incidental, building marker and flags, shall not exceed the following:

[Bold and underlined added. Deleted language stricken through.]

| <u>Square feet of wall frontage (c):</u> | <u>Maximum allowed sign area per lot Principle Building:</u> |
|--|--|
| 750 s.f. and over | 150 s.f. |
| 650 to 749 | 130 s.f. |
| 550 to 649 | 110 s.f. |
| 450 to 549 | 90 s.f. |
| 350 to 449 | 70 s.f. |
| 2000 to 349 | 50 s.f. |
| <u>0</u> to <u>199</u> | <u>30 s.f.</u> |

In all districts covered by Table 2 Part B, on any lot with multiple principal buildings or with multiple independent businesses or occupancies in one or more buildings, the total allowed sign area may be increased beyond the maximum allowed signage as shown in Table 2 Part B, by 20%. This additional sign area can only be used to promote or identify the building or complex of buildings.

In all districts covered by Table 2 Part B, freestanding signs, when otherwise allowed, shall not exceed the following limitations:

Only one freestanding sign is allowed per lot, except one freestanding Public Sign may be additionally allowed. A freestanding sign may not exceed ten (10) feet in height. The sign area on a freestanding sign (excluding a Public Sign) shall be included in the calculation of maximum allowed sign area per lot and shall not exceed the following:

One business or occupancy in one building – 36 sq ft

Two independent businesses or occupancies or principal buildings in any combination – 54 sq ft

Three independent businesses or occupancies or principal buildings in any combination – 63 sq ft

Four or more independent businesses or occupancies or principal buildings in any combination – 72 sq ft

217
218
219
220

Section 6. Table 3 following Homer City Code 21.60.060, Signs on private property, is amended to read as follows:

| Sign Type | Table 3. | | | | | | | | | | | |
|-----------------------|----------|----|----|-----------|-----------|-----------|-----------|-----------|-----------|-------------|-----------|-----------|
| | RR | UR | RO | INS (a) | CBD | TC | GBD | GC1 | GC2 | <u>EEMU</u> | MC | MI |
| Animated (b) | N | N | N | N | <u>PS</u> | <u>PS</u> | N | <u>PS</u> | N | <u>P</u> | <u>PS</u> | N |
| Changeable Copy (c) | N | N | N | N | <u>PS</u> | <u>PS</u> | N | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> |
| Illumination Internal | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | N | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> |
| Illumination External | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> |
| Neon (d) | N | N | N | N | <u>PS</u> | <u>PS</u> | N | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> |

Bold and underlined added. Deleted language stricken through.

Notes to Table 3

- a. The INS column does not represent a zoning district. It applies to institutional uses permitted under the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established organization or corporation of a public, non-profit or public safety/benefit nature, *i.e.*, schools, churches and hospitals.
- b. Animated signs may not be neon or change colors or exceed three square feet in area.
- c. Changeable Copy signs must be wall or pole mounted, and may not be flashing.
- d. Neon signs may not be flashing and may not exceed 32 square feet.
- e. The PS column does not represent a zoning district. It applies to Public Signs permitted under the zoning code, in all zoning districts.

Section 7. Homer City Code 21.60.070, Permits required, is amended to read as follows:

21.60.070 Sign permits ~~Permits required.~~ a. **No person may place, construct, erect or modify a sign for which** ~~If a sign requiring a provision of this chapter requires a permit without first obtaining a permit for the sign under this section~~ **the provisions of this chapter is to be placed, constructed, erected, or modified on a lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of HCC § 21.60.120.**

b. **Applications. An application for a sign permit shall be submitted to the Department on an application form or in accordance with application specifications published by the Department. An application for a permit for a sign that is not an off-premises sign shall be submitted by the owner of the lot where the sign is to be located, or by a tenant leasing all or part of the lot when the sign names, advertises, or calls attention to a business, brand, product, service or other commercial activity of the tenant.**

c. **Fees. An application for a sign permit shall be accompanied by the applicable fees established by the Homer City Council from time to time by resolution.**

d. **Action. Within seven working days after the submission of a complete application for a sign permit, the Department shall:**

1. If the sign is allowed only with the prior approval of the Commission after a public hearing, refer the application to the next available Commission for a public hearing.

2. If the sign is subject to administrative permit approval, either

i. Issue the sign permit, if each sign that is the subject of the application conforms in every respect with the requirements of this chapter; or

ii. Reject the sign permit if a sign that is the subject of the application fails in any way to conform to the requirements of this chapter. In case of rejection, the Department shall specify in the rejection the section or sections of this chapter to which the sign does not conform.

Section 8. Subsection (b) of Homer City Code 21.60.080, Design, construction, and maintenance, is amended to read as follows:

b. Except for banners flags, temporary signs and window signs conforming in all respects to the requirements of this chapter, all signs shall be constructed of permanent materials and

[Bold and underlined added. Deleted language stricken through.]

257 shall be permanently attached to the ground, a building, or another structure by direct attachment
258 to a rigid wall, frame, or structure.

259
260 Section 9. Homer City Code 21.60.090, Signs in the public right-of-way, is amended to
261 read as follows:

262
263 21.60.090 Permanent Signs in the public rights-of-way. No person may place,
264 construct or erect a permanent sign shall be allowed in a the public right-of-way, except for
265 the following:

266 a. ~~Permanent Signs. Only the following permanent signs, including:~~

267 a1. Official traffic control devices.

268 b. Public signs erected by or on behalf of a governmental body to post legal notices,
269 identify public property, convey public information, and direct or regulate pedestrian or
270 vehicular traffic;

271 c2. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
272 and

273 d3. Signs containing commercial messages that have been ~~must be~~ approved by the
274 State of Alaska Department of Transportation, ~~Tourist Oriented Directional Signing Program.~~

275 b. ~~Temporary Signs. Temporary signs for which a permit has been issued in~~
276 ~~accordance with HCC § 21.60.140, which shall be issued only for signs meeting the following~~
277 ~~requirements:~~

278 1. ~~The signs shall contain no commercial message; and~~

279 2. ~~The signs shall be no more than two square feet in area each.~~

280 3. ~~Notwithstanding (1) and (2), such signs calling attention to civic events~~
281 ~~shall be no more than four square feet in area, if freestanding, or if street banner, may not~~
282 ~~exceed the width of traveled portion of road.~~

283 e. ~~Emergency signs. Emergency warning signs erected by a governmental agency, a~~
284 ~~public utility company, or a contractor doing authorized or permitted work within the~~
285 ~~public right of way.~~

286 d. ~~Other Signs Forfeited. Any sign installed or placed on public property, except in~~
287 ~~conformance with the requirements of this section, shall be forfeited to the City and subject to~~
288 ~~confiscation. In addition to other remedies hereunder, the City shall have the right to recover~~
289 ~~from the owner or person placing such a sign the full costs of removal and disposal of such sign.~~

290
291 Section 10. Subsection (d) of Homer City Code 21.60.095, Electoral Signs, is amended to
292 read as follows:

293
294 d. An electoral sign shall not exceed 32-16 square feet in area and shall not exceed
295 the height limitation applicable to non-electoral signs within the same zoning district.

296
297 Section 11. Homer City Code 21.60.100, Signs exempt from regulation under this
298 chapter, is amended to read as follows:

299
300 21.60.100 Signs exempt from regulation under this chapter. The following signs shall be
301 exempt from regulation under this chapter:

[Bold and underlined added. Deleted language striken through.]

302 a. Any sign bearing only a public notice or warning required by a valid and
303 applicable federal, state, or local law, regulation, or ordinance.

304 b. Any emergency warning sign erected by a governmental agency, a public
305 utility company, or a contractor doing authorized or permitted work within a public
306 right-of-way.

307 c. Any sign inside a building, not attached to a window or door, that is not legible
308 from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign
309 is located,

310 d. Works of art that do not contain a commercial message;

311 e. Holiday lights between October 15 and April 15;

312 f. Traffic control signs on private property, such as a stop sign, a yield sign, and
313 similar signs, the face of which meet Department of Transportation standards and that contain no
314 commercial message of any sort.

315 g. Signs in existence before February 11, 1985, but such signs shall not be replaced,
316 moved, enlarged, altered, or reconstructed except in compliance with this chapter.

317
318 Section 12. Homer City Code 21.60.110, Signs prohibited under this chapter, is amended
319 to read as follows:

320
321 21.60.110 Signs prohibited under this chapter. All signs not expressly permitted under
322 this chapter or exempt from regulation hereunder in accordance with HCC § 21.60.100 are
323 prohibited in the City. Without limiting the foregoing, examples of prohibited signs include:

324 a. **Banners;**

325 ba. Beacons;

326 cb. Pennants;

327 d. Strings of lights not permanently mounted to a rigid background, except those
328 exempt under HCC § 21.60.100;

329 e. Inflatable signs and tethered balloons;

330 f. Animated signs that are neon, change colors, or exceed three square feet in area;

331 g. Placement of hand bills, flyers, or bumper stickers on parked vehicles other than
332 by owner;

333 h. Signs placed on or painted on a motor vehicle or trailer parked with the primary
334 purpose of providing signage not otherwise allowed by the Code; Prohibited is any sign displayed
335 on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to
336 advertise a product, service, business, or other activity. This regulation shall permit the use of
337 business logos, identification or advertising on vehicles primarily and actively used for business
338 purposes and/or personal transportation.

339 i. Abandoned signs, which shall be removed by the owner or lessee, if any, of the
340 lot upon which the signs are located. If such owner or lessee fail to remove such signs after an
341 opportunity for a hearing before the Planning Commission and fifteen days written notice to
342 remove given by the City, then (i) the owner or lessee has committed a violation, and (ii) the City
343 may remove the signs and collect the cost of removal from such owner or lessee, who shall be
344 jointly and severally liable for such cost.

345
346 Section 13. Homer City Code 21.60.120, General permit procedures, is repealed.
347

[Bold and underlined added. Deleted language stricken through.]

348 Section 14. Homer City Code 21.60.130, Temporary signs-private property, is amended
349 to read as follows:

350
351 21.60.130 Temporary signs-Private property. a. General. All temporary signs are
352 subject to the following requirements:

353 1. A temporary sign may not be an illuminated, animated, or changeable
354 copy sign.

355 2. Unless a smaller area is required by another provision of this chapter,
356 the area of a temporary sign shall not exceed 16 square feet.

357 3. A temporary sign whose message pertains to a specific date, event, or
358 time period shall not be displayed for more than seven days after that date or the
359 conclusion of the event or time period.

360 b. Commercial. A temporary sign that bears a commercial message is not
361 allowed except on private property shall be:

362 a. Term. A temporary sign shall not be displayed for more than 14 days in any 90-
363 day period, except a sign offering for sale or lease the lot on which the sign is located,
364 which is allowed as long as the property is for sale or lease.

365 b. Number. Only one temporary sign per lot is allowed.

366 1. One sign advertising the property on which the sign is located for sale
367 or for rent; or

368 2. One sign advertising a temporary sale of household goods located on
369 the lot where the sale is held.

370 c. Non-commercial. Temporary signs that do not bear a commercial message
371 are allowed in any number, subject to the square footage limitations in this chapter.

372
373 Section 15. Homer City Code 21.60.140, Temporary signs-Public right-of-way, is
374 repealed.

375
376 Section 16. Homer City Code 21.60.150, Time of compliance-Nonconforming signs and
377 signs without permits, is amended to read as follows.

378
379 21.60.150 Time of compliance-Nonconforming signs and signs without permits. a.
380 Except as otherwise provided herein, the owner of any lot or other premises on which exists a
381 sign that does not conform ~~to with~~ the requirements of this chapter or for which there is no
382 current and valid sign permit must remove such sign or, in the case of a nonconforming sign,
383 bring it into conformity with the requirements of this chapter.

384 b. Signs that were prohibited by Ordinance 84-33(S), as amended by Ordinances 86-
385 18, and 89-8, and that are prohibited by ~~in~~ this chapter are illegal and must be removed
386 immediately.

387 c. Any sign that was constructed and continues to be maintained in accordance with
388 the applicable ordinances and other laws that existed prior to an amendment to this code, but
389 which becomes unlawful as a result of an amendment to this code, is lawfully nonconforming. A
390 sign that is lawfully nonconforming under this subsection may remain in place and continue to
391 be maintained until the information on the face of the sign is changed, or for a period of one
392 year after the effective date of the amendment, whichever occurs first. If any action is taken that

[Bold and underlined added. Deleted language striken through.]

393 increases the degree or extent of the nonconformity with the amended code, the sign loses lawful
394 nonconforming status and must be removed immediately. ~~A change in the information on the~~
395 ~~face of an existing nonconforming sign is allowed.~~ At the end of the period during which the
396 lawfully nonconforming sign is allowed to remain in use, the sign shall either be removed or the
397 owner must obtain a permit, if required, and complete all other steps and make any modifications
398 necessary to bring it into full compliance with this code.

399 d. Any sign that was constructed and continues to be maintained in accordance with
400 the applicable laws that governed territory prior to its annexation to the City, but which becomes
401 unlawful under this code as a result of annexation to the City, is lawfully nonconforming. A sign
402 that is lawfully nonconforming under this subsection may remain in place and continue to be
403 maintained **until the information on the face of the sign is changed, or** for a period of one year
404 after the later of (i) the effective date of the annexation of the territory or (ii) the effective date of
405 the ordinance that assigns the territory in which the sign is located to a zoning district under the
406 Homer zoning code, **whichever occurs first.** If any action is taken that increases the degree or
407 extent of the nonconformity with the code, the sign loses lawful nonconforming status and must
408 be removed immediately. ~~A change in the information on the face of an existing nonconforming~~
409 ~~sign is allowed.~~ At the end of the period during which the lawfully nonconforming sign is
410 allowed to remain in use, the sign shall either be removed or the owner must obtain a permit, if
411 required, and complete all other steps and make any modifications necessary to bring it into full
412 compliance with this code.

413 e. **Notwithstanding the remainder of this section, a nonconforming banner or**
414 **temporary sign shall be removed no later than March 1, 2012.**

415
416 **Section 17.** Homer City Code 21.60.160, Violations, is repealed.

417
418 **Section 18.** Homer City Code 21.60.170, Enforcement and remedies, is amended to read
419 as follows:

420
421 **21.60.170 Enforcement and remedies. In addition to the remedies provided in HCC**
422 **Chapter 21.90, violations of this chapter are subject to the following remedies:**

423 a. **A person designated to enforce this title under HCC 21.90.020 may remove a**
424 **temporary sign placed in a public right-of-way in violation of this chapter. The person**
425 **responsible for the illegal placement shall be liable for the cost incurred in removing the**
426 **sign.** ~~Any violation or attempted violation of this chapter or of any condition or requirement~~
427 ~~adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by~~
428 ~~injunction or other appropriate proceedings pursuant to law.~~

429 b. **Notwithstanding any other provision of this title:**

430 1. **An appeal to the Planning Commission from an enforcement order**
431 **that requires the abatement or removal of a temporary sign placed on private**
432 **property in violation of this chapter must be filed within seven days after the date of**
433 **distribution of the enforcement order to the person whose property is the subject of**
434 **the enforcement order.**

435 2. **An appeal from a final decision of the Planning Commission**
436 **regarding an enforcement order that requires the abatement or removal of a**
437 **temporary sign placed on private property in violation of this chapter must be taken**

[Bold and underlined added. Deleted language stricken through.]

438 directly to the Superior Court ~~A violation of this chapter shall be considered a violation~~
439 ~~of the zoning code of the City, subject prosecution and, upon conviction, subject to fines~~
440 ~~pursuant to HCC § 21.90.100.~~

441 ~~e. The City shall have and may exercise all remedies provided for or allowed by City~~
442 ~~code or other law for the violation of the zoning code.~~

443 ~~d. All remedies provided herein shall be cumulative. To the extent that state law may~~
444 ~~limit the availability of a particular remedy set forth herein for a certain violation or a part~~
445 ~~thereof, such remedy shall remain available for other violations or other parts of the same~~
446 ~~violation.~~

447
448 Section 19. Sections 1 through 16 of this Ordinance are of a permanent and general
449 character and shall be included in the City Code.

450
451 Section 20. This Ordinance shall become effective on _____.

452
453 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
454 _____ 2012.

455
456 CITY OF HOMER

457
458
459
460 _____
461 JAMES C. HORNADAY, MAYOR

462 ATTEST:

463
464
465 _____
466 JO JOHNSON, CMC, CITY CLERK

467
468 YES:
469 NO:
470 ABSTAIN:
471 ABSENT:

472
473 First Reading:
474 Public Hearing:
475 Second Reading:
476 Effective Date:

477
478 Reviewed and approved as to form:

479
480 _____
481 Walt E. Wrede, City Manager

482 _____
Thomas F. Klinkner, City Attorney

[Bold and underlined added. Deleted language stricken through.]

483 Date: _____

Date: _____

Bold and underlined added. ~~Deleted language stricken through.~~

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 12-01(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.60.040, DEFINITIONS; HOMER CITY CODE 21.60.060, SIGNS ALLOWED ON PRIVATE PROPERTY WITH AND WITHOUT PERMITS; HOMER CITY CODE 21.60.070, PERMITS REQUIRED; HOMER CITY CODE 21.60.080 DESIGN, CONSTRUCTION, AND MAINTENANCE; HOMER CITY CODE 21.60.090, SIGNS IN THE PUBLIC RIGHT-OF-WAY; HOMER CITY CODE 21.60.100, SIGNS EXEMPT FROM REGULATION UNDER THIS CHAPTER; HOMER CITY CODE 21.60.110 SIGNS PROHIBITED UNDER THIS CHAPTER; HOMER CITY CODE 21.60.130, TEMPORARY SIGNS-PRIVATE PROPERTY; HOMER CITY CODE 21.60.150, TIME OF COMPLIANCE-NONCONFORMING SIGNS AND SIGNS WITHOUT PERMITS; AND HOMER CITY CODE 21.60.170, ENFORCEMENT AND REMEDIES; AND REPEALING HOMER CITY CODE 21.60.095, ELECTORAL SIGNS; HOMER CITY CODE 21.60.120, GENERAL PERMIT PROCEDURES; HOMER CITY CODE 21.60.140, TEMPORARY SIGNS-PUBLIC RIGHTS-OF-WAY; AND HOMER CITY CODE 21.60.160, VIOLATIONS; REGARDING THE REGULATION OF SIGNS.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.60.040, Definitions, is amended to read as follows:

21.60.040 Definitions. ~~In~~ For the purpose of this chapter, **in addition to terms defined in HCC §21.03.040,** the following words and phrases shall have the meanings set forth in this section chapter.

"Abandoned sign-" **means a** ~~Any sign containing copy~~ that refers to a business or activity that is no longer being conducted or pursued.

"Animated sign-" **means a** ~~Any sign~~ that uses flashing lights, movement or change of lighting to depict action or create a special effect or scene, **or that includes characters, letters, or illustrations whose message changes at least one time per day; provided that a changing-** ~~A sign on which the only copy that changes is an~~ electronic or mechanical indication of time or temperature **does not cause a sign to be** ~~shall be considered a time and temperature portion of a sign and not an animated sign for purposes of this chapter.~~

"Banner-" **means a** ~~Any sign of lightweight~~ **sign that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constructed of non-durable** ~~fabrie or similar materials, including without limitation~~ **cardboard, cloth and plastic.** ~~that is mounted to a pole or a building by a permanent frame at~~

[Bold and underlined added. Deleted language stricken through.]

44 ~~one or more edges.~~ **Banner material attached to a rigid frame on all edges or** ~~A~~ flag shall
45 not be considered a banner.

46 "Beacon-" **means a** ~~Any sign~~ **that emits** ~~with one or more beams~~ **of light**, capable of
47 being directed in **one or more** ~~any direction or directions or capable of being rotated or moved.~~

48 "Building marker-" **means a wall** ~~Any sign~~ cut or etched into masonry, bronze, or similar
49 material that includes only the building name, date of construction, or historical data on historic
50 site.

51 "Building sign-" **means a** ~~Any sign~~ **that is** attached to **and/or supported by** ~~any part of a~~
52 building, **but that is not a freestanding sign** ~~unless it is supported in whole or in part by~~
53 ~~structures or supports that are placed on, or anchored in, the ground and that are independent~~
54 ~~from any building or other structure.~~

55 "Changeable copy sign-" **means a** ~~A sign~~ **that includes** ~~or portion thereof with~~
56 characters, letters, or illustrations that can be changed or rearranged without altering the face or
57 the surface of the sign, **and** ~~A sign~~ on which the message changes **less often** ~~more than one time~~
58 per day shall be considered an animated sign and not a changeable copy sign for purposes of this
59 chapter; **provided that a** ~~A~~ **changing** ~~sign~~ on which the only copy that changes is an electronic
60 or mechanical indication of time or temperature **does not cause a sign to be** ~~shall be considered~~
61 ~~a time and temperature portion of a sign and not a changeable copy sign for purposes of this~~
62 ~~chapter.~~

63 "Commercial message-" **means letters, graphic material or a combination thereof** ~~Any~~
64 ~~sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls~~
65 attention to a business, brand, product, service or other commercial activity.

66 "Department." The Planning and Zoning division or department of the City.

67 "Electoral sign." ~~Any sign used for the purpose of advertising or promoting a political~~
68 ~~party, or the election or defeat of a candidate initiative, referendum or proposition at an election.~~

69 "Flag-" **means the flag** ~~Flags of the United States, the State, the City, a~~ foreign nations
70 having diplomatic relations with the United States, and any other flag adopted or sanctioned by
71 an elected legislative body of competent jurisdiction. ~~A flag shall not be considered a banner for~~
72 ~~purposes of this chapter.~~

73 "Freestanding sign-" **means a** ~~Any sign~~ supported, in whole or in part, by structures or
74 supports that are placed on, or anchored in, the ground and that are independent **of** ~~from~~ any
75 building or other structure.

76 "Ground sign-" **means** ~~A ground sign~~ is a freestanding sign that is placed directly on the
77 ground having or appearing to have a foundation or solid base beneath 50 percent or more of the
78 longest horizontal dimension of the sign.

79 "Handbill." ~~Any flyer, notice or brochure advertising or promoting any product, business,~~
80 ~~cause, political candidate or issue, and intended for distribution to the general public.~~

81 "Incidental sign-" **means an** ~~A sign, generally informational, or directional sign~~ **that is**
82 **incidental and subordinate** ~~has a purpose secondary to a principal~~ the use of the lot on which
83 it is located, such as "no parking," "entrance," "loading only," "telephone,;" and other similar

[**Bold and underlined added.** Deleted language stricken through.]

84 directives. No sign with a and that bears no commercial message that is legible from outside
85 that a position off the lot on which the sign is located shall be considered incidental.

86 "Lot." See HCC § 21.32.030.

87 "Marquee." Any permanent roof like structure projecting beyond a building or extending
88 along and projecting beyond the wall of the building, generally designed and constructed to
89 provide protection from the weather.

90 "Marquee sign." means a Any sign attached in any manner to, ~~in any manner,~~ or made a
91 part of, a permanent roof-like structure projecting beyond a building, generally designed
92 and constructed to provide protection from the weather marquee.

93 "~~Non conforming sign.~~" Any lawfully pre-existing sign that does not conform to
94 regulations of this chapter that became applicable after erection of the sign.

95 "Official traffic control device" means a sign not inconsistent with Alaska Statutes
96 Title 28, placed or erected by authority of a state or municipal agency or official having
97 jurisdiction, for the purpose of traffic regulating, warning and guiding.

98 "Off-premises sign." means a A sign containing a commercial or non-commercial
99 message drawing attention to goods or services, business or other activity not offered or
100 conducted on the lot on which the sign is located.

101 "Pennant." means a Any lightweight plastic, fabric, or other material, whether or not
102 containing a message of any kind suspended from a rope, wire, or string, usually in series,
103 designed to move in the wind.

104 "Permanent sign" means a sign that is not a temporary sign.

105 "~~Portable sign.~~" ~~means a~~ Any sign not permanently attached to the ground or other
106 permanent structure, or a sign designed to be transported, including signs designed to be
107 transported by means of wheels; signs converted to A or T frames; menu and sandwich board
108 signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on
109 vehicles parked and visible from the public right of way, unless said vehicle is used in the
110 normal day to day operations of the business.

111 "Principal building." means a The building in which is conducted the principal use of the
112 lot is conducted on which it is located. Lots with multiple principal uses may have multiple
113 principal buildings, but storage buildings, garages, and other accessory structures shall not be
114 considered principal buildings.

115 "Projecting sign." means a Any building sign attached affixed to a building or wall and
116 that protrudes in such a manner that its leading edge extends more than six inches beyond the
117 surface of the such building or wall.

118 "Public sign." means A Public Sign is an off-premises ~~off-premises~~ sign other than an
119 official traffic control device, that provides direction or information, or identifies public
120 facilities such as parks, playgrounds, libraries, or schools or to a distinct area of the City, such as
121 Pioneer Avenue, the Homer spit, Old Town and entrances to the City. ~~Public Signs may identify~~
122 ~~categories of services available, but may not carry any other commercial message. Public signs~~
123 ~~are non-regulatory.~~

[Bold and underlined added. Deleted language stricken through.]

124 "Residential sign-" ~~means a~~ Any sign located in the Rural Residential, Residential Office
125 or Urban Residential zoning districts that contains no commercial message except for advertising
126 for goods or services legally offered on the premises where the sign is located, if offering such
127 services at such location conforms ~~to with~~ all requirements of the zoning code.

128 "Roof sign, integral." ~~means a~~ Any sign erected and constructed as an integral part of a
129 ~~normal~~ ~~the roof of a building~~ structure, such that no part of the sign extends vertically more than
130 two feet above the highest portion of that roof of which it is a part.

131 "Setback-" ~~means the~~ The distance between a sign located on a lot and the closest lot
132 ~~line and the sign.~~

133 "Sign-" ~~means a~~ Any device, fixture, placard, or structure that uses any color, form,
134 graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the
135 purpose of a person or entity, or to communicate information of any kind to the public.

136 "Suspended sign." A sign that is suspended from the underside of a horizontal plane
137 surface and is supported by such surface.

138 "Temporary sign-" ~~means a~~ Any sign that is not affixed permanently to a building or
139 to a permanent support or foundation, used only temporarily and is not permanently mounted
140 including without limitation menu or sandwich board signs.

141 "Wall sign-" ~~means a~~ Any sign attached parallel to, but within six inches of, a wall,
142 painted on the wall surface of, or erected and confined within the limits of an outside wall of any
143 building or structure, which is supported by such ~~wall or~~ building or structure, and which
144 displays only one sign surface.

145 "Window sign-" ~~means a~~ Any sign, pictures, symbol, or combination thereof, designed to
146 ~~communicate information about an activity, business, commodity, event, sale, or service, that is~~
147 placed inside a window or upon the window panes or glass and is visible from the exterior of the
148 building window.

149
150 Section 2. The title and subsection (a) of Homer City Code 21.60.060, Signs allowed on
151 private property with and without permits, are amended to read as follows:

152
153 ~~21.60.060 Signs allowed on private property with and without permits.~~ a. Signs shall be
154 allowed on private property in the City ~~in accordance with, and~~ only in accordance with Table 1.
155 If the letter "A" appears for a sign type in a column, such sign type is allowed without prior
156 permit approval in the zoning district represented by that column. If the letter "P" appears for a
157 sign type in a column, such sign type is allowed only with prior permit approval in the zoning
158 districts represented by that column. Special conditions may apply in some cases. If the letter
159 "N" appears for a sign type in a column, such a sign type is not allowed in the zoning districts
160 represented by that column under any circumstances. If the letters "PH" appear for a sign
161 type in a column, such sign type is allowed in the zoning districts represented by that
162 column only with prior approval by the Commission after a public hearing.

163 b. Although permitted under the previous paragraph, a sign designated by an "AP"
164 or "PS" in Table 1 shall be allowed only if:

[Bold and underlined added. Deleted language stricken through.]

165 1. The sum of the area of all building and free standing signs on the lot does
 166 not exceed ~~conforms with~~ the maximum permitted sign area for the zoning district in
 167 which the lot is located as specified in Table 2; and

168 2. The characteristics of the sign conform to ~~with~~ the limitations of Table 3;
 169 Permitted Sign Characteristics, and with any additional limitations on characteristics
 170 listed in Table 1 or Table 2.

171 c. Any sign type that is not listed on the following tables is prohibited ~~are not~~
 172 ~~permitted, with or without a permit.~~

173 Section 3. The Key to Tables 1 through 3 that follows Homer City Code 21.60.060,
 174 Signs on private property, is amended to read as follows:
 175
 176

| KEY to Tables 1 through 3 | |
|--|--------------------------------|
| RR Rural Residential | GBD Gateway Business District |
| UR Urban Residential | GC1 General Commercial 1 |
| RO Residential Office | GC2 General Commercial 2 |
| INS Institutional Uses Permitted in Residential Zoning Districts (a) | <u>EEMU East End Mixed Use</u> |
| CBD Central Business District | MC Marine Commercial |
| TC Town Center District | MI Marine Industrial |
| | OSR Open Space Recreation |
| | PS Public Sign Uses Permit |
| <u>AP</u> = Allowed without sign permit | |
| <u>PS</u> = Allowed only with sign permit | |
| N = Not allowed | |
| PH = Allowed only upon approval by the Planning Commission after a public hearing | |
| For parenthetical references, e.g., "(a)," see Notes following graphical portion of table. | |

177
 178 Section 4. Table 1 following Homer City Code 21.60.060, Signs on private property, is
 179 amended to read as follows:
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[Bold and underlined added. Deleted language stricken through.]

| Sign Type | RR | UR | RO | INS (a) | CBD | TC | GBD | GC 1 | GC 2 | <u>EEM</u> <u>U</u> | MC | MI | OSR | P |
|------------------------|-----------|-----------|------------------|------------------|-----------|-----------|-------------------|-----------|-----------|------------------------|-----------|-----------|-----------|---|
| <u>Freestanding</u> | | | | | | | | | | | | | | |
| Residential (b) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | N | N | <u>N</u> | N | N | <u>AP</u> | P |
| Other (b) | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> (ik) | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N | P |
| Incidental (c) | N | N | <u>AP(d)</u> | <u>AP</u> (d) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | N | N |
| <u>Building</u> | | | | | | | | | | | | | | |
| Banner | N | N | N | N | <u>NS</u> | <u>NS</u> | N | <u>NS</u> | <u>NS</u> | <u>N</u> | <u>NS</u> | <u>NS</u> | N | N |
| Building Marker (e) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | N |
| Identification (d) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | N |
| Incidental (c) | N | N | <u>AP</u> (f) | <u>AP</u> (e) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | N | N |
| Marquee (g) | N | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N | N |
| Projecting (g) | N | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N | N |
| Residential (b) | <u>AP</u> | <u>AP</u> | <u>AP</u> | N | <u>AP</u> | <u>AP</u> | <u>AP</u> | N | N | <u>N</u> | N | N | <u>AP</u> | N |
| Roof | N | N | N | N | N | N | N | N | N | <u>N</u> | N | N | N | N |
| Roof, Integral | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N | N |
| Suspended (g) | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N | N |
| Temporary (gh) | <u>AN</u> | <u>AN</u> | <u>AN</u> | <u>AN</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | N |
| Wall | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | <u>AP</u> | N |
| Window | N | N | <u>AP</u> | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N | N |
| <u>Miscellaneous</u> | | | | | | | | | | | | | | |
| Banner (e) | N | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N | N |
| Flag (hi) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | N |
| Portable | N | N | N | N | S | S | S | S | S | | S | S | N | N |

[**Bold and underlined added.** Deleted language stricken through.]

181 Notes to Table 1:

- 182 a. This column does not represent a zoning district. It applies to institutional uses permitted under
 183 the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established
 184 organization or corporation of a public, non-profit, or public safety/benefit nature, i.e., schools, churches,
 185 and hospitals.
- 186 b. No commercial message allowed on sign, except for a commercial message drawing attention to
 187 goods or services legally offered on the lot, ~~except signs approved by the state of Alaska Department of~~
 188 ~~Transportation and signs that meet the requirements of HCC § 21.60.092.~~
- 189 c. No commercial message of any kind allowed on sign if such message is legible from any location
 190 off the lot on which the sign is located.
- 191 d. Only address and name of occupant allowed on sign.
- 192 e. May include only building name, date of construction, or historical data on historic site; must be
 193 cut or etched into masonry, bronze, or similar material.
- 194 f. No commercial message of any kind allowed on sign.
- 195 ~~g. If such a sign is suspended or projects above a public right of way, the issuance and continuation~~
 196 ~~of a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability~~
 197 ~~insurance for such a sign in such form and such amount as the City planner may reasonably from time to~~
 198 ~~time determine, provided that the amount of such liability insurance shall be at least \$500,000 per~~
 199 ~~occurrence per sign.~~
- 200 ~~gh.~~ The conditions of HCC § 21.60.130 of this ordinance apply.
- 201 ~~hi.~~ Flags of the United States, the state, the city, foreign nations having diplomatic relations with the
 202 United States and any other flag adopted or sanctioned by an elected legislative body of competent
 203 jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the
 204 United States for the stars and stripes. Any flag not meeting any one or more of these conditions shall be
 205 considered a banner sign and shall be subject to regulations as such.
- 206 ~~j. Permitted on the same terms as a temporary sign, in accordance with HCC § 21.60.130, except~~
 207 ~~that it may be free standing.~~
- 208 ~~ik.~~ The main entrance to a development in GBD may include one ground sign announcing the name
 209 of the development. such sign shall consist of natural materials. Around the sign grass, flowers and shrubs
 210 shall be placed to provide color and visual interest. The sign must comply with applicable sign code
 211 requirements.

212
 213 Section 5. Table 2 following Homer City Code 21.60.060, Signs on private property, is
 214 amended to read as follows:

| Table 2. Maximum Total Sign Area Per Lot by Zoning District | | | | | | | |
|--|----|----|--------|---------|-----|--------|--|
| Table 2 Part A | | | | | | | |
| The maximum combined total area of all signs, in square feet, except incidental, building marker and flags (b) shall not exceed the following according to district: | | | | | | | |
| R | UR | RO | RO (e) | INS (a) | OSR | PS (d) | |
| 4 | 4 | 6 | 50 | 20 | 4 | 32 | |

[Bold and underlined added. Deleted language stricken through.]

Table 2 Part B

In all other districts not described in Table 2 Part A, the maximum combined total area of all signs, in square feet, except incidental, building marker and flags, shall not exceed the following:

| <u>Square feet of wall frontage (c):</u> | <u>Maximum allowed sign area per lot</u> | <u>Principle Building:</u> |
|--|--|----------------------------|
| 750 s.f. and over | | 150 s.f. |
| 650 to 749 | | 130 s.f. |
| 550 to 649 | | 110 s.f. |
| 450 to 549 | | 90 s.f. |
| 350 to 449 | | 70 s.f. |
| <u>2000</u> to 349 | | 50 s.f. |
| <u>0</u> to <u>199</u> | | <u>30 s.f.</u> |

In all districts covered by Table 2 Part B, on any lot with multiple principal buildings or with multiple independent businesses or occupancies in one or more buildings, the total allowed sign area may be increased beyond the maximum allowed signage as shown in Table 2 Part B, by 20%. This additional sign area can only be used to promote or identify the building or complex of buildings.

In all districts covered by Table 2 Part B, freestanding signs, when otherwise allowed, shall not exceed the following limitations:

Only one freestanding sign is allowed per lot, except one freestanding Public Sign may be additionally allowed. A freestanding sign may not exceed ten (10) feet in height. The sign area on a freestanding sign (excluding a Public Sign) shall be included in the calculation of maximum allowed sign area per lot and shall not exceed the following:

- One business or occupancy in one building – 36 sq ft
- Two independent businesses or occupancies or principal buildings in any combination – 54 sq ft
- Three independent businesses or occupancies or principal buildings in any combination – 63 sq ft
- Four or more independent businesses or occupancies or principal buildings in any combination – 72 sq ft

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Section 6. Table 3 following Homer City Code 21.60.060, Signs on private property, is amended to read as follows:

| Sign Type | Table 3. | | | | | | | | | | | |
|-----------------------|----------|----|----|-----------|-----------|-----------|-----------|-----------|-----------|-------------|-----------|-----------|
| | RR | UR | RO | INS (a) | CBD | TC | GBD | GC1 | GC2 | <u>EEMU</u> | MC | MI |
| Animated (b) | N | N | N | N | <u>PS</u> | <u>PS</u> | N | <u>PS</u> | N | <u>P</u> | <u>PS</u> | N |
| Changeable Copy (c) | N | N | N | N | <u>PS</u> | <u>PS</u> | N | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> |
| Illumination Internal | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | N | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> |
| Illumination External | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> |

[**Bold and underlined added.** Deleted language stricken through.]

| | | | | | | | | | | | | |
|---|---|---|---|---|-----------|-----------|---|-----------|-----------|----------|-----------|-----------|
| Neon (d) | N | N | N | N | <u>PS</u> | <u>PS</u> | N | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> |
| <u>Notes to Table 3</u> | | | | | | | | | | | | |
| <p>a. The INS column does not represent a zoning district. It applies to institutional uses permitted under the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established organization or corporation of a public, non-profit or public safety/benefit nature, <i>i.e.</i>, schools, churches and hospitals.</p> <p>b. Animated signs may not be neon or change colors or exceed three square feet in area.</p> <p>c. Changeable Copy signs must be wall or pole mounted, and may not be flashing.</p> <p>d. Neon signs may not be flashing and may not exceed 32 square feet.</p> <p>e. The PS column does not represent a zoning district. It applies to Public Signs permitted under the zoning code, in all zoning districts.</p> | | | | | | | | | | | | |

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Section 7. Homer City Code 21.60.070, Permits required, is amended to read as follows:

21.60.070 Sign permits ~~Permits required.~~ a. No person may place, construct, erect or modify a sign for which ~~If a sign requiring a provision of this chapter requires a permit without first obtaining a permit for the sign under this section the provisions of this chapter is to be placed, constructed, erected, or modified on a lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of HCC § 21.60.120.~~

b. Applications. An application for a sign permit shall be submitted to the Department on an application form or in accordance with application specifications published by the Department. An application for a permit for a sign that is not an off-premises sign shall be submitted by the owner of the lot where the sign is to be located, or by a tenant leasing all or part of the lot when the sign names, advertises, or calls attention to a business, brand, product, service or other commercial activity of the tenant. ~~No sign shall be erected in the public right-of-way except in accordance with HCC § 21.60.090 and the permit requirements of HCC § 21.60.140.~~

c. Fees. An application for a sign permit shall be accompanied by the applicable fees established by the Homer City Council from time to time by resolution.

d. Action. Within seven working days after the submission of a complete application for a sign permit, the Department shall:

1. If the sign is allowed only with the prior approval of the Commission after a public hearing, refer the application to the next available Commission meeting for a public hearing.

2. If the sign is subject to administrative permit approval, either

i. Issue the sign permit, if each sign that is the subject of the application conforms in every respect with the requirements of this chapter; or

ii. Reject the sign permit if a sign that is the subject of the application fails in any way to conform to the requirements of this chapter.

[Bold and underlined added. Deleted language stricken through.]

In case of rejection, the Department shall specify in the rejection the section or sections of this chapter to which the sign does not conform.

Section 8. Subsection (b) of Homer City Code 21.60.080, Design, construction, and maintenance, is amended to read as follows:

b. Except for ~~banners~~ flags, temporary signs and window signs conforming in all respects to with the requirements of this chapter, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

Section 9. Homer City Code 21.60.090, Signs in the public right-of-way, is amended to read as follows:

21.60.090 Permanent sSigns in the public rights-of-way. No person may place, construct or erect a permanent sign shall be allowed in a the public right-of-way, except for the following:

a. ~~Permanent Signs. Only the following permanent signs, including:~~

a1. Official traffic control devices.

b. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;

c2. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
and

d3. Signs containing commercial messages that have been ~~must be~~ approved by the State of Alaska Department of Transportation, ~~Tourist Oriented Directional Signing Program.~~

~~b. Temporary Signs. Temporary signs for which a permit has been issued in accordance with HCC § 21.60.140, which shall be issued only for signs meeting the following requirements:~~

~~1. The signs shall contain no commercial message; and~~

~~2. The signs shall be no more than two square feet in area each.~~

~~3. Notwithstanding (1) and (2), such signs calling attention to civic events shall be no more than four square feet in area, if freestanding, or if street banner, may not exceed the width of traveled portion of road.~~

~~c. Emergency signs. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right of way.~~

~~d. Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the City and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.~~

[Bold and underlined added. Deleted language stricken through.]

290
291 Section 10. Homer City Code 21.60.095, Electoral signs, is repealed.

292
293 Section 11. Homer City Code 21.60.100, Signs exempt from regulation under this
294 chapter, is amended to read as follows:

295
296 21.60.100 Signs exempt from regulation under this chapter. The following signs shall be
297 exempt from regulation under this chapter:

298 a. Any sign bearing only a public notice or warning required by a valid and
299 applicable federal, state, or local law, regulation, or ordinance.

300 b. Any emergency warning sign erected by a governmental agency, a public
301 utility company, or a contractor doing authorized or permitted work within a public
302 right-of-way.

303 c. Any sign inside a building, not attached to a window or door, that is not legible
304 from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign
305 is located,

306 de. Works of art that do not contain a commercial message;

307 ed. Holiday lights between October 15 and April 15;

308 fe. Traffic control signs on private property, such as a stop sign, a yield sign, and
309 similar signs, the face of which meet Department of Transportation standards and that contain no
310 commercial message of any sort.

311 gf. Signs in existence before February 11, 1985, but such signs shall not be replaced,
312 moved, enlarged, altered, or reconstructed except in compliance with this chapter.

313
314 Section 12. Homer City Code 21.60.110, Signs prohibited under this chapter, is amended
315 to read as follows:

316
317 21.60.110 Signs prohibited under this chapter. All signs not expressly permitted under
318 this chapter or exempt from regulation hereunder in accordance with HCC § 21.60.100 are
319 prohibited in the City. Without limiting the foregoing, examples of prohibited signs include:

320 a. Banners;

321 ba. Beacons;

322 cb. Pennants;

323 de. Strings of lights not permanently mounted to a rigid background, except those
324 exempt under HCC § 21.60.100;

325 ed. Inflatable signs and tethered balloons;

326 fe. Animated signs that are neon, change colors, or exceed three square feet in area;

327 gf. Placement of hand bills, flyers, or bumper stickers on parked vehicles other than
328 by owner;

329 h. Signs placed on or painted on a motor vehicle or trailer parked with the primary
330 purpose of providing signage not otherwise allowed by the Code; Prohibited is any sign displayed

[Bold and underlined added. Deleted language stricken through.]

331 on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to
332 advertise a product, service, business, or other activity. This regulation shall permit the use of
333 business logos, identification or advertising on vehicles primarily and actively used for business
334 purposes and/or personal transportation.

335 ig. Abandoned signs, which shall be removed by the owner or lessee, if any, of the
336 lot upon which the signs are located. If such owner or lessee fail to remove such signs after an
337 opportunity for a hearing before the Planning Commission and fifteen days written notice to
338 remove given by the City, then (i) the owner or lessee has committed a violation, and (ii) the City
339 may remove the signs and collect the cost of removal from such owner or lessee, who shall be
340 jointly and severally liable for such cost.

341
342 Section 13. Homer City Code 21.60.120, General permit procedures, is repealed.

343
344 Section 14. Homer City Code 21.60.130, Temporary signs-private property, is amended
345 to read as follows:

346
347 21.60.130 Temporary signs-~~Private property.~~ a. General. All temporary signs are
348 subject to the following requirements:

349 1. A temporary sign may not be an illuminated, animated, or changeable
350 copy sign.

351 2. Unless a smaller area is required by another provision of this chapter,
352 the area of a temporary sign shall not exceed 16 square feet.

353 3. A temporary sign whose message pertains to a specific date, event, or
354 time period shall not be displayed for more than seven days after that date or the
355 conclusion of the event or time period.

356 b. Commercial. A temporary signs that bears a commercial message is not
357 allowed except: on private property shall be:

358 a. Term. A temporary sign shall not be displayed for more than 14 days in any 90-
359 day period, except a sign offering for sale or lease the lot on which the sign is located,
360 which is allowed as long as the property is for sale or lease.

361 b. Number. Only one temporary sign per lot is allowed.

362 1. One sign advertising the property on which the sign is located for sale
363 or for rent; or

364 2. One sign advertising a temporary sale of household goods located on
365 the lot where the sale is held.

366 c. Non-commercial. Temporary signs that do not bear a commercial message
367 are allowed on private property in any number, subject to the square footage limitations in
368 this chapter.

369
370 Section 15. Homer City Code 21.60.140, Temporary signs-Public right-of-way, is
371 repealed.

[Bold and underlined added. Deleted language stricken through.]

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Section 16. Homer City Code 21.60.150, Time of compliance-Nonconforming signs and signs without permits, is amended to read as follows.

21.60.150 Time of compliance-Nonconforming signs and signs without permits. a. Except as otherwise provided herein, the owner of any lot or other premises on which exists a sign that does not conform ~~to with~~ the requirements of this chapter or for which there is no current and valid sign permit must remove such sign or, in the case of a nonconforming sign, bring it into conformity with the requirements of this chapter.

b. Signs that were prohibited by Ordinance 84-33(S), as amended by Ordinances 86-18; and 89-8, and that are prohibited by ~~in~~ this chapter are illegal and must be removed immediately.

c. Any sign that was constructed and continues to be maintained in accordance with the applicable ordinances and other laws that existed prior to an amendment to this code, but which becomes unlawful as a result of an amendment to this code, is lawfully nonconforming. A sign that is lawfully nonconforming under this subsection may remain in place and continue to be maintained until the information on the face of the sign is changed, or for a period of one year after the effective date of the amendment, whichever occurs first. If any action is taken that increases the degree or extent of the nonconformity with the amended code, the sign loses lawful nonconforming status and must be removed immediately. ~~A change in the information on the face of an existing nonconforming sign is allowed.~~ At the end of the period during which the lawfully nonconforming sign is allowed to remain in use, the sign shall either be removed or the owner must obtain a permit, if required, and complete all other steps and make any modifications necessary to bring it into full compliance with this code.

d. Any sign that was constructed and continues to be maintained in accordance with the applicable laws that governed territory prior to its annexation to the City, but which becomes unlawful under this code as a result of annexation to the City, is lawfully nonconforming. A sign that is lawfully nonconforming under this subsection may remain in place and continue to be maintained until the information on the face of the sign is changed, or for a period of one year after the later of (i) the effective date of the annexation of the territory or (ii) the effective date of the ordinance that assigns the territory in which the sign is located to a zoning district under the Homer zoning code, whichever occurs first. If any action is taken that increases the degree or extent of the nonconformity with the code, the sign loses lawful nonconforming status and must be removed immediately. ~~A change in the information on the face of an existing nonconforming sign is allowed.~~ At the end of the period during which the lawfully nonconforming sign is allowed to remain in use, the sign shall either be removed or the owner must obtain a permit, if required, and complete all other steps and make any modifications necessary to bring it into full compliance with this code.

e. Notwithstanding the remainder of this section, a nonconforming banner or temporary sign shall be removed no later than March 1, 2012.

[Bold and underlined added. Deleted language stricken through.]

413 Section 17. Homer City Code 21.60.160, Violations, is repealed.

414
415 Section 18. Homer City Code 21.60.170, Enforcement and remedies, is amended to read
416 as follows:

417
418 21.60.170 Enforcement and remedies. In addition to the remedies provided in HCC
419 Chapter 21.90, violations of this chapter are subject to the following remedies:

420 a. A person designated to enforce this title under HCC 21.90.020 may remove a
421 temporary sign placed in a public right-of-way in violation of this chapter. The person
422 responsible for the illegal placement shall be liable for the cost incurred in removing the
423 sign. Any violation or attempted violation of this chapter or of any condition or requirement
424 adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by
425 injunction or other appropriate proceedings pursuant to law.

426 b. Notwithstanding any other provision of this title:

427 1. An appeal to the Planning Commission from an enforcement order
428 that requires the abatement or removal of a temporary sign placed on private
429 property in violation of this chapter must be filed within seven days after the date of
430 distribution of the enforcement order to the person whose property is the subject of
431 the enforcement order.

432 2. An appeal from a final decision of the Planning Commission
433 regarding an enforcement order that requires the abatement or removal of a
434 temporary sign placed on private property in violation of this chapter must be taken
435 directly to the Superior Court A violation of this chapter shall be considered a violation
436 of the zoning code of the City, subject prosecution and, upon conviction, subject to fines
437 pursuant to HCC § 21.90.100.

438 c. ~~The City shall have and may exercise all remedies provided for or allowed by City~~
439 ~~code or other law for the violation of the zoning code.~~

440 d. ~~All remedies provided herein shall be cumulative. To the extent that state law may~~
441 ~~limit the availability of a particular remedy set forth herein for a certain violation or a part~~
442 ~~thereof, such remedy shall remain available for other violations or other parts of the same~~
443 ~~violation.~~

444
445 Section 19. Sections 1 through 18 of this Ordinance are of a permanent and general
446 character and shall be included in the City Code.

447
448 Section 20. This Ordinance shall become effective on March 1, 2012.

449
[Bold and underlined added. Deleted language stricken through.]

450 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
451 _____ 2011.

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CITY OF HOMER

JAMES C. HORNADAY, MAYOR

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ATTEST:

463 JO JOHNSON, CMC, CITY CLERK

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YES:

NO:

ABSTAIN:

ABSENT:

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First Reading:

Public Hearing:

Second Reading:

Effective Date:

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Reviewed and approved as to form:

478

479 Walt E. Wrede, City Manager

478

Thomas F. Klinkner, City Attorney

479

Date: _____

Date: _____

[Bold and underlined added. Deleted language stricken through.]



City of Homer

Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

MEMORANDUM 12-007

TO: Mayor Hornaday and Homer City Council
THRU: Walt Wrede, City Manager
FROM: Rick Abboud, City Planner
DATE: January 4, 2012
SUBJ: Draft Ordinance 12-01, Sign Ordinance

Introduction

The Planning Commission is forwarding the Draft Ordinance 12-01 for review. The HAPC has had 17 work sessions, 14 regular meetings, 2 public workshops, a joint session with Council, and a public hearing regarding this issue.

Why

Work on the ordinance started out as a response to some specific items. Staff was looking for a directive to deal with noncompliant signage that had not been comprehensively addressed for many years, mostly dealing with the Spit and sandwich boards. The Planning Office was unable to issue a sign permits for new boardwalk businesses because we found that most all boardwalks were far past the sign allowance found in code and thus we could not condone any sign past the legal limits. Additionally, we were getting a large number of complaints about illegal sandwich board signs that were found off-site, in the rights-of-way, on the sidewalk, being displayed beyond the amount of time allowed in code, and in numbers exceeding limits in code. Complaints and comments were provided by a wide array of people including those on the council and commission along with business owners (especially competing businesses) and the general public

What

Measure signage per building from per lot

To make it less complicated and easier to enforce and permit on the spit, changes were made to table 2 part B, line 216 that allows signage to be measured per Principle Building instead of Per Lot. It is proposed that signage be displayed in proportion to the size of individual structures and not limited to 150 square feet per lot (some spit lots have over 12 buildings).

Temporary Signs

Generally, temporary signs are those that are temporary in physical nature and in display term. They are only allowed on-site within the boundary of the parcel and should not be placed on a sidewalk, ROW, or blocking a sight triangle. Additionally, they need to fit within the total amount of allowed signage per lot. These are universal concepts that are not proposed to be compromised. Now it gets more complicated, as I try to explain what is currently allowed to what is proposed.

Currently, one may use a temporary sign on private property (one per lot) for up to 14 days in a

ninety day period for advertising, except real estate signs which are allowed until sale and electoral signage (allowed 60 days prior to election and must be removed in week after), which are allowed in any amount up to 32 square feet each. The Commission does not propose changes in real estate or electoral sign other than paring down the size of electoral sign to a max of 16 square feet, which is the maximum allowable size of any other temporary sign.

The Commission has recommended regulating commercial and non-commercial messages differently. Temporary Signs are divided into General (21.60.130 (a)), conditions that apply to all temporary signs; Commercial (21.60.130 (b)), only allowing garage sales and real estate signs; and Non-commercial (21.60.130 (c)), most non-commercial messages will be displaying information about an event and would be regulated as indicated in the General section. Things get a bit difficult in deciding just which types of signs may be non-commercial considering the vast amount of fund raising events and activities in Homer. This is left to the City Planner to evaluate. I am concerned about where the line is drawn on non-commercial messages and plan to confer with the City Attorney about the implications prior to the worksession.

There is a current provision for permitting temporary signs in the rights-of-way (ROW). This has been struck because most everyone applying would want a sign in the State ROW, which we do not have the authority to grant (we can only be more restrictive than the state, not less).

Banner

The definition of a banner has changed. Basically, banners must be affixed to a rigid surface all around all edges; once this happens it meets the definition of a sign and will be regulated as such. No more banners blowing with or in the wind.

Appeals

The enforcement procedure has been streamlined with the thought of being able to resolve enforcement in a more reasonable time frame. Someone will have 7 days to file an appeal with the Clerk just as we have 7 days to issue a permit. Once appealed to the Planning Commission (if the decision is not reversed) the item would then go directly to Superior Court. As proposed, the process for appeal to the Planning Commission could take up to 6 months and 7 days before going to court. Currently, the time frame for two appeal hearings, one before the Planning Commission and then before the BOA could take up to a year and seven days get to court. In a nutshell, the proposed change cuts the time to submit the appeal request to the Clerks from 30 days to 7 days and eliminates an additional appeal to the BOA.

Other

Other changes are mostly clarifications to definitions recommended by the Planning Staff, Commission, or Attorney and are not intended to be policy changes.

Staff recommendation:

Adopt Ordinance 12-01

Attachments

1. Draft Ordinance 11-XX
2. Staff Report 11-108 and minutes
3. Staff Report 11-106 and minutes
4. Staff Report 11-99 and minutes
5. Staff Report 11-93 and minutes
6. Staff Report 11-82 and minutes
7. Staff Report 11-78 and minutes
8. Staff Report 11-68 (Work Session)
9. Staff Report 11-61 and minutes
10. Staff Report 11-53 and minutes
11. Staff Report 11-46 and minutes
12. Staff Report 11-42 and minutes
13. Staff Report 11-37 (Work Session)
14. Staff Report 11-31 (Joint Work Session with City Council)
15. Staff Report 11-16 (Work Session)
16. Staff Report 10-105 and minutes
17. Staff Report 10-97 and minutes
18. Staff Report 10-88 (Work Session)
19. Staff Report 10-97 and minutes

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 11-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.60.040, DEFINITIONS; HOMER CITY CODE 21.60.060, SIGNS ALLOWED ON PRIVATE PROPERTY WITH AND WITHOUT PERMITS; HOMER CITY CODE 21.60.070, PERMITS REQUIRED; HOMER CITY CODE 21.60.080 DESIGN, CONSTRUCTION, AND MAINTENANCE; HOMER CITY CODE 21.60.090, SIGNS IN THE PUBLIC RIGHT-OF-WAY; HOMER CITY CODE 21.60.095, ELECTORAL SIGNS; HOMER CITY CODE 21.60.100, SIGNS EXEMPT FROM REGULATION UNDER THIS CHAPTER; HOMER CITY CODE 21.60.110 SIGNS PROHIBITED UNDER THIS CHAPTER; HOMER CITY CODE 21.60.130, TEMPORARY SIGNS-PRIVATE PROPERTY; HOMER CITY CODE 21.60.150, TIME OF COMPLIANCE-NONCONFORMING SIGNS AND SIGNS WITHOUT PERMITS; AND HOMER CITY CODE 21.60.170, ENFORCEMENT AND REMEDIES; AND REPEALING HOMER CITY CODE 21.60.120, GENERAL PERMIT PROCEDURES; HOMER CITY CODE 21.60.140, TEMPORARY SIGNS-PUBLIC RIGHTS-OF-WAY; AND HOMER CITY CODE 21.60.160, VIOLATIONS; REGARDING THE REGULATION OF SIGNS.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.60.040, Definitions, is amended to read as follows:

21.60.040 Definitions. ~~In~~ For the purpose of this chapter, in addition to terms defined in HCC §21.03.040, the following words and phrases shall have the meanings set forth in this ~~section~~ chapter.

"Abandoned sign-" means a ~~Any sign containing copy~~ that refers to a business or activity that is no longer being conducted or pursued.

"Animated sign-" means a ~~Any~~ sign that uses flashing lights, movement or change of lighting to depict action or create a special effect or scene, or that includes characters, letters, or illustrations whose message changes at least one time per day; provided that a changing- ~~A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature~~ does not cause a sign to be ~~shall be considered a time and temperature portion of a sign and not an animated sign for purposes of this chapter.~~

"Banner-" means a ~~Any~~ sign of lightweight sign that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and that is

[Bold and underlined added. Deleted language stricken through.]

43 typically constructed of non-durable fabric or similar materials, including without limitation
44 cardboard, cloth and plastic, ~~that is mounted to a pole or a building by a permanent frame at~~
45 ~~one or more edges.~~ Banner material attached to a rigid frame on all edges or Aa flag shall
46 not be considered a banner.

47 "Beacon-" means a Any sign that emits with one or more beams of light, capable of
48 being directed in one or more any direction or directions or capable of being rotated or moved.

49 "Building marker-" means a wall Any sign cut or etched into masonry, bronze, or similar
50 material that includes only the building name, date of construction, or historical data on historic
51 site.

52 "Building sign-" means a Any sign that is attached to and/or supported by any part of a
53 building, but that is not a freestanding sign unless it is supported in whole or in part by
54 structures or supports that are placed on, or anchored in, the ground and that are independent
55 from any building or other structure.

56 "Changeable copy sign-" means a A sign that includes or portion thereof with
57 characters, letters, or illustrations that can be changed or rearranged without altering the face or
58 the surface of the sign, and, A sign on which the message changes less often more than one time
59 per day shall be considered an animated sign and not a changeable copy sign for purposes of this
60 chapter; provided that a A changing sign on which the only copy that changes is an electronic
61 or mechanical indication of time or temperature does not cause a sign to be shall be considered
62 a time and temperature portion of a sign and not a changeable copy sign for purposes of this
63 chapter.

64 "Commercial message-" means letters, graphic material or a combination thereof Any
65 sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls
66 attention to a business, brand, product, service or other commercial activity.

67 "Department-" ~~The Planning and Zoning division or department of the City.~~

68 "Electoral sign-" means a Any sign used for the purpose of advertising or promoting a
69 political party, or the election or defeat of a candidate, initiative, referendum or proposition at an
70 election.

71 "Flag-" means the flag ~~Flags of the United States, the State, the City, a foreign nations~~
72 ~~having diplomatic relations with the United States, and any other flag adopted or sanctioned by~~
73 ~~an elected legislative body of competent jurisdiction. A flag shall not be considered a banner for~~
74 ~~purposes of this chapter.~~

75 "Freestanding sign-" means a Any sign supported, in whole or in part, by structures or
76 supports that are placed on, or anchored in, the ground and that are independent of from any
77 building or other structure.

78 "Ground sign-" means A ground sign is a freestanding sign that is placed directly on the
79 ground having or appearing to have a foundation or solid base beneath 50 percent or more of the
80 longest horizontal dimension of the sign.

81 "Handbill-" ~~Any flyer, notice or brochure advertising or promoting any product, business,~~
82 ~~cause, political candidate or issue, and intended for distribution to the general public.~~

[Bold and underlined added. Deleted language stricken through.]

83 "Incidental sign:" means an A sign, generally informational, or directional sign that is
84 incidental and subordinate ~~has a purpose secondary to a principal~~ the use of the lot on which
85 it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar
86 directives. ~~No sign with a~~ and that bears no commercial message that is legible from outside
87 that a position off the lot on which the sign is located shall be considered incidental.

88 "~~Lot.~~" See HCC § 21.32.030.

89 "~~Marquee.~~" ~~Any permanent roof like structure projecting beyond a building or extending~~
90 ~~along and projecting beyond the wall of the building, generally designed and constructed to~~
91 ~~provide protection from the weather.~~

92 "~~Marquee sign.~~" means a Any sign attached in any manner to, in any manner, or made a
93 part of, a permanent roof-like structure projecting beyond a building, generally designed
94 and constructed to provide protection from the weather marquee.

95 "~~Non-conforming sign.~~" ~~Any lawfully pre-existing sign that does not conform to~~
96 ~~regulations of this chapter that became applicable after erection of the sign.~~

97 "Official traffic control device" means a sign not inconsistent with Alaska Statutes
98 Title 28, placed or erected by authority of a state or municipal agency or official having
99 jurisdiction, for the purpose of traffic regulating, warning and guiding.

100 "~~Off-premises sign.~~" means a A sign containing a commercial or non-commercial
101 message drawing attention to goods or services, business or other activity not offered or
102 conducted on the lot on which the sign is located.

103 "~~Pennant.~~" means a Any lightweight plastic, fabric, or other material, whether or not
104 containing a message of any kind suspended from a rope, wire, or string, usually in series,
105 designed to move in the wind.

106 "Permanent sign" means a sign that is not a temporary sign.

107 "~~Portable sign.~~" ~~means a Any sign not permanently attached to the ground or other~~
108 ~~permanent structure, or a sign designed to be transported, including signs designed to be~~
109 ~~transported by means of wheels; signs converted to A or T frames; menu and sandwich board~~
110 ~~signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on~~
111 ~~vehicles parked and visible from the public right of way, unless said vehicle is used in the~~
112 ~~normal day to day operations of the business.~~

113 "~~Principal building.~~" means a The building in which is conducted the principal use of the
114 lot is conducted ~~on which it is located.~~ Lots with multiple principal uses may have multiple
115 principal buildings, but storage buildings, garages, and other accessory structures shall not be
116 considered principal buildings.

117 "~~Projecting sign.~~" means a Any building sign attached affixed to a building or wall and
118 that protrudes in such a manner that its leading edge extends more than six inches beyond the
119 surface of the such building or wall.

120 "~~Public sign.~~" means A Public Sign is an off-premises off premises sign other than an
121 official traffic control device, that provides direction or information, or identifies public
122 facilities such as parks, playgrounds, libraries, or schools or to a distinct area of the City, such as
123 Pioneer Avenue, the Homer spit, Old Town and entrances to the City. ~~Public Signs may identify~~

[Bold and underlined added. Deleted language stricken through.]

124 categories of services available, but may not carry any other commercial message. Public signs
125 are non-regulatory.

126 "Residential sign-" means a Any-sign located in the Rural Residential, Residential Office
127 or Urban Residential zoning districts that contains no commercial message except for advertising
128 for goods or services legally offered on the premises where the sign is located, if offering such
129 services at such location conforms ~~to with~~ all requirements of the zoning code.

130 "Roof sign, integral." means a Any-sign erected and constructed as an integral part of a
131 ~~normal the roof of a building structure~~, such that no part of the sign extends vertically more than
132 two feet above the highest portion of that roof of which it is a part.

133 "Setback-" means ~~the~~ The distance between a sign located on a lot and the closest lot
134 ~~line and the sign.~~

135 "Sign-" means a Any-device, fixture, placard, or structure that uses any color, form,
136 graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the
137 purpose of a person or entity, or to communicate information of any kind to the public.

138 "Suspended sign." A sign that is suspended from the underside of a horizontal plane
139 surface and is supported by such surface.

140 "Temporary sign-" means a Any-sign that is not affixed permanently to a building or
141 to a permanent support or foundation, used only temporarily and is not permanently mounted
142 including without limitation menu or sandwich board signs.

143 "Wall sign-" means a Any-sign attached parallel to, but within six inches of, a wall,
144 painted on the wall surface of, or erected and confined within the limits of an outside wall of any
145 building or structure, which is supported by such ~~wall or~~ building or structure, and which
146 displays only one sign surface.

147 "Window sign-" means a Any-sign, pictures, symbol, or combination thereof, designed to
148 communicate information about an activity, business, commodity, event, sale, or service, that is
149 placed inside a window or upon the window panes or glass and is visible from the exterior of the
150 window.

151
152 Section 2. The title and subsection (a) of Homer City Code 21.60.060, Signs allowed on
153 private property with and without permits, are amended to read as follows:

154
155 21.60.060 Signs allowed on private property with and without permits. a. Signs shall be
156 allowed on private property in the City ~~in accordance with, and~~ only in accordance with Table 1.
157 If the letter "A" appears for a sign type in a column, such sign type is allowed without prior
158 permit approval in the zoning district represented by that column. If the letter "P" appears for a
159 sign type in a column, such sign type is allowed only with prior permit approval in the zoning
160 districts represented by that column. Special conditions may apply in some cases. If the letter
161 "N" appears for a sign type in a column, such a-sign type is not allowed in the zoning districts
162 represented by that column under any circumstances. If the letters "PH" appear for a sign
163 type in a column, such sign type is allowed in the zoning districts represented by that
164 column only with prior approval by the Commission after a public hearing.

[**Bold and underlined added.** Deleted language stricken through.]

165 b. Although permitted under the previous paragraph, a sign designated by an "AP"
166 or "PS" in Table 1 shall be allowed only if:

167 1. The sum of the area of all building and free standing signs on the lot does
168 not exceed ~~conforms with~~ the maximum permitted sign area for the zoning district in
169 which the lot is located as specified in Table 2; and

170 2. The characteristics of the sign conform to ~~with~~ the limitations of Table 3;
171 Permitted Sign Characteristics, and with any additional limitations on characteristics
172 listed in Table 1 or Table 2.

173 c. Any sign type that is not listed on the following tables is prohibited ~~are not~~
174 ~~permitted, with or without a permit.~~

175
176 Section 3. The Key to Tables 1 through 3 that follows Homer City Code 21.60.060,
177 Signs on private property, is amended to read as follows:
178

| KEY to Tables 1 through 3 | |
|--|--------------------------------|
| RR Rural Residential | GBD Gateway Business District |
| UR Urban Residential | GC1 General Commercial 1 |
| RO Residential Office | GC2 General Commercial 2 |
| INS Institutional Uses Permitted in Residential Zoning Districts (a) | <u>EEMU East End Mixed Use</u> |
| CBD Central Business District | MC Marine Commercial |
| TC Town Center District | MI Marine Industrial |
| | OSR Open Space Recreation |
| | PS Public Sign Uses Permit |
| <u>AP</u> = Allowed without sign permit | |
| <u>PS</u> = Allowed only with sign permit | |
| N = Not allowed | |
| PH = Allowed only upon approval by the Planning Commission after a public hearing | |
| For parenthetical references, e.g., "(a)," see Notes following graphical portion of table. | |

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[Bold and underlined added. Deleted language stricken through.]

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Section 4. Table 1 following Homer City Code 21.60.060, Signs on private property, is amended to read as follows:

| Sign Type | RR | UR | RO | INS (a) | CBD | TC | GBD | GC 1 | GC 2 | <u>EEM</u> <u>U</u> | MC | MI | OSR | PS |
|------------------------|---------------|---------------|------------------|------------------|--------------|--------------|-------------------|--------------|--------------|------------------------|--------------|--------------|--------------|--------------|
| <u>Freestanding</u> | | | | | | | | | | | | | | |
| Residential (b) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | N | N | <u>N</u> | N | N | <u>AP</u> | PI |
| Other (b) | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> (jk) | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N | PI |
| Incidental (c) | N | N | <u>AP</u> (d) | <u>AP</u> (d) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | N | N |
| <u>Building</u> | | | | | | | | | | | | | | |
| Banner | N | N | N | N | <u>NS</u> | <u>NS</u> | N | <u>NS</u> | <u>NS</u> | <u>N</u> | <u>NS</u> | <u>NS</u> | N | N |
| Building Marker (e) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | N |
| Identification (d) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | N |
| Incidental (c) | N | N | <u>AP</u> (f) | <u>AP</u> (c) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | N | N |
| Marquee (g) | N | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N | N |
| Projecting (g) | N | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N | N |
| Residential (b) | <u>AP</u> | <u>AP</u> | <u>AP</u> | N | <u>AP</u> | <u>AP</u> | <u>AP</u> | N | N | <u>N</u> | N | N | <u>AP</u> | N |
| Roof | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Roof, Integral | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N | N |
| Suspended (g) | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N | N |
| Temporary (gh) | AN | AN | AN | AN | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> |
| Wall | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | <u>AP</u> | <u>A</u> |
| Window | N | N | <u>AP</u> | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N | N |
| <u>Miscellaneous</u> | | | | | | | | | | | | | | |
| Banner (e) | N | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N | N |
| Flag (hi) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> |

[**Bold and underlined added.** Deleted language stricken through.]

| | | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|--|---|---|---|
| Portable | N | N | N | N | S | S | S | S | S | | S | S | N |
|----------|---|---|---|---|---|---|---|---|---|--|---|---|---|

Notes to Table 1:

- 183
- 184 a. This column does not represent a zoning district. It applies to institutional uses permitted under
- 185 the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established
- 186 organization or corporation of a public, non-profit, or public safety/benefit nature, i.e., schools, churches,
- 187 and hospitals.
- 188 b. No commercial message allowed on sign, except for a commercial message drawing attention to
- 189 goods or services legally offered on the lot, except signs approved by the state of Alaska Department of
- 190 Transportation and signs that meet the requirements of HCC § 21.60.092.
- 191 c. No commercial message of any kind allowed on sign if such message is legible from any location
- 192 off the lot on which the sign is located.
- 193 d. Only address and name of occupant allowed on sign.
- 194 e. May include only building name, date of construction, or historical data on historic site; must be
- 195 cut or etched into masonry, bronze, or similar material.
- 196 f. No commercial message of any kind allowed on sign.
- 197 ~~g. If such a sign is suspended or projects above a public right of way, the issuance and continuation~~
- 198 ~~of a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability~~
- 199 ~~insurance for such a sign in such form and such amount as the City planner may reasonably from time to~~
- 200 ~~time determine, provided that the amount of such liability insurance shall be at least \$500,000 per~~
- 201 ~~occurrence per sign.~~
- 202 ~~gh.~~ The conditions of HCC § 21.60.130 of this ordinance apply.
- 203 ~~hi.~~ Flags of the United States, the state, the city, foreign nations having diplomatic relations with the
- 204 United States and any other flag adopted or sanctioned by an elected legislative body of competent
- 205 jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the
- 206 United States for the stars and stripes. Any flag not meeting any one or more of these conditions shall be
- 207 considered a banner sign and shall be subject to regulations as such.
- 208 ~~ij.~~ Permitted on the same terms as a temporary sign, in accordance with HCC § 21.60.130, except
- 209 that it may be free standing.
- 210 ~~jk.~~ The main entrance to a development in GBD may include one ground sign announcing the name
- 211 of the development. such sign shall consist of natural materials. Around the sign grass, flowers and shrubs
- 212 shall be placed to provide color and visual interest. The sign must comply with applicable sign code
- 213 requirements.

214
215 Section 5. Table 2 following Homer City Code 21.60.060, Signs on private property, is

216 amended to read as follows:

| Table 2. Maximum Total Sign Area Per Lot by Zoning District | | | | | | |
|--|----|----|--------|---------|-----|--------|
| Table 2 Part A | | | | | | |
| The maximum combined total area of all signs, in square feet, except incidental, building marker and flags (b) shall not exceed the following according to district: | | | | | | |
| R | UR | RO | RO (e) | INS (a) | OSR | PS (d) |

[Bold and underlined added. Deleted language stricken through.]

| | | | | | | | | | | | | |
|-----------------------|---|---|---|-----------|-----------|-----------|-----------|-----------|-----------|----------|-----------|-----------|
| (c) | | | | | | | | | | | | |
| Illumination Internal | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | N | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> |
| Illumination External | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> |
| Neon (d) | N | N | N | N | <u>PS</u> | <u>PS</u> | N | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> |

Notes to Table 3

a. The INS column does not represent a zoning district. It applies to institutional uses permitted under the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established organization or corporation of a public, non-profit or public safety/benefit nature, *i.e.*, schools, churches and hospitals.

b. Animated signs may not be neon or change colors or exceed three square feet in area.

c. Changeable Copy signs must be wall or pole mounted, and may not be flashing.

d. Neon signs may not be flashing and may not exceed 32 square feet.

e. The PS column does not represent a zoning district. It applies to Public Signs permitted under the zoning code, in all zoning districts.

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Section 7. Homer City Code 21.60.070, Permits required, is amended to read as follows:

21.60.070 Sign permits ~~Permits required.~~ a. No person may place, construct, erect or modify a sign for which ~~If a sign requiring a provision of this chapter requires a permit without first obtaining a permit for the sign under this section the provisions of this chapter is to be placed, constructed, erected, or modified on a lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of HCC § 21.60.120.~~

b. Applications. An application for a sign permit shall be submitted to the Department on an application form or in accordance with application specifications published by the Department. An application for a permit for a sign that is not an off-premises sign shall be submitted by the owner of the lot where the sign is to be located, or by a tenant leasing all or part of the lot when the sign names, advertises, or calls attention to a business, brand, product, service or other commercial activity of the tenant.

c. Fees. An application for a sign permit shall be accompanied by the applicable fees established by the Homer City Council from time to time by resolution.

d. Action. Within seven working days after the submission of a complete application for a sign permit, the Department shall:

1. If the sign is allowed only with the prior approval of the Commission after a public hearing, refer the application to the next available Commission for a public hearing.

2. If the sign is subject to administrative permit approval, either

i. Issue the sign permit, if each sign that is the subject of the application conforms in every respect with the requirements of this chapter; or

[Bold and underlined added. Deleted language stricken through.]

247 ii. Reject the sign permit if a sign that is the subject of the
248 application fails in any way to conform to the requirements of this chapter.
249 In case of rejection, the Department shall specify in the rejection the section
250 or sections of this chapter to which the sign does not conform.

251
252 Section 8. Subsection (b) of Homer City Code 21.60.080, Design, construction, and
253 maintenance, is amended to read as follows:

254
255 b. Except for banners flags, temporary signs and window signs conforming in all respects
256 to the requirements of this chapter, all signs shall be constructed of permanent materials and
257 shall be permanently attached to the ground, a building, or another structure by direct attachment
258 to a rigid wall, frame, or structure.

259
260 Section 9. Homer City Code 21.60.090, Signs in the public right-of-way, is amended to
261 read as follows:

262
263 21.60.090 Permanent sSigns in the public rights-of-way. No person may place,
264 construct or erect a permanent sign shall be allowed in a the public right-of-way, except for
265 the following:

266 a. ~~Permanent Signs. Only the following permanent signs, including:~~

267 a1. Official traffic control devices.

268 b. Public signs erected by or on behalf of a governmental body to post legal notices,
269 identify public property, convey public information, and direct or regulate pedestrian or
270 vehicular traffic;

271 c2. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;

272 and

273 d3. Signs containing commercial messages that have been must be approved by the
274 State of Alaska Department of Transportation, Tourist Oriented Directional Signing Program.

275 ~~b. Temporary Signs. Temporary signs for which a permit has been issued in~~
276 ~~accordance with HCC § 21.60.140, which shall be issued only for signs meeting the following~~
277 ~~requirements:~~

278 ~~1. The signs shall contain no commercial message; and~~

279 ~~2. The signs shall be no more than two square feet in area each.~~

280 ~~3. Notwithstanding (1) and (2), such signs calling attention to civic events~~
281 ~~shall be no more than four square feet in area, if freestanding, or if street banner, may not~~
282 ~~exceed the width of traveled portion of road.~~

283 ~~e. Emergency signs. Emergency warning signs erected by a governmental agency, a~~
284 ~~public utility company, or a contractor doing authorized or permitted work within the~~
285 ~~public right of way.~~

286 ~~d. Other Signs Forfeited. Any sign installed or placed on public property, except in~~
287 ~~conformance with the requirements of this section, shall be forfeited to the City and subject to~~

[Bold and underlined added. Deleted language stricken through.]

288 ~~confiscation. In addition to other remedies hereunder, the City shall have the right to recover~~
289 ~~from the owner or person placing such a sign the full costs of removal and disposal of such sign.~~
290

291 Section 10. Subsection (d) of Homer City Code 21.60.095, Electoral Signs, is amended to
292 read as follows:
293

294 d. An electoral sign shall not exceed ~~32~~16 square feet in area and shall not exceed
295 the height limitation applicable to non-electoral signs within the same zoning district.
296

297 Section 11. Homer City Code 21.60.100, Signs exempt from regulation under this
298 chapter, is amended to read as follows:
299

300 21.60.100 Signs exempt from regulation under this chapter. The following signs shall be
301 exempt from regulation under this chapter:

302 a. Any sign bearing only a public notice or warning required by a valid and
303 applicable federal, state, or local law, regulation, or ordinance.

304 b. Any emergency warning sign erected by a governmental agency, a public
305 utility company, or a contractor doing authorized or permitted work within a public
306 right-of-way.

307 c. Any sign inside a building, not attached to a window or door, that is not legible
308 from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign
309 is located,

310 de. Works of art that do not contain a commercial message;

311 ed. Holiday lights between October 15 and April 15;

312 fe. Traffic control signs on private property, such as a stop sign, a yield sign, and
313 similar signs, the face of which meet Department of Transportation standards and that contain no
314 commercial message of any sort.

315 gf. Signs in existence before February 11, 1985, but such signs shall not be replaced,
316 moved, enlarged, altered, or reconstructed except in compliance with this chapter.
317

318 Section 12. Homer City Code 21.60.110, Signs prohibited under this chapter, is amended
319 to read as follows:
320

321 21.60.110 Signs prohibited under this chapter. All signs not expressly permitted under
322 this chapter or exempt from regulation hereunder in accordance with HCC § 21.60.100 are
323 prohibited in the City. Without limiting the foregoing, examples of prohibited signs include:

324 a. Banners;

325 ba. Beacons;

326 cb. Pennants;

327 de. Strings of lights not permanently mounted to a rigid background, except those
328 exempt under HCC § 21.60.100;

[Bold and underlined added. Deleted language stricken through.]

- 329 ed. Inflatable signs and tethered balloons;
- 330 fe. Animated signs that are neon, change colors, or exceed three square feet in area;
- 331 gf. Placement of hand bills, flyers, or bumper stickers on parked vehicles other than
- 332 by owner;

333 h. Signs placed on or painted on a motor vehicle or trailer parked with the primary
334 purpose of providing signage not otherwise allowed by the Code; Prohibited is any sign displayed
335 on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to
336 advertise a product, service, business, or other activity. This regulation shall permit the use of
337 business logos, identification or advertising on vehicles primarily and actively used for business
338 purposes and/or personal transportation.

339 ig. Abandoned signs, which shall be removed by the owner or lessee, if any, of the
340 lot upon which the signs are located. If such owner or lessee fail to remove such signs after an
341 opportunity for a hearing before the Planning Commission and fifteen days written notice to
342 remove given by the City, then (i) the owner or lessee has committed a violation, and (ii) the City
343 may remove the signs and collect the cost of removal from such owner or lessee, who shall be
344 jointly and severally liable for such cost.

345
346 Section 13. Homer City Code 21.60.120, General permit procedures, is repealed.

347
348 Section 14. Homer City Code 21.60.130, Temporary signs-private property, is amended
349 to read as follows:

350
351 21.60.130 Temporary signs-Private property. a. General. All temporary signs are
352 subject to the following requirements:

353 1. A temporary sign may not be an illuminated, animated, or changeable
354 copy sign.

355 2. Unless a smaller area is required by another provision of this chapter,
356 the area of a temporary sign shall not exceed 16 square feet.

357 3. A temporary sign whose message pertains to a specific date, event, or
358 time period shall not be displayed for more than seven days after that date or the
359 conclusion of the event or time period.

360 b. Commercial. A temporary sign that bears a commercial message is not
361 allowed except: on private property shall be:

362 a. Term. A temporary sign shall not be displayed for more than 14 days in any 90-
363 day period, except a sign offering for sale or lease the lot on which the sign is located,
364 which is allowed as long as the property is for sale or lease.

365 b. Number. Only one temporary sign per lot is allowed.

366 1. One sign advertising the property on which the sign is located for sale
367 or for rent; or

368 2. One sign advertising a temporary sale of household goods located on
369 the lot where the sale is held.

[Bold and underlined added. Deleted language stricken through.]

370 c. Non-commercial. Temporary signs that do not bear a commercial message
371 are allowed in any number, subject to the square footage limitations in this chapter.
372

373 Section 15. Homer City Code 21.60.140, Temporary signs-Public right-of-way, is
374 repealed.
375

376 Section 16. Homer City Code 21.60.150, Time of compliance-Nonconforming signs and
377 signs without permits, is amended to read as follows.
378

379 21.60.150 Time of compliance-Nonconforming signs and signs without permits. a.
380 Except as otherwise provided herein, the owner of any lot or other premises on which exists a
381 sign that does not conform ~~to with~~ the requirements of this chapter or for which there is no
382 current and valid sign permit must remove such sign or, in the case of a nonconforming sign,
383 bring it into conformity with the requirements of this chapter.

384 b. Signs that were prohibited by Ordinance 84-33(S), as amended by Ordinances 86-
385 18, and 89-8, and that are prohibited by ~~in~~ this chapter are illegal and must be removed
386 immediately.

387 c. Any sign that was constructed and continues to be maintained in accordance with
388 the applicable ordinances and other laws that existed prior to an amendment to this code, but
389 which becomes unlawful as a result of an amendment to this code, is lawfully nonconforming. A
390 sign that is lawfully nonconforming under this subsection may remain in place and continue to
391 be maintained until the information on the face of the sign is changed, or for a period of one
392 year after the effective date of the amendment, whichever occurs first. If any action is taken that
393 increases the degree or extent of the nonconformity with the amended code, the sign loses lawful
394 nonconforming status and must be removed immediately. ~~A change in the information on the~~
395 ~~face of an existing nonconforming sign is allowed.~~ At the end of the period during which the
396 lawfully nonconforming sign is allowed to remain in use, the sign shall either be removed or the
397 owner must obtain a permit, if required, and complete all other steps and make any modifications
398 necessary to bring it into full compliance with this code.

399 d. Any sign that was constructed and continues to be maintained in accordance with
400 the applicable laws that governed territory prior to its annexation to the City, but which becomes
401 unlawful under this code as a result of annexation to the City, is lawfully nonconforming. A sign
402 that is lawfully nonconforming under this subsection may remain in place and continue to be
403 maintained until the information on the face of the sign is changed, or for a period of one year
404 after the later of (i) the effective date of the annexation of the territory or (ii) the effective date of
405 the ordinance that assigns the territory in which the sign is located to a zoning district under the
406 Homer zoning code, whichever occurs first. If any action is taken that increases the degree or
407 extent of the nonconformity with the code, the sign loses lawful nonconforming status and must
408 be removed immediately. ~~A change in the information on the face of an existing nonconforming~~
409 ~~sign is allowed.~~ At the end of the period during which the lawfully nonconforming sign is
410 allowed to remain in use, the sign shall either be removed or the owner must obtain a permit, if

[Bold and underlined added. Deleted language stricken through.]

411 required, and complete all other steps and make any modifications necessary to bring it into full
412 compliance with this code.

413 **e. Notwithstanding the remainder of this section, a nonconforming banner or**
414 **temporary sign shall be removed no later than March 1, 2012.**

415
416 Section 17. Homer City Code 21.60.160, Violations, is repealed.

417
418 Section 18. Homer City Code 21.60.170, Enforcement and remedies, is amended to read
419 as follows:

420
421 21.60.170 Enforcement and remedies. In addition to the remedies provided in HCC
422 **Chapter 21.90, violations of this chapter are subject to the following remedies:**

423 a. **A person designated to enforce this title under HCC 21.90.020 may remove a**
424 **temporary sign placed in a public right-of-way in violation of this chapter. The person**
425 **responsible for the illegal placement shall be liable for the cost incurred in removing the**
426 **sign. Any violation or attempted violation of this chapter or of any condition or requirement**
427 **adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by**
428 **injunction or other appropriate proceedings pursuant to law.**

429 b. **Notwithstanding any other provision of this title:**

430 1. **An appeal to the Planning Commission from an enforcement order**
431 **that requires the abatement or removal of a temporary sign placed on private**
432 **property in violation of this chapter must be filed within seven days after the date of**
433 **distribution of the enforcement order to the person whose property is the subject of**
434 **the enforcement order.**

435 2. **An appeal from a final decision of the Planning Commission**
436 **regarding an enforcement order that requires the abatement or removal of a**
437 **temporary sign placed on private property in violation of this chapter must be taken**
438 **directly to the Superior Court. A violation of this chapter shall be considered a violation**
439 **of the zoning code of the City, subject prosecution and, upon conviction, subject to fines**
440 **pursuant to HCC § 21.90.100.**

441 c. ~~The City shall have and may exercise all remedies provided for or allowed by City~~
442 ~~code or other law for the violation of the zoning code.~~

443 d. ~~All remedies provided herein shall be cumulative. To the extent that state law may~~
444 ~~limit the availability of a particular remedy set forth herein for a certain violation or a part~~
445 ~~thereof, such remedy shall remain available for other violations or other parts of the same~~
446 ~~violation.~~

447
448 Section 19. Sections 1 through 16 of this Ordinance are of a permanent and general
449 character and shall be included in the City Code.

450
451 Section 20. This Ordinance shall become effective on January 1, 2012.

[Bold and underlined added. Deleted language striken through.]

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ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
_____ 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt E. Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

[Bold and underlined added. Deleted language stricken through.]



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-108

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: October 19, 2011
SUBJECT: DRAFT sign ordinance – public hearing

Some changes have been incorporated into the sign ordinance since it was last at the Planning Commission.

Lines 40-45

I changed the definition of banner *mostly* as requested by the commission. The place where it did not work is when I was asked to describe banner material attached to a rigid frame on all edges as a sign. Well, by definition a banner is a sign, a prohibited one. I have to reinforce that to describe this as a sign does not necessarily imply that it is not also a banner. It is best to describe what we want to assure is not the case, it is not a banner, which is prohibited. It could be incorporated into any number of defined signs in code; just it is not a prohibited banner. As example of this language I added back the part about not being a flag also. This could come or go. It did seem to serve a purpose before and it would seem to serve the same purpose now.

Line 129

Added back the word “integral”

Lines 137-138

Added back definition of suspended sign

183 (Table)

Struck “Roof”

Added back “suspended” with corrected designation (P instead of S)

Struck “Banner (c)”

Lines 249-255

Added section to clean up unnecessary reference to “banner” (now prohibited)

Line 322

Added “banner” to list of prohibited signs

Review per 21.95.040

The Planning Department finds that this amendment is consistent with the Comprehensive Plan Goal 1, protecting community character. The changes will be reasonable to implement and enforce. It will promote the present and future public health, safety and welfare by reducing possible safety concerns. Finally, it has

been reviewed by the City Attorney to be consistent with the intent and wording of the other provisions of Title 21.

Recommendations

Hold public hearing and forward to City Council.

Session 11-14, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 6:32 p.m. on October 19, 2011 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, DOLMA, ERICKSON, HIGHLAND, MINSCH, SONNEBORN, VENUTI

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

APPROVAL OF AGENDA

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

1. Approval of the October 5, 2011 minutes
2. Time Extension Requests
3. Approval of City of Homer Projects under HCC 1.76.030 g
4. KPB Coastal Management Program Reports

The Consent Agenda was approved by consensus of the Commission.

PRESENTATIONS

REPORTS

- A. Staff Report PL11-111, City Planner's Report

City Planner Abboud reviewed his staff report.

PUBLIC HEARINGS

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

- A. Staff Report PL 11-108, Draft Sign Code Amendments

City Planner Abboud reviewed the staff report.

Chair Minsch opened the public hearing.

Scott Fraley, city resident, said he didn't really feel the Commissioners heard anything anyone said at the last hearing. He referenced the editorial from the Homer news and said their article in the paper came off arrogant and rude. You have a bunch of business owners from the community come and talk about their concerns and frustrations with what this will do to their businesses. You dismiss their concerns with a statement in the paper "they're wrong". The article just came off as insulting and in the end it slammed every business owner in the community with the statement that "Yes, business can be hard, yes it can be tough, but if we are creative, offer a good product, work together without taking unfair advantages, we'll all succeed." That is basically telling the businesses that you need to realize you aren't making a creative or a good product. "Vegas will never happen in Homer" is a paranoid statement. For a lot of businesses, 90 days is their business period and to tell them they only get 14 days of advertisement is not realistic or appropriate. The statement that the reason people visit and settle in Homer is the beauty and natural settings of our town, is not completely true. A large percentage of people who live in this town grew up here, and the little quirks in the town aren't keeping tourists away. He thinks we need to be pro-business and the Commission hasn't given any reason why sandwich boards should be thrown out. There is no proof or evidence they cause safety problems. It is an opinion, and not a good reason to make a rule.

Dan Coe, non city resident and sign painter in town for 7 years, addressed the issue of sandwich boards and fairness. He said he understands the nature and necessity of sign ordinances and compliance and that one man's freedom may be his neighbor's offence. He researched on line that many municipalities in the US are dealing with the same issue and from it, constitutional concerns have come up. One resource says local governments are completely unaware of the constitutional ramifications of regulating signs and billboards, believing like residential and commercial buildings, that signs are subject to zoning and land use restrictions without limitation. But as explained by the US Supreme Court, signs and billboards possess both communicative and non communicative aspects. It means that a Planning Commission can make an ordinance based on size, positioning, and so forth, but what is protected by the 1st and 14th Amendments is the content. An issue cited is you can't allow one category as opposed to another, you need to allow all of them or none of them. Mr. Coe provided copies of his research to the Clerk.

Adrienne Sweeney, city resident and business owner, knows what a sign can mean to a business. She explained when she first purchased her business the previous owner had worked hard to get a DOT sign located along the Sterling Highway. A few years later Homer became considered Urban instead of Rural and the signs were taken away. After hers was removed in 2005 her business went from filling up daily with walk ins in the summer to zero walk ins. It hurt the business and she was not prepared for it. Being only a few years into the business it was a difficult time. She tried to be creative and put a sandwich board up by Fat Olives, Planning Staff would come pick it up, and Mrs. Sweeney would go get it and pay the fine. Now she puts her sandwich boards on her personal property and is very adamant that she should be able to do it. She opposes the sign ordinance with the exception of the 1 pro business point of allowing the multiple businesses on a lot to have more square footage. She did research as well, and found that the City of Redmond Washington lost a law suit based on the same subject that you can't allow one and not the other. There is no proof or documentation that the temporary signs are a safety hazard, or not works of art, and who is going to judge art? She proposes they de-regulate the A board signs language to allow display year round, with limited square footage and off the sidewalk two feet; promote free enterprise not impede it;

consider becoming the most pro business city in Alaska; consider lowering water rates, and help businesses survive. Consider working with the States Way Finder Pilot Program they have in Fairbanks to help visitors find businesses off the beaten track. Consider working with the State to install a kiosk at the top of Homer hill with the State grant program. Finally, consider developing a comprehensive plan developing goals and policies that are designed to attract and retain business, build on our community strengths, and create jobs.

Nancy Deaver, city resident and owner of Sweet Berries Cafe, admitted that she hates her sandwich board, it's her nemesis. But the fact remains that it brings people through her door. She has built up her business from a three table café to nine tables. They have a good product but to this day, people can't find them because she can only have one small sign on the building and the owner of the building takes up the rest of the sign space. The sandwich board is the only thing she can have. She understands there is a problem with them, but she doesn't think the issue is with the year round businesses. She has paid attention since the last meeting and there aren't that many that are a problem in town. She proposed that the Commission change the ordinance to allow the sandwich boards for year round businesses. The summer businesses are only here 90 days and don't really care about the year round businesses. What scares her is that if they take the signs away, the permanent signs are expensive and a struggling business it is a lot of money. That is a situation where you need a little sign to build business up until a permanent sign can be afforded. She hopes there can be a way to figure out how the year round businesses aren't punished by having a cheaper sign and a different ordinance for summer businesses. She worries the year round businesses will go under if they can't have the smaller signs. It hurts Homer economically, it isn't a good plan.

Kimberly Hemphill, city resident, said she has had businesses in town since 1989. When the sign ordinance started originally it was all about not having billboards. She paid her fee, and did what she was supposed to do. She likes the sandwich boards and the flyers that hang off the poles. She likes that she can see who the benefits are for at Alice's and what Sweet Berries special is for the day and others around town. She does forget about them without their sandwich board. She doesn't think illuminated signs should be eliminated because even the open and closed signs are illuminated. They are needed when it is dark for sake of safety. This has all gone too far. This is a nice little town and we need to have freedoms, she doesn't find any of it offensive. There are some ugly signs, but it is a matter of opinion. What the ordinance was originally supposed to do and what it does now are two different things and she finds it very disappointing.

Steve Gibson, city resident, thanked the Commission for their work. He commented that he doesn't have a dog in this fight, but thinks sandwich boards should be permitted and understands that enforcement is difficult. He thinks the enforcement of the proposed ordinance is worse. Sandwich boards are a piece of the town he appreciates because of the information they provide. He thinks they should protect that right, not ban it. The setback requirements from the olden days were part of the problem as it resulted in parking in front of businesses, a pedestrian unfriendly environment, and an inadequate area for signs. The new code would enable business owners to make a garish car to park outside of a business every day yet ban the small sandwich boards. He doesn't think that is what the Commission planned. He hopes they aren't against the sandwich board because they don't like the way they look, he understands they can get out of hand, and part of the new sign code revision deals with enforcement questions and that will address problems raised by sandwich boards.

Bob Carpenter, from Magic Touch Massage, commented that he is frustrated with the basics of this. He understands its purpose. They took the time to make sure their sign is tasteful, to take it out of the thoroughfare and parking area, and be easily seen along Pioneer. His business has easily doubled because of their sandwich board sign. They ask every new customer how they found out about the business and most say it was the sandwich board sign. Mr. Carpenter said their objective is to bring in customers and be a valid business to help Homer. He hopes they will consider what the businesses are coming up with. Word of mouth is great, once the clientele is established. Taste and safety was the forethought for their sign. The ordinance only allowing it to be out 5 days a month is skewed and he would like them to reconsider that. We want to bring business to Homer, because with out business it will become a dustbowl.

Steve Zimmerman, city resident, commented that he doesn't see an issue with sandwich boards as long as they aren't in the right-of-way. He recommended enforcing the existing rules and leaving the rest of them alone. Businesses need advertising and it doesn't hurt anyone anywhere. Regarding size allowance, Mr. Zimmerman asked why a business can't simply have signage on a percentage of their building. It would be fair and equitable that way. He also questioned the \$50 permit fee. As a tax payer he shouldn't have to pay to put a sign up, and as long as he complies with code he shouldn't even have to ask permission to put a sign up. It is just another cost of business that gets him nothing. The sandwich boards are lower than some of the landscaping that you have to pull out past to see. Maybe that should be dealt with before picking on the landscaping people.

Karen Carpenter, with Magic Touch Massage, said she likes signs because they help people find things. No one would agree that sandwich boards be allowed in the right-of-way and it should be required they be weighted so they won't blow down. She noted that the way some of the buildings are built in relation to the lay of the land makes for visibility problems and the businesses need to be seen.

There were no further comments and the public hearing was closed.

BOS/VENUTI MOVED TO DISCUSS ACCEPTING THE STAFF REPORT AND STAFF RECOMMENDATION.

No objection was expressed and discussion ensued.

Commissioner Highland commented to help clarify that sandwich boards became a topic of looking toward the future, they were not legal to start with, and then we started seeing more. If we allow some, we have to allow all of them and there are people concerned about that. She acknowledged the constitutional concerns that were raised and noted that the City Attorney has been involved in reviewing the ordinance and did not raise any concern about fairness. The original sign ordinance came out in an effort to not have the big arches when McDonalds came in and it was proactive. There has been a lot of information about what signs can mean to a community and fair ways of everyone finding the signage. She wonders about considering something for businesses off the main roads coming in to town.

Commissioner Erickson expressed her appreciation for people coming with some ideas to consider and would like to take time to consider the year round businesses and the fairness issue.

Commissioner Bos said the Commission really hasn't changed the rules on sandwich boards, and they haven't changed many rules, other than sizes. This is something that has been in place for a long period of time. It isn't as though we are against new or old businesses. The sandwich board is status quo and you are either following the rules or your not. He hopes he is as pro business as anyone.

VENUTI/BOS MOVED TO FORWARD THE DRAFT SIGN ORDINANCE TO CITY COUNCIL.

Question was raised about consideration for businesses off the main roads. City Planner Abboud responded that when making a regulation it is important to make sure to treat all classes of individual equally for whichever district you may find them in. If you do it geographically and start crossing zoning districts it raises issues with treating everyone equitable.

Commissioner Venuti expressed that this was underway when he joined the Commission and when he first looked through it he was concerned it was anti business. He was concerned that they weren't getting any input as they worked through it. After the two public hearings he understands the overwhelming feeling about sandwich boards. He understands the rules in the ordinance as early in the summer they were in the corners of intersections blocking lines of sight, and on the spit in the roadway. Initially the issue was safety. The Commission values the public's input and in light of what they have heard, he encouraged the public to express their concerns to the City Council at their hearing.

Commissioner Sonneborn suggested that unless there is another way to prevent the proliferation of sandwich signs then it should be sent on to Council.

Commissioner Bos added that a reason the Commission discussed this for so long was to try to make sure it is equal for everyone. A lot of testimony has expressed that it isn't equal for everyone. He suggested that if he had a sandwich board, maybe he would get more business; but if you don't have a sandwich board it doesn't mean Homer is losing business, they may just be going somewhere else that day for the service.

Commissioner Erickson noted as it stands now there is an allowance for sandwich boards over a 90 day period, the proposed amendment is to do away with them completely, and she hears from testimony that they want what is currently law to go away. There hasn't seemed to be a happy medium and maybe we do need to look harder at year round businesses.

Lastly, Commissioner Highland expressed that it would only take one accident involving a sandwich board, a pedestrian, and a vehicle. It raises question if the City would be sued for allowing a dangerous situation. While it hasn't happened here yet, it could and public safety holds a lot of merit.

VOTE: YES: BOS, MINSCH, HIGHLAND, VENUTI, DOLMA
NO: SONNEBORN, ERICKSON

Motion carried.

The Commission took a break at 7:30 p.m. and the meeting resumed at 7:30 p.m.



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STAFF REPORT PL 11-106

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: October 5, 2011
SUBJECT: DRAFT sign ordinance

Some changes have been incorporated into the sign ordinance since it was last at the Planning Commission.

Lines 311-316

Replaced definition of prohibited vehicle signs as directed by Commission.

Lines 338-349

Replaced some of the "legal-ease" and repositioned temporary commercial signs. I believe this is much more direct and understandable and in the direction that the Commission wish to go.

The rest of the changes are basically semantic and not material, based on the suggestions of Mr. Smith.

- Replaced all reference to premise with premises. Also notified the clerk of the grammatical error so that other instances of the use of the word premise would also be corrected.
- Added the word " /or" to line 48 in the definition of "building sign"
- Added back the language "having or appearing to have" on line 75, relating to "ground sign"
- Deleted the word ", integral" from line 126 and table 2, relating to "roof sign", as there is no other roof sign and the word integral is incorporated into the definition making it redundant

New Consideration

It seems if I look at thing long enough, I will always find something that does not set right within the sign code. I understand the Commission's intent regarding banners, but am not confident that eliminating floppy, flapping banners in the definition of banner is the best way to handle it. I would recommend a more traditional definition with a caveat or when a "banner sign" ceases to be considered a "banner sign" then just add "banner sign" to the list of prohibited signs.

Banner Sign – Means a lightweight sign that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constricted of non-durable materials, including, but not limited to, cardboard, cloth and/or plastic. Banner material attached to a rigid structure on all sides or when meeting the definition of a wall sign, ceases to be considered a banner sign.

One more fix to banners listed below, just a housekeeping issue that I found.

21.60.080 Design, construction, and maintenance. All signs shall be designed, constructed, and maintained in accordance with the Following standards:

b. Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of this chapter, all signs shall be constructed of permanent materials and shall be permanently

attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

Conclusion

The sign code is a rather complex ordinance which is a delicate balancing act of meeting the expectations of the community, legal, enforceability and business interests. I highly doubt that many/any sign ordinances exist that perfectly balance all expectations. We have addressed several pressing issues without starting from scratch. I feel that we will want to take some time in the future to evaluate the modifications and give consideration to other subjects.

Recommendations

Discuss and make motion regarding "banner signs" (new definition, prohibition, and housekeeping) and schedule another public hearing.

Session 11-14, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 6:32 p.m. on October 5, 2011 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, DOLMA, ERICKSON, HIGHLAND, MINSCH, SONNEBORN, VENUTI

STAFF: CITY PLANNER ABOUD
DEPUTY CITY CLERK JACOBSEN

APPROVAL OF AGENDA

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

Holly Van Pelt, city resident, commented to the Commission regarding the draft sign ordinance. She asked for leniency in the size for businesses directly on a road where the speed limit is in excess of 45 mph. Her business on the Sterling Highway is zoned commercial so she doesn't have an issue, but her neighbor in Rural Residential along the highway is limited to a 4 square foot sign. She proposed that it isn't safe or in the public's interest. Along that corner there have already been a number of accidents, some fatal, and to have a small sign there when a person is looking for a business may cause them to slow down or stop suddenly. She doesn't think a sign of that size large enough for drivers to see, absorb the message, and make safe traffic change. She wondered if there might be consideration for a special zoning permit that would allow for a larger sign on the highway. Ms. Van Pelt noted that DOT doesn't have such small signs when they are trying to get information safely to drivers they use a much larger sign, so she doesn't know why the City can't be more lenient.

Question was raised if there had been any accidents at the location over the summer or if it just appears there could be an issue. Ms. Van Pelt said she is not aware of any at that particular spot, but it is a dangerous section of road. She expects that people driving down who have a booking at the location will be driving slower in an attempt to find it and will create a traffic hazard. In response to a suggestion of lowering the speed limit, Ms. Van Pelt said her experience is that without enforcement, people won't slow down. Some people would obey when dropping the speed limit to 35 but others will continue to go 55 and the discontinuity will result in more traffic problems.

Commissioner Sonneborn noted that the problem is people already driving too fast and it isn't the Commission's responsibility to change zoning rules, because people are speeding. Ms. Van Pelt countered that even at 45, a two foot square sign is not large enough to convey a business information.

RECONSIDERATION

There were no items scheduled for consideration.

ADOPTION OF CONSENT AGENDA

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 5, 2011

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

1. Approval of the September 21, 2011 minutes
2. Time Extension Requests
3. Approval of City of Homer Projects under HCC 1.76.030 g
4. KPB Coastal Management Program Reports
5. Draft Decision and Findings for CUP 11-12 at 182 E Pioneer Ave, Portion of Lot 6 Tract A Nils O Svedlund Subdivision Amended, Request for more than one building containing a permitted principle use on a lot.
6. Draft Decisions and Findings for CUP 11-06, 4721 Homer Spit Road, Central Charters Boardwalk Expansion for HCC 21.28.030 (a) Restaurants and drinking establishments HCC 21.28.030(i) More than one permitted principal use on a lot, HCC 21.28.030(j)Planned unit development, and HCC 21.28.040(d) More than 8,000 sf of building area

The Consent Agenda was approved by consensus of the Commission.

PRESENTATIONS

REPORTS

- A. Staff Report PL11-105, City Planner's Report

City Planner Abboud reviewed his staff report.

There was brief discussion about work being done in the wetland in the Spruce Lane area and the Council's ordinance regarding water meters.

PUBLIC HEARINGS

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

No public hearings were scheduled.

PLAT CONSIDERATION

No Plats were scheduled.

PENDING BUSINESS

- A. Staff Report PL 11-106, Draft Sign Code Amendments

City Planner Abboud reviewed the staff report. He advised that they should use the draft ordinance provided as a laydown instead of the one provided in the packet.

The Commission addressed the sign issue on the Sterling Highway that was brought up during public comments. Point was raised that they had discussed the challenges of the location during the CUP hearing.

They engaged in worksession type discussion about banners, their definition, and circumstances where they become signs. They also briefly addressed roof signs.

BOS/HIGHLAND MOVED TO DISCUSS AND MAKE RECOMMENDATIONS REGARDING THE DRAFT SIGN CODE AMENDMENTS.

There was no objection expressed and discussion ensued.

The Commission addressed wording for a motion to tie language on packet page 21 into the draft code and to clarify the definition.

BOS/HIGHLAND MOVED THAT ON THE PARAGRAPH "BANNER SIGN" THE BANNER MATERIAL ATTACHED TO A RIGID STRUCTURE FRAME ON ALL SIDES.

There was discussion addressing the language in the packet draft ordinance, the staff report, and the draft ordinance provided as a laydown.

VOTE: NO: BOS, MINSCH, HIGHLAND, SONNEBORN, VENUTI, ERICKSON, DOLMA

Motion failed.

MINSCH/BOS MOVED TO SUBSTITUTE THE BANNER SIGN LANGUAGE FROM THE STAFF REPORT FOR WHAT IS IN THE DRAFT ORDINANCE, AND ALTER IT AS DISCUSSED.

It was noted for clarifications that while banners, as defined, are prohibited; banners in a rigid frame, a banner sign, are allowed. Under banner sign in the staff report the first sentence outlines what is prohibited, and the second sentence says when it is considered a sign. It should also say attached on all edges instead of all sides.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

SONNEBORN/BOS MOVED TO STRIKE THE CATEGORY ROOF FROM THE TABLE ON PACKET PAGE 28.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

HIGHLAND/BOS MOVED THAT ON TABLE 1 IN THE LINE ROOF, ADD INTEGRAL BACK.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

HIGHLAND/BOS MOVED THAT ON TABLE 1, ADD SUSPENDED BACK ONTO THE TABLE AND ADD THE DEFINITION OF SUSPENDED.

It was noted that it will clarify it if someone wants to a suspension from the soffits.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MINSCH/HIGHLAND MOVED TO APPROVE THE DRAFT SIGN ORDINANCE AS AMENDED AND MOVE IT FORWARD TO PUBLIC HEARING.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

- A. Staff Report PL 11-104, Draft Ordinance Allowing Accessory Dwelling Units as Permitted Uses

City Planner Abboud reviewed the staff report.

ERICKSON/HIGHLAND MOVED TO DISCUSS AND MAKE RECOMMENDATIONS.

There was no objection expressed and discussion ensued.

It was noted that while this is a good idea, the accessory units should be required to have electric, water, and sewer. City Planner Abboud noted the definition of dwelling specifies that it includes facilities for sleeping, cooking, and sanitation.

There was discussion of limiting this to residential districts. It was noted that central business includes everything, it is a density center, and has water and sewer. The gateway business district promotes mixed use development but an emphasis on the visitor oriented business, and conflicts between residential and business are resolved in favor of business. The goals of the district are minimization of future traffic construction along the Sterling Highway corridor, and preservation of the view experience.

MINSCH/SONNEBORN MOVED TO DELETE THE GATEWAY BUSINESS DISTRICT FROM THIS PROPOSAL.

Comment was made that the Comprehensive Plan wants density, development, infill, and wants to follow the water and sewer, so it is easy to support the residential districts and CBD. If there isn't water and sewer in urban and rural residential, then typically it is a bigger lot.



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STAFF REPORT PL 11-99

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: September 21, 2011
SUBJECT: DRAFT sign ordinance

At the September 7, 2011 planning commission meeting business owners testified on the draft sign ordinance. In summary, the business owners are passionate about their sandwich and urged the commission to reconsider the ban on commercial sandwich boards. Several business owners spoke in support of the banners. Bill Smith indicated that he would submit written comments. It was suggested that the commission review the wording that prohibits signs on motor vehicles.

The United States Sign Council recommends dealing with vehicle signs in the "Prohibited" section:

"Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by the Code; Prohibited is any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to advertise a product, service, business, or other activity. This regulation shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation."

Gig Harbor, WA 17.80.120(f) prohibits such signs by:

"Signs attached to or placed on a vehicle or trailer parked on public or private property; provided, however, this provision shall not be construed as prohibiting the identification of a firm or its products on a vehicle operating during the normal course of business. Franchised buses and taxis are exempt from this provision."

Portland, OR 32.12.030 (C) Prohibitions.

"Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signs not otherwise allowed by the code;"

Of these provisions, the first one from the USSC is preferred because it avoids the discussion about what is "normal course of business."

If the commission chooses to reconsider the ban on temporary signs for businesses, the option to display only during business hours, or a maximum of 12 hours is a compromise. Enforcement would be a late night sweep to remove temporary signs in the public ROW.

There were no plats scheduled for consideration.

PENDING BUSINESS

A. Staff Report PL 11-99, Draft Sign Code Amendments

BOS/HIGHLAND MOVED TO DISCUSS AND MAKE RECOMMENDATIONS REGARDING THE DRAFT SIGN CODE AMENDMENTS.

There was discussion about vehicle signs. Commissioner Erickson suggested the language from the United States Sign Council would be appropriate as it is more defining and should replace (g), line 311, and leave 1 and 2 below it.

ERICKSON/BOS MOVED TO AMEND LETTER G LINE 311 THROUGH 314 TO READ WHAT THE UNITED STATES SIGN COUNCIL RECOMMENDS ON PAGE 35 OF THE PACKET.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

City Planner Abboud suggested eliminating number one and two that follow letter g. The Commission agreed by consensus to eliminate lines 315 to 317 as well.

There was discussion that the verbiage about temporary signs starting on line 339 is confusing and they considered ways to clarify it. The following language was suggested:

Temporary signs that bear a commercial message are not allowed except 1. For advertising a garage sale; 2. Advertising real estate for sale, then include the rules that apply to the signs that are allowed, a) they may not be off premise and b) there may be only one.

SONNEBORN/BOS MOVED TO SEND THIS BACK TO STAFF TO HAVE IT RE-OUTLINED.

Suggestion was made to word it in the positive and say when they are allowed instead of when they are not. There was further discussion about having a short period of time for having free sign permits and the concept of having a thirty day time frame for new businesses to be allowed to have temporary signs.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ERICKSON/HIGHLAND MOVED THAT WE HAVE A TWO WEEK GRACE PERIOD FOR A NEW BUSINESS TO HAVE A TEMPORARY SIGN.

The Commission considered different time frames, why a grace period might be needed, and what type of sign might be allowable. They reviewed the purpose of the sign code which is stated at the beginning of HCC 21. 60. It was noted that once a person gets a permit they can do a temporary or interim sign that is allowed under the permit until the permanent sign

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 21, 2011

comes in. Staff could advise sign applicants of a thirty day temporary allowance when they get their permit.

VOTE: NO: MINSCH, DOLMA, ERICKSON, VENUTI, HIGHLAND, BOS, SONNEBORN

Motion failed.

ERICKSON/MINSCH MOVED THAT THERE BE A THIRTY DAY GRACE PERIOD ALLOWED FOR AN INTERIM SIGN FOR NEW BUSINESSES WHEN THEY APPLY FOR THEIR SIGN PERMIT.

The Commission considered the circumstances that could warrant an interim sign. It wouldn't apply to existing businesses that have name changes or are changing signs; only sign permit applications for new businesses. It was noted that there needs to be a definition of an interim sign. Staff could bring back recommendations for the Commission if the motion passes.

Concern was expressed about interim signs out all summer. Point was also raised that this concept muddies the waters and there needs to be a better way to add this to the already confusing sign code. There has to be other ways to be pro-business and deal with these signs.

It was suggested that the interim sign could be smaller than what is allowed normally. City Planner Abboud it is still a temporary sign and creating this makes a whole new section and makes it more complicated.

There was discussion that there should be an opportunity for new businesses to be able to show that they are there, or they don't have a sign yet because they just found their building. A differing view was that it sounds like a business just coming in to test the water without putting much money in to it, or they feel it isn't worth the investment and won't be in business another year. If a business is coming in for the long haul, why wouldn't they plan and invest in permanent sign.

VOTE: YES: ERICKSON
NO: VENUTI, DOLMA, BOS, SONNEBORN, MINSCH, HIGHLAND

Motion failed.

City Planner Abboud will bring back a staff report that includes Mr. Smith's comments from the last meeting.

SONNEBORN/BOS MOVED TO POSTPONE THE SIGN ORDINANCE UNTIL BROUGHT BACK BY STAFF.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

The Commission took a break at 7:57 p.m. and the meeting resumed 8:01 p.m.

NEW BUSINESS

A. Staff Report PL 11-100, Kachemak Drive Bike Path

City Planner Abboud reviewed the recommendations in the staff report.

The Commission discussed the project and acknowledged there has been Commission support of this concept.

MINSCH/BOS MOVED THAT THE ADVISORY PLANNING COMMISSION SUPPORTS THE CONCEPT OF A NON MOTORIZED ACCESS ALONG KACHEMAK DRIVE.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MINSCH/BOS MOVED THAT A LARGE PART OF THIS PROJECT IS A PRIVATE PROPERTY RIGHTS ISSUE THAT SHOULD BE ADDRESSED CAREFULLY FROM THE ONSET. THE UTILITY EASEMENTS ARE PRIVATE PROPERTY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

BOS/HIGHLAND MOVED THAT THE ADVISORY PLANNING COMMISSION RECOMMEND THE CITY ADD THE KACHEMAK DRIVE PATH IMPROVEMENTS TO THE STIP NEEDS LIST AS AN AVENUE FOR STATE FUNDING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was discussion that this needs to be a grass roots public effort as the people who had to give up easements through eminent domain are not going give anything to the City.

MINSCH/HIGHLAND MOVED THAT THE COMMISSION APPRECIATES THE EFFORTS OF THE PARKS AND RECREATION ADVISORY COMMISSION AND ENCOURAGES THEM TO CONTINUE WITH THIS GRASS ROOTS EFFORT.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.



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STAFF REPORT PL 11-93

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: September 7, 2011
SUBJECT: DRAFT Sign Ordinance

General Information

The latest version of the ordinance is essentially the same as the Planning Commission reviewed at the last meeting. The only change is formatting of 21.60.110 (g). Although there is some consideration for amendment of the ordinance, staff believes that it is best to solicit public comment at this time while there is still an opportunity to reach out to those that will be affected by the changes before they may leave town after the tourist season. We propose that the Commission consider holding an additional public hearing.

Staff recommended amendment

Discussion: The City Attorney recommended a few changes to the definition of a public sign that staff disagrees with. Primarily, one of the goals of having a public sign category was to allow groups, such as the chamber of commerce, the opportunity to create and place signs that attract attention to a specific part of town, or an entrance to town. The attorney proposed a minor change that would allow only a government agency to place such a sign... and that is not the goal! Staff thinks he has confused public signs that require a public hearing with signs in the public right of way, line 254, which would be signs such as stop signs. Staff recommends amending the ordinance to use the public sign definition, third listed below.

Current code:

"Public Sign." A Public Sign is an off premises sign that provides direction to or identifies public facilities such as parks, playgrounds, libraries, or schools or to a distinct area of the City, such as Pioneer Avenue, the Homer spit, Old Town and entrances to the City. Public Signs may identify categories of services available, but may not carry any other commercial message. Public Signs are non-regulatory.

Attorney changes:

"Public sign-" means ~~A Public Sign is an~~ off-premise ~~off-premises sign placed by a governmental agency to that provides direction or information, or to identify or identifies~~ public facilities such as parks, playgrounds, libraries, or schools or ~~to a~~ distinct area of the City, such as Pioneer Avenue, the Homer spit, Old Town and entrances to the City. ~~Public Signs may identify categories of services available, but may not carry any other commercial message.~~ Public signs are non-regulatory.

Staff Recommendation:

"Public sign-" means ~~A Public Sign is an~~ off-premise ~~off-premises sign that provides direction or~~ information, or to identify ~~or identifies~~ public facilities such as parks, playgrounds, libraries, or schools or ~~to a~~ distinct area of the City, such as Pioneer Avenue, the Homer spit, Old Town and entrances to the City.

Public Signs may identify categories of services available, but may not carry any other commercial message. Public signs are non-regulatory.

Reconsideration of motion to limit Electoral Signs to a maximum of 16 square feet

The Planning Commission has decided to keep provisions in the code pertaining to exclusive provisions for electoral signs. While the Attorney has reservations regarding the treatment of electoral signage any different than any other type of temporary sign, most municipalities do have exclusive regulations regarding this type of signage. Currently, electoral signs enjoy the benefit of being allowed in any number in addition to any other sign allowance in code and may be a maximum of 32 square feet in size. Considering the generous allowance for this type of sign, staff has no objection to pairing down the size of the maximum display to 16 square feet (which is the maximum size proposed for any other temporary signs).

STAFF RECOMMENDS:

1. Amend definition of a "public sign" by removing "placed by a governmental agency to".
2. Make other amendments, if needed.
3. Consider holding an additional public hearing.

Att: Draft sign ordinance 8.26.11 public hearing

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 11-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.60.040, DEFINITIONS; HOMER CITY CODE 21.60.060, SIGNS ALLOWED ON PRIVATE PROPERTY WITH AND WITHOUT PERMITS; HOMER CITY CODE 21.60.070, PERMITS REQUIRED; HOMER CITY CODE 21.60.090, SIGNS IN THE PUBLIC RIGHT-OF-WAY; HOMER CITY CODE 21.60.100, SIGNS EXEMPT FROM REGULATION UNDER THIS CHAPTER; HOMER CITY CODE 21.60.110 SIGNS PROHIBITED UNDER THIS CHAPTER; HOMER CITY CODE 21.60.130, TEMPORARY SIGNS-PRIVATE PROPERTY; HOMER CITY CODE 21.60.150, TIME OF COMPLIANCE-NONCONFORMING SIGNS AND SIGNS WITHOUT PERMITS; AND HOMER CITY CODE 21.60.170, ENFORCEMENT AND REMEDIES; AND REPEALING HOMER CITY CODE 21.60.120, GENERAL PERMIT PROCEDURES; HOMER CITY CODE 21.60.140, TEMPORARY SIGNS-PUBLIC RIGHTS-OF-WAY; AND HOMER CITY CODE 21.60.160, VIOLATIONS; REGARDING THE REGULATION OF SIGNS.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.60.040, Definitions, is amended to read as follows:

21.60.040 Definitions. ~~In~~ For the purpose of this chapter, in addition to terms defined in HCC §21.03.040, the following words and phrases shall have the meanings set forth in this ~~section~~ chapter.

"Abandoned sign-" means a ~~Any sign containing copy~~ that refers to a business or activity that is no longer being conducted or pursued.

"Animated sign-" means a ~~Any sign~~ that uses flashing lights, movement or change of lighting to depict action or create a special effect or scene, or that includes characters, letters, or illustrations whose message changes at least one time per day; provided that a changing- ~~A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature does not cause a sign to be shall be considered a time and temperature portion of a sign and not an animated sign for purposes of this chapter.~~

"Banner-" means a ~~Any sign~~ of lightweight fabric or similar material that is attached to a rigid structure along its entire circumference ~~mounted to a pole or a building by a permanent frame at one or more edges. A flag, as defined in HCC § 21.60.040, shall not be considered a banner.~~

"Beacon-" means a ~~Any sign~~ that emits ~~with one or more beams of light,~~ capable of being directed in one or more ~~any director or directions or capable of being rotated or moved.~~

[**Bold and underlined added.** Deleted language stricken through.]

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45 "Building marker:" **means a wall** Any sign cut or etched into masonry, bronze, or similar
46 material that includes only the building name, date of construction, or historical data on historic
47 site.

48 "Building sign:" **means a** Any sign **that is** attached to **and supported by** any part of a
49 building, **but that is not a freestanding sign** unless it is supported in whole or in part by
50 structures or supports that are placed on, or anchored in, the ground and that are independent
51 from any building or other structure.

52 "Changeable copy sign:" **means a** A sign **that includes** or portion thereof with
53 characters, letters, or illustrations that can be changed or rearranged without altering the face or
54 the surface of the sign, **and** A sign on which the message changes **less often** more than one time
55 per day ~~shall be considered an animated sign and not a changeable copy sign for purposes of this~~
56 ~~chapter;~~ **provided that a** A **changing** sign on which the only copy that changes is an electronic
57 or mechanical indication of time or temperature **does not cause a sign to be** shall be considered
58 a time and temperature portion of a sign and not a changeable copy sign for purposes of this
59 chapter.

60 "Commercial message:" **means letters, graphic material or a combination thereof** Any
61 sign ~~wording, logo, or other representation~~ that, directly or indirectly, names, advertises, or calls
62 attention to a business, brand, product, service or other commercial activity.

63 "Department." ~~The Planning and Zoning division or department of the City.~~

64 "Electoral sign:" **means a** Any sign used for the purpose of advertising or promoting a
65 political party, or the election or defeat of a candidate, initiative, referendum or proposition at an
66 election.

67 "Flag:" **means the flag** Flags of the United States, the State, the City, a foreign nations
68 having diplomatic relations with the United States, and any other flag adopted or sanctioned by
69 an elected legislative body of competent jurisdiction. ~~A flag shall not be considered a banner for~~
70 ~~purposes of this chapter.~~

71 "Freestanding sign:" **means a** Any sign supported, in whole or in part, by structures or
72 supports that are placed on, or anchored in, the ground and that are independent ~~of~~ **from** any
73 building or other structure.

74 "Ground sign:" **means** A ground sign is a freestanding sign that is placed directly on the
75 ground **with having or appearing to have** a foundation or solid base beneath 50 percent or more
76 of the longest horizontal dimension of the sign.

77 "Handbill." ~~Any flyer, notice or brochure advertising or promoting any product, business,~~
78 ~~cause, political candidate or issue, and intended for distribution to the general public.~~

79 "Incidental sign:" **means an** A sign, generally informational, or directional sign that **is**
80 **incidental and subordinate** has a purpose secondary to a principal the use of the lot on which
81 it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar
82 directives. ~~No sign with a~~ **and that bears no** commercial message **that is** legible from **outside**
83 **that** a position off the lot on which the sign is located shall be considered incidental.

84 "Lot." See HCC § 21.32.030.

[**Bold and underlined added.** Deleted language stricken through.]

85 ~~"Marquee." Any permanent roof like structure projecting beyond a building or extending~~
86 ~~along and projecting beyond the wall of the building, generally designed and constructed to~~
87 ~~provide protection from the weather.~~

88 "Marquee sign:" means a Any sign attached in any manner to, in any manner, or made a
89 part of, a permanent roof-like structure projecting beyond a building, generally designed
90 and constructed to provide protection from the weather marquee.

91 ~~"Non-conforming sign." Any lawfully pre-existing sign that does not conform to~~
92 ~~regulations of this chapter that became applicable after erection of the sign.~~

93 "Official traffic control device" means a sign not inconsistent with Alaska Statutes
94 Title 28, placed or erected by authority of a state or municipal agency or official having
95 jurisdiction, for the purpose of traffic regulating, warning and guiding.

96 "Off-premise sign:" means a A sign containing a ~~commercial or non-commercial~~
97 message drawing attention to goods or services, business or other activity not offered or
98 conducted on the lot on which the sign is located.

99 "Pennant:" means a Any lightweight plastic, fabric, or other material, whether or not
100 containing a message of any kind suspended from a rope, wire, or string, usually in series,
101 designed to move in the wind.

102 "Permanent sign" means a sign that is not a temporary sign.

103 ~~"Portable sign." means a Any sign not permanently attached to the ground or other~~
104 ~~permanent structure, or a sign designed to be transported, including signs designed to be~~
105 ~~transported by means of wheels; signs converted to A or T frames; menu and sandwich board~~
106 ~~signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on~~
107 ~~vehicles parked and visible from the public right of way, unless said vehicle is used in the~~
108 ~~normal day to day operations of the business.~~

109 "Principal building:" means a The building in which is conducted the principal use of the
110 lot is conducted on which it is located. Lots with multiple principal uses may have multiple
111 principal buildings, but storage buildings, garages, and other accessory structures shall not be
112 considered principal buildings.

113 "Projecting sign:" means a Any building sign attached affixed to a building or wall and
114 that protrudes in such a manner that its leading edge extends more than six inches beyond the
115 surface of the such building or wall.

116 "Public sign:" means A Public Sign is an off-premise off-premises sign placed by a
117 governmental agency to that provides direction or information, or to identify or identifies
118 public facilities such as parks, playgrounds, libraries, or schools or ~~to~~ a distinct area of the City,
119 such as Pioneer Avenue, the Homer spit, Old Town and entrances to the City. ~~Public Signs may~~
120 ~~identify categories of services available, but may not carry any other commercial message.~~
121 Public signs are non-regulatory.

122 "Residential sign:" means a Any sign located in the Rural Residential, Residential Office
123 or Urban Residential zoning districts that contains no commercial message except for advertising
124 for goods or services legally offered on the premises where the sign is located, if offering such
125 services at such location conforms to with all requirements of the zoning code.

[Bold and underlined added. Deleted language stricken through.]

126 "Roof sign, integral-" means a ~~Any~~ sign erected and constructed as an integral part of a
127 ~~normal~~ the roof of a building structure, such that no part of the sign extends vertically more than
128 two feet above the highest portion of that roof of which it is a part.

129 "Setback-" means the ~~The~~ distance between a sign located on a lot and the closest lot
130 line ~~and the sign~~.

131 "Sign-" means a ~~Any~~ device, fixture, placard, or structure that uses any color, form,
132 graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the
133 purpose of a person or entity, or to communicate information of any kind to the public.

134 ~~"Suspended sign." A sign that is suspended from the underside of a horizontal plane~~
135 ~~surface and is supported by such surface.~~

136 "Temporary sign-" means a ~~Any~~ sign that is not affixed permanently to a building or
137 to a permanent support or foundation, used only temporarily and is not permanently mounted
138 including without limitation menu or sandwich board signs.

139 "Wall sign-" means a ~~Any~~ sign attached parallel to, but within six inches of, a wall,
140 painted on the ~~wall~~ surface of, or erected and confined within the limits of an outside wall of any
141 building or structure, which is supported by such ~~wall or~~ building or structure, and which
142 displays only one sign surface.

143 "Window sign-" means a ~~Any~~ sign, pictures, symbol, or combination thereof, designed to
144 communicate information about an activity, business, commodity, event, sale, or service, that is
145 placed inside a window or upon the window panes or glass and is visible from the exterior of the
146 window.

147
148 Section 2. The title and subsection (a) of Homer City Code 21.60.060, Signs allowed on
149 private property with and without permits, are amended to read as follows:

150
151 21.60.060 Signs allowed on private property with and without permits. a. Signs shall be
152 allowed on private property in the City ~~in accordance with, and~~ only in accordance with Table 1.
153 If the letter "A" appears for a sign type in a column, such sign type is allowed without prior
154 permit approval in the zoning district represented by that column. If the letter "P" appears for a
155 sign type in a column, such sign type is allowed only with prior permit approval in the zoning
156 districts represented by that column. Special conditions may apply in some cases. If the letter
157 "N" appears for a sign type in a column, such a sign type is not allowed in the zoning districts
158 represented by that column under any circumstances. If the letters "PH" appear for a sign
159 type in a column, such sign type is allowed in the zoning districts represented by that
160 column only with prior approval by the Commission after a public hearing.

161 b. Although permitted under the previous paragraph, a sign designated by an "AP"
162 or "PS" in Table 1 shall be allowed only if:

163 1. The sum of the area of all building and free standing signs on the lot does
164 not exceed ~~conforms with~~ the maximum permitted sign area for the zoning district in
165 which the lot is located as specified in Table 2; and

[Bold and underlined added. Deleted language stricken through.]

166 2. The characteristics of the sign conform ~~to with~~ the limitations of Table 3;
167 Permitted Sign Characteristics, and with any additional limitations on characteristics
168 listed in Table 1 or Table 2.

169 c. Any sign **type that is** not listed on the following tables **is prohibited** ~~are not~~
170 ~~permitted, with or without a permit.~~

171
172 Section 3. The Key to Tables 1 through 3 that follows Homer City Code 21.60.060,
173 Signs on private property, is amended to read as follows:
174

| KEY to Tables 1 through 3 | |
|--|---------------------------------------|
| RR Rural Residential | GBD Gateway Business District |
| UR Urban Residential | GC1 General Commercial 1 |
| RO Residential Office | GC2 General Commercial 2 |
| INS Institutional Uses Permitted in Residential Zoning Districts (a) | <u>EEMU East End Mixed Use</u> |
| CBD Central Business District | MC Marine Commercial |
| TC Town Center District | MI Marine Industrial |
| | OSR Open Space Recreation |
| | PS Public Sign Uses Permit |
| <u>AP</u> = Allowed without sign permit | |
| <u>PS</u> = Allowed only with sign permit | |
| N = Not allowed | |
| PH = Allowed only upon approval by the Planning Commission after a public hearing | |
| For parenthetical references, e.g., "(a)," see Notes following graphical portion of table. | |

175
176
177 Section 4. Table 1 following Homer City Code 21.60.060, Signs on private property, is
178 amended to read as follows:
179

[Bold and underlined added. Deleted language stricken through.]
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180

| Sign Type | RR | UR | RO | INS (a) | CBD | TC | GBD | GC 1 | GC 2 | <u>EEM</u> <u>U</u> | MC | MI | OSR |
|------------------------|-----------|-----------|------------------|------------------|-----------|-----------|-------------------|-----------|-----------|------------------------|-----------|-----------|-----------|
| <u>Freestanding</u> | | | | | | | | | | | | | |
| Residential (b) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | N | N | <u>N</u> | N | N | <u>AP</u> |
| Other (b) | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> (jk) | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N |
| Incidental (c) | N | N | <u>AP</u> (d) | <u>AP</u> (d) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | N |
| <u>Building</u> | | | | | | | | | | | | | |
| Banner | N | N | N | N | <u>PS</u> | <u>PS</u> | N | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N |
| Building Marker (e) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> |
| Identification (d) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> |
| Incidental (c) | N | N | <u>AP</u> (f) | <u>AP</u> (c) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | N |
| Marquee (g) | N | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N |
| Projecting (g) | N | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N |
| Residential (b) | <u>AP</u> | <u>AP</u> | <u>AP</u> | N | <u>AP</u> | <u>AP</u> | <u>AP</u> | N | N | <u>N</u> | N | N | <u>AP</u> |
| Roof | N | N | N | N | N | N | N | N | N | <u>N</u> | N | N | N |
| Roof, Integral | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N |
| <u>Suspended (g)</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | | <u>S</u> | <u>S</u> | <u>N</u> |
| Temporary (gh) | <u>AN</u> | <u>AN</u> | <u>AN</u> | <u>AN</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> |
| Wall | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | <u>AP</u> |
| Window | N | N | <u>AP</u> | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N |
| <u>Miscellaneous</u> | | | | | | | | | | | | | |
| Banner (c) | N | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> | N |
| Flag (hi) | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> | <u>A</u> | <u>AP</u> | <u>AP</u> | <u>AP</u> |
| Portable | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | | <u>S</u> | <u>S</u> | <u>N</u> |

[**Bold and underlined added. Deleted language stricken through.**]

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181 Notes to Table 1:

- 182 a. This column does not represent a zoning district. It applies to institutional uses permitted under
- 183 the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established
- 184 organization or corporation of a public, non-profit, or public safety/benefit nature, i.e., schools, churches,
- 185 and hospitals.
- 186 b. No commercial message allowed on sign, except for a commercial message drawing attention to
- 187 goods or services legally offered on the lot, except signs approved by the state of Alaska Department of
- 188 Transportation and signs that meet the requirements of HCC § 21.60.092.
- 189 c. No commercial message of any kind allowed on sign if such message is legible from any location
- 190 off the lot on which the sign is located.
- 191 d. Only address and name of occupant allowed on sign.
- 192 e. May include only building name, date of construction, or historical data on historic site; must be
- 193 cut or etched into masonry, bronze, or similar material.
- 194 f. No commercial message of any kind allowed on sign.
- 195 ~~g. If such a sign is suspended or projects above a public right of way, the issuance and continuation~~
- 196 ~~of a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability~~
- 197 ~~insurance for such a sign in such form and such amount as the City planner may reasonably from time to~~
- 198 ~~time determine, provided that the amount of such liability insurance shall be at least \$500,000 per~~
- 199 ~~occurrence per sign.~~
- 200 gh. The conditions of HCC § 21.60.130 of this ordinance apply.
- 201 hi. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the
- 202 United states and any other flag adopted or sanctioned by an elected legislative body of competent
- 203 jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the
- 204 United states for the stars and stripes. Any flag not meeting any one or more of these conditions shall be
- 205 considered a banner sign and shall be subject to regulations as such.
- 206 ij. Permitted on the same terms as a temporary sign, in accordance with HCC § 21.60.130, except
- 207 that it may be free standing.
- 208 jk. The main entrance to a development in GBD may include one ground sign announcing the name
- 209 of the development. such sign shall consist of natural materials. Around the sign grass, flowers and shrubs
- 210 shall be placed to provide color and visual interest. The sign must comply with applicable sign code
- 211 requirements.
- 212

213 Section 5. Table 2 following Homer City Code 21.60.060, Signs on private property, is

214 amended to read as follows:

Table 2. Maximum Total Sign Area Per Lot by Zoning District

Table 2 Part A

The maximum combined total area of all signs, in square feet, except incidental, building marker and flags (b) shall not exceed the following according to district:

| R | UR | RO | RO (e) | INS (a) | OSR | PS (d) |
|---|----|----|--------|---------|-----|--------|
| 4 | 4 | 6 | 50 | 20 | 4 | 32 |

Table 2 Part B

In all other districts not described in Table 2 Part A, the maximum combined total area of all signs, in

[Bold and underlined added. Deleted language stricken through.]

square feet, except incidental, building marker and flags, shall not exceed the following:

| <u>Square feet of wall frontage (c):</u> | <u>Maximum allowed sign area per lot:</u> |
|--|---|
| 750 s.f. and over | 150 s.f. |
| 650 to 749 | 130 s.f. |
| 550 to 649 | 110 s.f. |
| 450 to 549 | 90 s.f. |
| 350 to 449 | 70 s.f. |
| <u>2000</u> to 349 | 50 s.f. |
| <u>0</u> to <u>199</u> | <u>30 s.f.</u> |

In all districts covered by Table 2 Part B, on any lot with multiple principal buildings or with multiple independent businesses or occupancies in one or more buildings, the total allowed sign area may be increased beyond the maximum allowed signage as shown in Table 2 Part B, by 20%. This additional sign area can only be used to promote or identify the building or complex of buildings.

In all districts covered by Table 2 Part B, freestanding signs, when otherwise allowed, shall not exceed the following limitations:

Only one freestanding sign is allowed per lot, except one freestanding Public Sign may be additionally allowed. A freestanding sign may not exceed ten (10) feet in height. The sign area on a freestanding sign (excluding a Public Sign) shall be included in the calculation of maximum allowed sign area per lot and shall not exceed the following:

- One business or occupancy in one building – 36 sq ft
- Two independent businesses or occupancies or principal buildings in any combination – 54 sq ft
- Three independent businesses or occupancies or principal buildings in any combination – 63 sq ft
- Four or more independent businesses or occupancies or principal buildings in any combination – 72 sq ft

215
216
217
218

Section 6. Table 3 following Homer City Code 21.60.060, Signs on private property, is amended to read as follows:

| Sign Type | Table 3. | | | | | | | | | | | |
|-----------------------|----------|----|----|-----------|-----------|-----------|-----------|-----------|-----------|-------------|-----------|-----------|
| | RR | UR | RO | INS (a) | CBD | TC | GBD | GC1 | GC2 | <u>EEMU</u> | MC | MI |
| Animated (b) | N | N | N | N | <u>PS</u> | <u>PS</u> | N | <u>PS</u> | N | <u>P</u> | <u>PS</u> | N |
| Changeable Copy (c) | N | N | N | N | <u>PS</u> | <u>PS</u> | N | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> |
| Illumination Internal | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | N | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> |
| Illumination External | N | N | N | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> |
| Neon (d) | N | N | N | N | <u>PS</u> | <u>PS</u> | N | <u>PS</u> | <u>PS</u> | <u>P</u> | <u>PS</u> | <u>PS</u> |

[**Bold and underlined added.** Deleted language striken through.]

Notes to Table 3

- a. The INS column does not represent a zoning district. It applies to institutional uses permitted under the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established organization or corporation of a public, non-profit or public safety/benefit nature, *i.e.*, schools, churches and hospitals.
- b. Animated signs may not be neon or change colors or exceed three square feet in area.
- c. Changeable Copy signs must be wall or pole mounted, and may not be flashing.
- d. Neon signs may not be flashing and may not exceed 32 square feet.
- e. The PS column does not represent a zoning district. It applies to Public Signs permitted under the zoning code, in all zoning districts.

219
220 Section 7. Homer City Code 21.60.070, Permits required, is amended to read as follows:
221

222 21.60.070 Sign permits ~~Permits required.~~ a. No person may place, construct, erect or
223 modify a sign for which ~~If a sign requiring a provision of this chapter requires a permit~~
224 without first obtaining a permit for the sign under this section ~~the provisions of this chapter is~~
225 ~~to be placed, constructed, erected, or modified on a lot, the owner of the lot shall secure a sign~~
226 ~~permit prior to the construction, placement, erection, or modification of such a sign in~~
227 ~~accordance with the requirements of HCC § 21.60.120.~~

228 b. Applications. An application for a sign permit shall be submitted to the
229 Department on an application form or in accordance with application specifications
230 published by the Department. An application for a permit for a sign that is not an off-
231 premise sign shall be submitted by the owner of the lot where the sign is to be located, or by
232 a tenant leasing all or part of the lot when the sign names, advertises, or calls attention to a
233 business, brand, product, service or other commercial activity of the tenant.

234 c. Fees. An application for a sign permit shall be accompanied by the applicable
235 fees established by the Homer City Council from time to time by resolution.

236 d. Action. Within seven working days after the submission of a complete
237 application for a sign permit, the Department shall either:

238 1. Issue the sign permit, if each sign that is the subject of the application
239 conforms in every respect with the requirements of this chapter; or

240 2. Reject the sign permit if a sign that is the subject of the application
241 fails in any way to conform to the requirements of this chapter. In case of rejection,
242 the Department shall specify in the rejection the section or sections of this chapter to
243 which the sign does not conform.

244
245 Section 8. Homer City Code 21.60.090, Signs in the public right-of-way, is amended to
246 read as follows:
247

248 21.60.090 Permanent sSigns in the public rights-of-way. No person may place,
249 construct or erect a permanent ~~sign shall be allowed in a the public right-of-way, except for~~
250 ~~the following:~~

[Bold and underlined added, Deleted language stricken through.]

- 251 ~~a. Permanent Signs. Only the following permanent signs, including:~~
252 ~~a1. **Official traffic control devices.**~~
253 ~~b. Public signs erected by or on behalf of a governmental body to post legal notices,~~
254 ~~identify public property, convey public information, and direct or regulate pedestrian or~~
255 ~~vehicular traffic;~~
256 ~~c2. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;~~
257 ~~and~~
258 ~~d3. Signs containing commercial messages **that have been** must be approved by the~~
259 ~~State of Alaska Department of Transportation, Tourist Oriented Directional Signing Program.~~
260 ~~b. Temporary Signs. Temporary signs for which a permit has been issued in~~
261 ~~accordance with HCC § 21.60.140, which shall be issued only for signs meeting the following~~
262 ~~requirements:~~
263 ~~1. The signs shall contain no commercial message; and~~
264 ~~2. The signs shall be no more than two square feet in area each.~~
265 ~~3. Notwithstanding (1) and (2), such signs calling attention to civic events~~
266 ~~shall be no more than four square feet in area, if freestanding, or if street banner, may not~~
267 ~~exceed the width of traveled portion of road.~~
268 ~~e. Emergency signs. Emergency warning signs erected by a governmental agency, a~~
269 ~~public utility company, or a contractor doing authorized or permitted work within the~~
270 ~~public right of way.~~
271 ~~d. Other Signs Forfeited. Any sign installed or placed on public property, except in~~
272 ~~conformance with the requirements of this section, shall be forfeited to the City and subject to~~
273 ~~confiscation. In addition to other remedies hereunder, the City shall have the right to recover~~
274 ~~from the owner or person placing such a sign the full costs of removal and disposal of such sign.~~

275
276 Section 9. Homer City Code 21.60.100, Signs exempt from regulation under this chapter,
277 is amended to read as follows:

278
279 21.60.100 Signs exempt from regulation under this chapter. The following signs shall be
280 exempt from regulation under this chapter:

- 281 a. Any sign bearing only a public notice or warning required by a valid and applicable
282 federal, state, or local law, regulation, or ordinance.
283 b. Any emergency warning signs erected by a governmental agency, a public utility
284 company, or a contractor doing authorized or permitted work within a public right-
285 of-way.
286 c. Any sign inside a building, not attached to a window or door, that is not legible from a
287 distance of more than three feet beyond the lot line of the lot or parcel on which such sign is
288 located,
289 d. Works of art that do not contain a commercial message;
290 e. Holiday lights between October 15 and April 15;

[**Bold and underlined added.** Deleted language stricken through.]

291 fe. Traffic control signs on private property, such as a stop sign, a yield sign, and similar
292 signs, the face of which meet Department of Transportation standards and that contain no
293 commercial message of any sort.

294 gf. Signs in existence before February 11, 1985, but such signs shall not be replaced,
295 moved, enlarged, altered, or reconstructed except in compliance with this chapter.
296

297 Section 10. Homer City Code 21.60.110, Signs prohibited under this chapter, is amended
298 to read as follows:
299

300 21.60.110 Signs prohibited under this chapter. All signs not expressly permitted under
301 this chapter or exempt from regulation hereunder in accordance with HCC § 21.60.100 are
302 prohibited in the City. Without limiting the foregoing, examples of prohibited signs include:

303 a. Beacons;

304 b. Pennants;

305 c. Strings of lights not permanently mounted to a rigid background, except those exempt
306 under HCC § 21.60.100;

307 d. Inflatable signs and tethered balloons;

308 e. Animated signs that are neon, change colors, or exceed three square feet in area;

309 f. Placement of hand bills, flyers, or bumper stickers on parked vehicles other than by
310 owner;

311 g. A sign on a motor vehicle or trailer that is parked on or off a business premises
312 for the primary purpose of displaying the sign. It will be presumed that a motor vehicle or
313 trailer bearing a sign is parked for the primary purpose of displaying the sign if the sign is
314 both:

315 1. Legible from a public right-of-way at a distance of 100 feet or more, and;

316 2. The motor vehicle or trailer is parked at the same location continuously
317 for four or more hours, or on a recurring daily schedule.

318 hg. Abandoned signs, which shall be removed by the owner or lessee, if any, of the lot
319 upon which the signs are located. If such owner or lessee fail to remove such signs after an
320 opportunity for a hearing before the Planning Commission and fifteen days written notice to
321 remove given by the City, then (i) the owner or lessee has committed a violation, and (ii) the City
322 may remove the signs and collect the cost of removal from such owner or lessee, who shall be
323 jointly and severally liable for such cost.
324

325 Section 11. Homer City Code 21.60.120, General permit procedures, is repealed.
326

327 Section 12. Homer City Code 21.60.130, Temporary signs-private property, is amended
328 to read as follows:
329

330 21.60.130 Temporary signs ~~Private property~~. a. General. All temporary signs are
331 subject to the following requirements:

[Bold and underlined added. Deleted language stricken through.]

332 1. A temporary sign may not be an illuminated, animated, or changeable
333 copy sign.

334 2. Unless a smaller area is required by another provision of this chapter, the
335 area of a temporary sign shall not exceed 16 square feet.

336 3. A temporary sign whose message pertains to a specific date, event, or time
337 period shall not be displayed for more than seven days after that date or the
338 conclusion of the event or time period.

339 b. Commercial. A temporary sign that bears a commercial message is on private
340 property shall be allowed subject to the following requirements:

341 a. Term. A temporary sign shall not be displayed for more than 14 days in any 90-
342 day period, except a sign offering for sale or lease the lot on which the sign is located,
343 which is allowed as long as the property is for sale or lease.

344 b. Number. Only one temporary sign per lot is allowed.

345 1b. The sign may not be an off-premise sign.

346 2. There may be no more than Only one such temporary sign per lot is allowed.

347 3. The purpose of the sign shall be limited to the following

348 i. Advertising the property on which the sign is located for sale or for
349 rent; or

350 ii. Advertising a temporary sale of household goods on a lot occupied
351 by a dwelling.

352 c. Non-commercial. Temporary signs that do not bear a commercial message are
353 allowed in any number, subject to the square footage limitations in this chapter.

354
355 Section 13. Homer City Code 21.60.140, Temporary signs-Public right-of-way, is
356 repealed.

357
358 Section 14. Homer City Code 21.60.150, Time of compliance-Nonconforming signs and
359 signs without permits, is amended to read as follows.

360
361 21.60.150 Time of compliance-Nonconforming signs and signs without permits. a.
362 Except as otherwise provided herein, the owner of any lot or other premises on which exists a
363 sign that does not conform with the requirements of this chapter or for which there is no current
364 and valid sign permit must remove such sign or, in the case of a nonconforming sign, bring it
365 into conformity with the requirements of this chapter.

366 b. Signs that were prohibited by Ordinance 84-33(S), as amended by Ordinances 86-18,
367 89-8 and that are prohibited in this chapter are illegal and must be removed immediately.

368 c. Any sign that was constructed and continues to be maintained in accordance with the
369 applicable ordinances and other laws that existed prior to an amendment to this code, but which
370 becomes unlawful as a result of an amendment to this code, is lawfully nonconforming. A sign
371 that is lawfully nonconforming under this subsection may remain in place and continue to be
372 maintained until the information on the face of the sign is changed, or for a period of three
373 years ~~one year~~ after the effective date of the amendment, whichever occurs first. If any action

[Bold and underlined added. Deleted language stricken through.]

374 is taken that increases the degree or extent of the nonconformity with the amended code, the sign
375 loses lawful nonconforming status and must be removed immediately. ~~A change in the~~
376 ~~information on the face of an existing nonconforming sign is allowed.~~ At the end of the period
377 during which the lawfully nonconforming sign is allowed to remain in use, the sign shall either
378 be removed or the owner must obtain a permit, if required, and complete all other steps and make
379 any modifications necessary to bring it into full compliance with this code.

380 d. Any sign that was constructed and continues to be maintained in accordance with the
381 applicable laws that governed territory prior to its annexation to the City, but which becomes
382 unlawful under this code as a result of annexation to the City, is lawfully nonconforming. A sign
383 that is lawfully nonconforming under this subsection may remain in place and continue to be
384 maintained **until the information on the face of the sign is changed, or** for a period of one year
385 after the later of (i) the effective date of the annexation of the territory or (ii) the effective date of
386 the ordinance that assigns the territory in which the sign is located to a zoning district under the
387 Homer zoning code, **whichever occurs first.** If any action is taken that increases the degree or
388 extent of the nonconformity with the code, the sign loses lawful nonconforming status and must
389 be removed immediately. ~~A change in the information on the face of an existing nonconforming~~
390 ~~sign is allowed.~~ At the end of the period during which the lawfully nonconforming sign is
391 allowed to remain in use, the sign shall either be removed or the owner must obtain a permit, if
392 required, and complete all other steps and make any modifications necessary to bring it into full
393 compliance with this code.

394 **(e) Notwithstanding the remainder of this section, a nonconforming banner or**
395 **temporary sign shall be removed no later than January 1, 2012.**

396
397 Section 15. Homer City Code 21.60.160, Violations, is repealed.

398
399 Section 16. Homer City Code 21.60.170, Enforcement and remedies, is amended to read
400 as follows:

401
402 21.60.170 Enforcement and remedies. In addition to the remedies provided in HCC
403 Chapter 21.90, violations of this chapter are subject to the following remedies:

404 a. A person designated to enforce this title under HCC 21.90.020 may remove a
405 temporary sign placed in a public right-of-way in violation of this chapter. The person
406 responsible for the illegal placement shall be liable for the cost incurred in removing the
407 sign. Any violation or attempted violation of this chapter or of any condition or requirement
408 adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by
409 injunction or other appropriate proceedings pursuant to law.

410 b. Notwithstanding any other provision of this title:

411 1. An appeal to the Planning Commission from an enforcement order that
412 requires the abatement or removal of a temporary sign placed on private property
413 in violation of this chapter must be filed within seven days after the date of
414 distribution of the enforcement order to the person whose property is the subject of
415 the enforcement order.

[Bold and underlined added. Deleted language stricken through.]

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2. An appeal from a final decision of the Planning Commission regarding an enforcement order that requires the abatement or removal of a temporary sign placed on private property in violation of this chapter must be taken directly to the Superior Court ~~A violation of this chapter shall be considered a violation of the zoning code of the City, subject prosecution and, upon conviction, subject to fines pursuant to HCC § 21.90.100.~~

~~e. The City shall have and may exercise all remedies provided for or allowed by City code or other law for the violation of the zoning code.~~

~~d. All remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.~~

Section 17. Sections 1 through 16 of this Ordinance are of a permanent and general character and shall be included in the City Code.

Section 18. This Ordinance shall become effective on January 1, 2012.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____ 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

First Reading:
Public Hearing:
Second Reading:
Effective Date:

[Bold and underlined added, Deleted language stricken through.]

458

459 Reviewed and approved as to form:

460

461

462

463 _____
Walt E. Wrede, City Manager

464 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

Shelly Rosencrans

From: Alaska's Hallo Bay Bear Camp [hallobay@acsalaska.net]
Sent: Friday, September 02, 2011 9:11 AM
To: Jones, Kevin L (DOT)
Cc: High, Carl S (DOT); Simpson-Golden, Danika L (DOT); Bailey, Jennifer L Q (DOT); millimom@xyz.net; Department Planning
Subject: Re: Signage on State property and Roadside Trailer Advertising
Attachments: hallobay.vcf

Good Morning Kevin,

Thank you for your response to my letter of comment on the upcoming Sign Commission Meeting.

As a property and business owner in Homer and Kenai Peninsula Borough, I appreciate the opportunity to give my opinion regarding questionable signage practices in my Community and Borough.

I have now done my part as a resident of Homer to keep our small community looking neat and orderly to our residents and all who may chance to visit. There is nothing more I can do now, except to put my faith and trust that others have more foresight than I in these matters of maintaining a semblance of order in our wonderful Community, Borough and State.

Sincerely,

Clint Hlebechuk

On 9/1/2011 12:06 PM, Jones, Kevin L (DOT) wrote:
Mr. Hlebechuk,

I apologize I wasn't able to respond sooner but schedules and work load have been very hectic here. I was able to complete a fence line inspection of the Homer Airport this morning just to ensure that nothing had changed, and all signage I saw is still in compliance with current State regulations. An airport property leaseholder or sub-leaseholder is allowed approved signage for their place of business on airport property. The signage can be placed on the fence line that fronts the lease lot and/or on their building/hangar. All signage I observed this morning met this criteria. I also inspected the Sterling Highway from milepost 169 to the end of the Homer Spit and I was not able to locate any trailer mounted portable advertising. Between local maintenance and our Right of Way department we deal with this type of issue a lot. Due to manpower constraints and other priorities we're not always able to correct the issues as fast as we'd like to, and depending on the situation some of these types of signs are not illegal. If you'd like more information on the current State regulations regarding our Right of Way, please contact Danika Simpson-Golden at 269-0700. If you'd like more information regarding airport regulations, feel free to contact myself or Jennifer Bailey in Aviation Leasing at 269-0742. Thank you.

Kevin Jones
State of Alaska D.O.T
Homer Airport Manager
235-5217

From: Alaska's Hallo Bay Bear Camp [mailto:hallobay@acsalaska.net]
Sent: Tue 8/30/11 9:54 AM
Subject: Fwd: RE: Signage on State property and Roadside Trailer Advertising

FYI and update: Roadside Trailer advertising has been reported at Homer Spit and more recently again, on the Sterling Hwy entering Homer. Apparently some have learned how to use the system, no concern for our community or community pride, but rather how much can they get before heading south.

Clint Hlebechuk

----- Original Message -----

Subject:RE: Signage on State property and Roadside Trailer Advertising

Date:Tue, 30 Aug 2011 06:47:16 -0800

From:Milli <millimom@xyz.net>

To:'Alaska's Hallo Bay Bear Camp' <hallobay@acsalaska.net>

Clint: Please forward this to: High, Carl S carl_high@dot.state.ak.us, and to Paul Seaton and Sen. Stevens. Carl is superintendent of DOT on the Peninsula. It wouldn't hurt to cc to Keven Jones kevin_jones@dot.state.ak.us as well, he heads up the DOT at the airport.

These guys don't give up, do they?????

milli

From: Alaska's Hallo Bay Bear Camp [<mailto:hallobay@acsalaska.net>]

Sent: Monday, August 29, 2011 8:34 PM

To: planning@ci.homer.ak.us

Subject: Signage on State property and Roadside Trailer Advertising

To: Homer Advisory Planning Commission

RE: Your letter of August 26th inviting comments.

I wonder if it may be possible that Alaska could lose their Federal Highway Funding for failure to enforce the Federal Highway Beautification Act because of the ongoing roadside advertising? Perhaps this is something we might want to look into.

Scenario #1 Homer Airport Security Fence: (attached photo #1)

The Homer Airport fence, the entire length of FAA Drive, can you envision the advertising potential of dozens of companies placing banners like these shown in the photos the length of FAA Drive or worse, the entire airport perimeter. If one company is allowed to do this, then everyone should have the opportunity to place signage upon this State owned fence because in essence, we all own it. Perhaps "the fence" might become the "New, End of the Road Homer Community Billboard".

Is it possible that Homeland Security may have input to this type of signage in addition to the State of Alaska who seems to be the owner of the security fence? I mean if anyone can nail their business sign on a State of Alaska Airport fence with impunity, others could certainly ramp that ability up to a myriad of other State properties.

I believe State inspectors should demand the removal of these flapping banners. Perhaps the flapping sign owners could paint or attach their sign onto their building like the rest of Homer businesses. Why are they allowed special treatment?

On the other hand where does one apply for the permit to place their Homer business banners on this lucrative advertising space or does one just place their flapping banner on the now "suggested" rigid surface on any

available part of the fence because no one will enforce some common sense rules? I wager some company like "Cupid.com" would love to put a 50 foot banner on an Alaska Airport security fence or perhaps "Trojan Condoms" who have been advertising quite vigorously on the TV lately. Now wouldn't that make us all proud Homer citizens. Maybe we can join the UGLIEST SIGN IMAGE CONTEST, Homer could win! ENTER HERE

Personally, I do not rightfully believe any banners or signage should be placed upon a fence which serves as a security barrier to our local airport.

Please, would someone with someone with a little common sense and community pride please step up and enforce the clean up our Homer Airport security fence so we to can have a little pride in our community.

Scenario #2 Roadside Advertising on the Sterling Highway
(attached photo #2 trailer parked in Sterling Highway rest area)

This type of advertising needs to be controlled or variations of it are going to become very popular very soon and you know what, there are no limits to how big these can go. A 40' foot van, two or three 40' foot vans end to end would make an astounding roadside sign and there is not a thing that currently can or is being done about it. You have just seen the tip of the iceberg here, more is coming.

Here is a sample Essex and Here is another and Another

Buy A Moveable Trailer Advertisement Here

I believe the main problem with the various sign issues is the City and State are doing too little, too late and now we have an ugly growing problem that is very soon going to be totally out of control. Mark my words, just do nothing and watch our community began taking on the persona of a Mexican border town and our property values start declining.

You best check into you Scenic Byway funding here as well to see that its rating and or funding is not injured by some non-resident business showing us Alaskans how they do sign business in California.

To the Sign Planning Commission, I suggest that you have a fair ways yet to go to properly address the signage issues and problems in the works and yet to come. Your current effort is appreciated, but as a property owner in Homer, I am very disappointed in what I consider a very lackluster approach with the "proposed sign code changes".

Thank you for your time

Sincerely,

Clint Hlebechuk
290 Crestwood Circle
Homer, Alaska 99603
907-235-1599

Shelly Rosencrans

From: Dotti Harness
Sent: Tuesday, August 30, 2011 8:35 AM
To: neonman@ptialaska.net
Cc: Shelly Rosencrans; rabboud@ci.homer.ak.us
Subject: RE: Homer's Sign Code

Darby,

Thank you for taking the time to comment.
We'll forward your comments to the Planning Commission.
There will be several public hearings so stay tuned.

Dotti Harness-Foster
City of Homer
Planning and Zoning Office
435-3118

-----Original Message-----

From: neonman@ptialaska.net [<mailto:neonman@ptialaska.net>]
Sent: Friday, August 26, 2011 8:19 PM
To: Dotti Harness
Subject: Re: Homer's Sign Code

Hi Dotti -

Since I will be unable to attend this meeting, I wanted to give some feedback that I hope will be taken under consideration.

In response to the sandwich board signs, I agree that in general these are a problem. For those businesses that are established, making them mount their signs is a great idea. However, for those small and/or newer businesses, sandwich boards may be their only option to advertise until they get their business up and running in order to be able to afford mounted signs. I hope that these small/new businesses won't suffer due to larger, more established businesses who have taken advantage of cheap sandwich board signage.

In this case, I would propose that any business that is older than two years old and/or larger than a certain size would be required to have mounted signage. I would like to see new/small businesses have the option to keep sandwich boards until they too meet the two year/size requirements for mounted signs.

As for flapping banners, these absolutely should be mounted on better backing.

Thank you for letting me give my input into this matter.

Sincerely,

Darby Evans
Neon of Alaska
Anchorage, AK
907-248-0185

> You are receiving this email because you are a business owner in Homer
> or have indicated interest in Homer's Sign standards.
>
>
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>
> The Homer Advisory Planning Commission has proposed changes to the
> Sign Code.
>
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>
> There will be a presentation on Wed., September 7, 2011 at 6:30pm at
> City Hall that covers the basic proposed changes. Immediately
> following the presentation there will be a Public Hearing.
>
>
>
> For specific questions, I welcome you to make an appointment to see
> how the proposed changes could affect your business. Helpful during
> the appointment will be sign and building measurements.
>
>
>
> The Draft Ordinance is on the Planning Departments web site:
>
> <http://www.cityofhomer-ak.gov/planning>
>
>
>
> You can submit comments via:
>
> Fax: 235-3148
>
> Email: planning@ci.homer.ak.us
>
> Mail: 491 E. Pioneer Avenue, Homer, Alaska 99603
>
>
>
> Dotti Harness-Foster
>
> City of Homer
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> Planning and Zoning
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> 907-235-3106
>
>
>
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Shelly Rosencrans

From: Bearypatch [bearypatch@ak.net]
Sent: Tuesday, August 30, 2011 5:10 PM
To: Department Planning
Subject: Thoughts to ponder!

Dear Planning & Zoning Council,

It has come to my attention that you are looking at removing sandwich boards in our town and changing business sign sizing.

I drove down Pioneer street yesterday and counted 7 sandwich boards, including mine, at The Ivory Goose Anitque and Tea Emporium. Not one of them were in the pedestrian walk way/bike path. However, there are two of us that only have our sandwich boards out during our business hours. We bring them into our shops during none business hours. We believe this to be appropriate. Since we do not need to advertise while closed.

Since I personally have laid out a very large sum of money to have my sign hung on an attractive wooden frame, paid a rather large amount of money to have a specialty sign painted to put on that frame, I am not willing to comply with any changes to said signage. So...this letter is to inform you that I believe I like my sign just the way it is.

Now to the problem with signs in Homer. Over all...most of the business in Homer have tried to have attractive signs professionally designed. However, there are a few business signs out there that need to be culled out.

I personally don't think that taping words for a sign is too professional. If one can afford paint to paint scenery, one should think about painting the signage. Paper signage written by hand isn't acceptable, either.

I am not sure how in the world some of these signs passed the city code that stands. I like many of the other business owners have complied. I think that most of the signs in Homer are lovely. There are a few exceptions!

You must remember that Homer is a artist community, given to rare ideals and creative freedoms. Yes, we need guidelines to our signage for business. We do not need to become as neighboring communities, or Anchorage is having billboards/business complex multi-listings/plastic lit signage.

I believe we need to keep with a colorful artistic signage theme and as well as our building. My customers of 18yrs. have appreciated our individuality, here in Homer.

We need to clean up our lots and business properties more than anything. Why don't you spend time on that issue?

Most sincerely,

Coletta Walker
The Beary Patch Bed & Breakfast
The Ivory Goose Antique Emporium
P.O. Box 1544
Homer, Alaska 99603
907-235-2483
cell 299-2992

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 7, 2011

Session 11-13, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 7:01 p.m. on September 7, 2011 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, DOLMA, ERICKSON, HIGHLAND, MINSCH, SONNEBORN, VENUTI

STAFF: CITY PLANNER ABOUD
DEPUTY CITY CLERK JACOBSEN

APPROVAL OF AGENDA

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

There were no public comments.

RECONSIDERATION

- A. Reconsideration by Commissioner Dolma on the motion to amend HCC 21.60.095 electoral signs may not exceed 16 square feet.

DOLMA/HIGHLAND MOVED TO RECONSIDER THE MOTION TO AMEND HCC 21.60.095 ELECTORAL SIGNS MAY NOT EXCEED 16 SQUARE FEET.

Commissioner Dolma said he wants to make sure everyone understands the effects this ordinance will have and consider the enforcement issues that might be involved.

VOTE: YES: MINSCH, HIGHLAND, SONNEBORN, DOLMA
NO: BOS, VENUTI, ERICKSON

Motion carried.

ADOPTION OF CONSENT AGENDA

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

1. Approval of the August 17, 2011 minutes
2. Time Extension Requests
3. Approval of City of Homer Projects under HCC 1.76.030 g
4. KPB Coastal Management Program Reports
5. Draft Decision and Findings for A Request for a Conditional Use Permit for the Homer Transfer Facility to Construct a ne 9600 sf building at the Borough solid waste site at 3300 Sterling Highway to Consolidate and Bale Solid Waste in Preparation to Transfer to the Central Peninsula

The Consent Agenda was approved by consensus of the Commission.

PRESENTATIONS

A. Proposed Sign Code Changes, Rick Abboud, City Planner

City Planner Abboud made his presentation about the sign code changes. It was a summary preview of the amendments scheduled for the public hearing.

REPORTS

A. Staff Report PL11-97, City Planner's Report

City Planner Abboud reviewed his staff report.

PUBLIC HEARINGS

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 11-93 Draft Sign Code Amendments

City Planner Abboud reviewed the staff report.

Dan Smith, city resident and a barber in town, is new to Homer. He received the notice regarding the sign code amendment and there is a lot he doesn't agree with. When he first started here a year ago he sat and waited. He decided to do what he did in Oregon and had a sandwich board made, and his business increased 50% or more. They had a nicer sign made which has brought in more business. He sees that they are taking things away, but wants to know what they propose replacing it with. He has talked with a friend of his who is in a similar position and they have considered leaving. He sees that the Commission has talked about how sandwich boards are pushing the pedestrians and bicycles into traffic. He has never seen that as an issue, he hasn't heard of anyone being hit because of it. The Legends sandwich board sign is about 4 feet off the sidewalk and disturbs no one. It is well designed, brings in a lot of business, and does not impede pedestrian or bicycle traffic.

Scott Fraley, city resident, appreciates that Commission is made up of reasonable people. He is not upset but would like to voice his opinion. He grew up in Homer and appreciates it a lot. It was mentioned that the sandwich boards are in the way and he doesn't think they are, but could be moved to the side if needed. The idea that it is an eyesore is fairly off base. There are plenty of things in the town that are an eyesore, and sandwich boards are the last on that list, yet the Commission chose to make rules about them. What are we doing about Waddell's place at the corner across the street from McDonalds; it's a big eyesore with all the junk. The Cousin's place on the spit, that is a gigantic eyesore and what are we doing about that. This is punishing businesses. Having grown up in this town he has seen friends he graduated with aspire to start a business and here they are being punished. He is curious to know the Commission's mission and their purpose. He would like to see it written out and have the Commission draw their direction from that. They need to help the community flourish and a big part of the community is its businesses. We have plans and dreams as a city that includes things like the public library, and city hall, but how will we fund it if we are shutting down businesses by limiting signage.

Bob Phillips, city resident, commented the biggest eyesore that he saw today was a voting sign of 42 feet when a business can only have 16. People come to Alaska because it is a place where you have a little bit of freedom. You can enjoy your life, and if you don't like it you should go to New York and play with your signs. He thinks this is totally ridiculous, he doesn't see where sandwich boards have interfered with anybody. We have so many ugly buildings on the main drive. This is a town that brings tourists in and it could be an eye appealing town. There are so many empty stores that need paint, the eyesore is on the spit where the boats are, and he doesn't see tourists complaining about signs on buildings out there. They are coming here to enjoy the city. The people who are complaining are the ones who don't have businesses and drive around drinking their lattes. What about grandfather rights on signs that are already up? Do they have to come down? Does our opinion really matter, or are minds already made up? He sees City signs that are oversized, like the one going into the dog catcher area. So will you take it down and re-do it? We need to make our town presentable and work on the visual problems we have instead of hurting businesses. The country's economy is falling apart and he doesn't think we need to add to the problem.

Adrienne Sweeney, city resident, commented that her family has owned businesses in Homer for over 80 years and her great grandmother would be appalled at the anti business attitude and regulations that keep cropping up in this town. Mrs. Sweeney has 18 employees who depend on her to survive. Over just a few years Homer has succeeded in regulating the canneries and the jobs that went with it out of this town, increased the cost of water to businesses over 100% in one year, and now more federal regulations are hurting our charter boat businesses. She believes that every small business in Homer is struggling right now and with the way our economy is going, things are not looking good. We do not need more sign regulations right now to hurt our businesses. Right now we need the City to help small businesses survive so we can keep providing jobs in this community. In this economy we should be thinking of ways to stimulate growth in the business community, not creating regulations that are going to hinder businesses. She said she checked with the police department and they have not had a single accident, injury, or safety complaint that they can find a record of. She believes that it is an excuse to get rid of sidewalk signs that help bring business into the small businesses. Nor does she see how limiting on or off premise vehicle signage to four hours a day at a time helps the community. Right now our charter boat operators are struggling and those folks have signs on vehicles they park on the spit when they go out on 12 plus hour days. She is ashamed they are punishing a charter boat operator who is trying to make a living and provide jobs for the community. She is ashamed at the proposal and said the Commission did not do their research. She adamantly opposes both of these proposals and supports anything that helps small business.

Chair Minsch acknowledged that the four hour vehicle parking issue relates to parking regulations in the harbor and will look to clarify the vehicle signage information.

Robert Carpenter, city resident, commented that one thing that needs to be looked at with signage is that it is all about business. Without business, Homer can blow away because without business, people don't show up. We can't eat, pay our taxes, or our utilities. With out advertisement, businesses are word of mouth and he doesn't think we are back in the 1800's where everyone talks to everyone about where they got their hair cut. We look at signs, internet, and telephone books because we are looking for the quick and easy way to get there. He agrees that any sign in the roadway causing traffic problems is a safety issue, but if it is in the grass or not in the direct right-of-way, then the driver did the wrong thing by

pulling into the traffic. He found the proposed solution interesting, where sandwich signs are focused on civic events, political advertisements, or for sale or rent sign. He appreciates that for sale or rent signs or civic events do drum up business, but he doesn't see how politician's signs support that. The information says 14 of 90 days are when he can put his sign out. It is .16 of a working quarter and is not very good. There are 14 units in the building he is in so he gets 10 square feet to advertise. Most of the units are empty because they can't advertise. It is something to think about. If you take away advertisement, you take away business, and once again, you take away the people.

Mike Barth, local State Farm agent, commented that he drives the truck with the logos all over it. He acknowledged Chair Minch's comments but the way he reads the information, it seems clear that he can't park his truck in the parking lot of his office for more than four hours. It is completely ridiculous. For him it is a huge objection. He will trust the Commission is going to look at it. He agrees with a lot of people here that the sandwich boards are something we use to drive traffic into our business. He tracks his clients and asks where business comes from and it overwhelmingly comes from the signage out side his building letting people know he is there. It has made an impact for him, as he has only been open three months. For him personally not having the sign would be a detriment to his business. Part of the solution would be state where the signs can be put to avoid safety concerns. He has heard that it cost money and time to regulate it, but he questions what the education has been. He was here three months before he was told what he could do with his sign. It took about five minutes of staff time and the problem was taken care of relatively quickly. He wonders about getting information to new businesses, perhaps something in the chamber welcome packet.

Fred Kaatz, owns the business Stay Tan on Lake Street with his wife. When they opened in December they contacted planning staff to ask specifically what they could and could not do. Based on what he was told he spent about \$700 on a professionally made sandwich board. Not too long after he put it out, they were told it couldn't be in the right-of-way, which takes them 15 feet or more off the street. Originally they were told it couldn't be in the sidewalk and it was three feet off that. The only problem they have had with their sign is that the wind blows it over. His point is that without the sign his business would have had a much slower growth than it has. Now they are told they can only have one sign out there at a time, and there are multiple businesses there. The signs aren't in harms way, they are there to promote business which pays the taxes. Businesses produce, government does not produce. We pay the salary of government and without that, we all know the scenario. He was also told the very person that gave the authority to place the sign there and said he had to move the sign didn't have the authority to tell him to put it there in the first place. It is rather upsetting. The bottom line is they have kept the sign there and have waited an opportunity to address this, and as another gentleman pointed out to allow a sign for 14 of 90 days is ridiculous. There is enough to do in running businesses, maintaining organization and supplies, without having to check off how many days the sign has been out front because of some law that business owners feel is cumbersome, silly, and ridiculous. He thinks the Commission could spend their time on things of much more value to the community. In fairness, allowing a sign to be proportionate to a building is very reasonable, but the rest of the stuff is a burden to business owners.

Karen Austermuhl, with Magic Touch Massage, moved to Homer in May, opened her business in June. She had the same business in Fairbanks. She never had a sign when she was there, all she had to do was put a couple websites up as it is a community of young people who look up

massage on their cell phones and her website comes up. In Homer more people are middle aged who use signs, which she found out the hard way. In the beginning she couldn't figure out why she wasn't getting much business. She put up a sign and people started coming in. When she would meet people who had come to Fairbanks from Homer and ask why they were there, those young people had to leave Homer and go to Fairbanks for work, which is sad because this is a beautiful place with really nice people. To her it looks like this is being turned into a retirement community, not a thriving place for young people to plan to live their life and raise families. Homer is depending on high taxes, where there were none in Fairbanks. If there were more businesses the city could tax less. When she asks people how they found out about her business, 90% of them say I saw your sign when I drove by. She hopes her business thrives and she makes it here. Political signs should be banned, not small business signs.

Kevin Fraley, city resident, makes signs for a living as he owns Printworks and Alaska Sign Express. He finds more and more that he makes a lot of his living outside of Homer because Homer is very anti-sign. It is bothersome to him in the current economic climate, this is yet another advance on businesses thriving. He knows they are not elected and some own businesses trying to make a living in the community as well. He thanked them for their public service as he knows they are doing this as a service to the community. But what they are doing with the sign restriction is not helping the community. Others have made suggestions about things to enhance the community. It would be refreshing to see a city government work hand in hand with the business to grow a community, and develop resources for the government to exist. This is not what you're doing. This is hindering businesses, it is an anti-business ordinance. It is an infringement and restriction on business owners being able to do what they do, which is to generate revenue, pay employees, pay taxes, and pay our city government that is struggling to fund itself. Deficits and struggling governments seem to be a problem across our nation. It is shocking to him they can't see this is the kind of thing that causes that. We need to think about the trash and vehicles that are piling up in front of homes and businesses. He can understand restricting signs to create certain flavor in a community but a lot of this is not true with the issues of the sandwich boards.

Joan Philips came here in 1950 and homesteaded. Her kids own the Time Bandit, they have the store on the spit and in town. They build Land's End and the first boardwalk. She thinks they should leave the boardwalks alone. They draw a lot of tourists, people expect there to be signs out there and it to be funky looking, because that is what they are coming for. She thinks they are taking away an atmosphere to make it be little tiny signs and things like that. She thinks we came here to be free and not to be over regulated. Her question to the Commission is if they are going to listen and hear what has been said. She appreciates the work they are doing, but they need to hold it in their heart and conscience to listen to what people are saying. She feels kind of tired of Homer when they put things to vote, the people vote, and then a few people in power don't let it happen. That is very wrong. She hopes Homer can be a place that grows, is unique, and not be over regulated. She talks to people from all over the world who love it here and don't say that signs are too big. They say it is unique and wonderful.

Rob Hyslip, owner of a boardwalk on the spit, agrees with some things that have been said about the eyesores on the spit, the old boats and what not. While he doesn't appreciate all the stuff there, he goes down the spit all the time in the summer and there are people constantly taking pictures. They want different; part of it is the scenic beauty of the mountains and glaciers, and part of it a bunch of derelict boats on the spit that is not like

their homes. The signs are not a hazard; the tourists are more of a hazard. It's cool though, it is what they are here for. Many people here in the summer are not the local residents, the locals know where the businesses are, but the people who come here on vacation are depending on signs. He agrees that we don't want a bunch of giant billboards all over the place because we don't want to look like where they are from. It is important to be able to have signs so people can find places. It is good to have regulations, but let's not regulate ourselves into the ground.

Marie Bader, city resident, commented that there is a sticker that says "Homer, were here, because were not all there." She finds a lot of solace in that sticker. The businesses around here that want to put out a little sandwich board, God bless 'em. It's the summer, put them out. It isn't a safety hazard. She gets a little irritated though with temporary fly by night businesses that zoom in for the weekend with four or five sandwich boards, then they are gone. Do they have to go to planning office to find out what the ordinance is? Regarding the flapping banners, she has a banner and she doesn't want it banner to flap. But we have wind here and can't help it if our banners flap. She would hate to get zapped for a flapping banner. Lastly she commented that she would like to paint her building to avoid the signage, with care, like some other buildings have done. She noted the halibut on Bob's Trophy Charters. He probably doesn't have to worry about a sign as his whole wall is one. These are just things to think about. And again, Homer, were here, because were not all there, and she doesn't want to be a Time Square.

Jackie Dentz, owner of Frosty Bear Ice Cream Parlor on the spit, said she drove the spit yesterday and found every single business out there, with the exception of Finn's Pizza, is not in compliance according to the rules as they read. The spit is a fairy land of unique businesses and tourist attractions. Why would you want to slap the hand that feeds by making so many rules to further handicap businesses? These brave owners who operate for the city's financial benefit, collecting and paying taxes, have a very limited time frame, experience this reality of economic depression and horrific weather to work around, the recent events of losing 1/3 of our charter fleet, not to mention going to one fish allocation, and living daily with the possibility of a tsunami that would eliminate all business on the spit. The city obviously can not and does not enforce current codes, so why do you want to make more, and why attack the spit, a huge revenue resource in the continuing failing debacle of sign code enforcement. Unless you walk in her shoes, you have no idea what she endures as a business owner in this little man eating hamlet by the sea. They need to know she works very hard to pay her taxes, collect sales tax, be in compliance with state and federal mandates, labor laws, ABC Board regulations, DEC mandates, Workman's comp, all consuming audits, plus insurance after insurance. All these take her money and now they are spending the money she is earning for the city foolishly in the fact that we are even having this meeting. She agrees regulations are important to a point, but they have overstepped their bounds. What she wants to point out is that a very important thing happened this summer that needs to be addressed, a false alarm for a tsunami. Not one person did anything but point fingers. When they thought there was an emergency, no one knew how to evacuate the spit. The city needs an evacuation plan, she lives and works out there and doesn't know what the plan is, but all traffic should become one way off the spit, the police should have put up barricades to stop on going flow. They don't have their priorities in the right place. This is pushing people out of business. And as an aside the DOT should put a turnout for people to take pictures of Cousin's boat.

Cherise Hyslip, boardwalk owner on the spit and also an artist, commented she knows that with art there is a huge opinion of what is and is not an eyesore and she considers her signs

the same. We have thousands of people taking pictures of our quaint little fishing village, it is beautiful. There are times when banners flap, like after the 50 mph winds from the previous night. Their banners flew down, but they are back up straight today. She asked the Commission to please work with the business owners. It is so hard to make a living as a small business owner, so please help us.

Bill Smith commented that in the past the City did erect a sign which was contrary to the height and size limits enacted by City, and after pressure from a specific planning commissioner, the sign was removed. The City is not exempt from its own sign regulations in his opinion. 16 sf for political signs would be great in his opinion. When addressing banners and flapping, they are defining a banner as one that's attached to a rigid structure along the circumference, but don't say that banner material has to be attached. In dealing with building signs on line 48, he thinks it should say it means a sign that is attached to and/or supported by the building. Line 74-76, ground sign basically says when sign people put up a sign they may not put a solid foundation and only a skirting giving the appearance of a solid foundation. That's why he put that original language is in there. The marquee sign language is unclear so they can review it and think about it. Line 96 off premise signs has been discussed before because the real word is premises when you are talking about a building or a place. It is used differentially throughout the document. Public signs, staff suggest retaining the intent and language of public sign, which we put in the sign code to allow the business on Pioneer or Old Town to erect in the public right-of-way a directional sign where certain parts of the community may be located that may otherwise be bypassed going to the spit. Line 116 he likes staff's suggested substitute. He doesn't see a definition for roof signs, and there is code about them. Perhaps not even distinguish between interval roof signs and roof signs at all. The graph addresses free standing sign may not exceed 10 feet in height, and interpretation in other parts the 10 feet calculates from the road grade, which can result in signs exceeding dimensional requirements other businesses are allowed to have.

Al Waddell, city resident, introduced himself as the guy who owns that crazy corner. There are six wonderful acres that his family has owned for 58 years, along with 2.1 acres behind the post office. The rest of it is long gone, sold off to pay taxes and take care of things. He understands the definition of government is to do something for the people they can not do for themselves. "We the people", he firmly believes we all understand where that comes from. He and most here firmly believe we do not need anymore restrictions on our chances to do business in Homer. Signs are a necessary part of business. When he bought his signs, he heard a neat slogan; a sign with no business is a sign of no business. Whether it's a blow up snowman at Christmas, which they were told was illegal after it had been up for 18 years, are they going to be allowed to have Christmas trees or things like that on their property? We don't need anymore government trying to run our business, times are tough enough. Most, if not all, people here try to do business and pay taxes to help pay City of Homer wages to their workers. This year his business's gross is equivalent to the year 2000. Taxes, water bills, light bills, freight, propane, gas, and food bills all have soared in these past 11 years. He and his wife received their 2011 tax bill for \$26,871 for property tax, and guess what? They don't have it. They will have to pay the penalty and huge interest charge this year but will pay their mortgage, probably by melting the jewelry in the store. Do you really think they need more restrictions? After 58 years of ownership of their property, they quit. All the property is for sale.

Michelle Barling, owns Ocean View RV and Gift Shop, and also Jelly Beans with her mother. They have a sandwich sign in front of their business. The RV Park has 100 sites that are full in

June and July with an average 2 day stay. They promote businesses through town and with the sandwich board sign they are able to pull in more business. This new ordinance would hinder their business. We need to pull together and work together as a community, not be hindered and separated, especially with the economy the way it is. She hopes the Commission has listened to everyone and hopes they will take it to heart. We are all in the same boat as one community.

Chip Duggan, city resident, commented that he just bought his third business, and he doesn't know why. He questioned why it is safe to have sandwich boards for political signs and for sale signs, but not safe for anyone else. And how can a Realtor go and advertise all over town with every for sale sign they have. He said he has a lot of realtor friends who won't like that he said that, but oh well.

There were no further comments and Chair Minsch closed the public hearing, with the comment that there will be another one scheduled in the near future.

MINSCH/ERICKSON MOVED TO TAKE THE DRAFT SIGN ORDINANCE BACK TO A WORKSESSION FOR MORE DISCUSSION BEFORE THE NEXT PUBLIC HEARING IS SCHEDULED.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

A. Staff Report PL 11-94, Tietjen Lot F-2 Subdivision Preliminary Plat

City Planner Abboud reviewed the staff report. He corrected that Dmitri D. Kimbrell, RLS is the surveyor for this plat, not Roger Imhoff, RLS.

VENUTI/BOS MOVED FOR ADOPTION OF STAFF REPORT PL 11-94 TIETJEN LOT F-2 SUBDIVISION PRELIMINARY PLAT WITH STAFF FINDINGS AND RECOMMENDATIONS.

There was brief discussion that everything seems to be in order.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report PL 11-95, Anderson 1980 Sub L&J Addition Preliminary Plat

City Planner Abboud reviewed the staff report.

There was discussion that the applicants are trying to correct an issue of the house encroaching onto the next lot and address the utility easement.

BOS/VENUTI MOVED TO ADOPT STAFF REPORT PL 11-95, ANDERSON 1980 SUB L&J PRELIMINARY PLAT WITH STAFF FINDINGS AND RECOMMENDATIONS.



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Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-82

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: August 3, 2011
SUBJECT: DRAFT sign ordinance

General Information

The City Attorney has compiled the latest draft of the sign ordinance. I still believe that a few adjustments are in order. The adjustments are a result of a few things that include transmission of wishes and interpretation of the various groups working on this ordinance. The attorney has made some changes as a result of Planning Commission, Planning Staff, and legal review of the various concepts. It seems that all of the groups (Planning Commission, staff, and Attorney) are challenged with the interpretation of one another. So, bear with me the best you can and we will get through this. I plan on having the Attorney available for questions at the work session. I am hoping that after digesting the responses, we will be ready to make the final amendments and forward the ordinance for public hearing. Please make careful notes of all your concerns.

Summary of the latest version

Lines 38-39, Banner – made banner acceptable in rigid format only, no strings.

Lines 135-136, Temporary Sign- we still have a reference to balloons and umbrellas. Staff is not supportive of reference to balloons and recommend striking it from the ordinance. We are neutral to umbrellas as we really have not had any dealing with such.

Tables – eliminated “suspended”, I am not sure what this is. Also eliminated references to “banner”, listed as wall sign- currently has no ‘miscellaneous’ status and “portable”, eliminated in definitions. Other than that the only other changes are going from P to A and S to P, P for ‘permit needed’ and A allowed w/o permit.

Table 2 – added back the 20% allowance to identify the building or complex of buildings as is now allowed, this was eliminated by Attorney and added back by staff as no direction was provided for its elimination. We do not wish to have the current signage eliminated with this ordinance.

Temporary Signs – all information relocated starting on line 310. According to the current version of the ordinance, all temporary signs are divided into those with a commercial message that those without. They are allowed in any quantity up to the square foot limit for the district where it is found. Commercial messages are limited to those listed on lines 328 through 331 and may not be located off-premise. Political and other signs without a commercial message are now lumped together. If amendments are made to allow commercial messages on temporary signs, staff recommends that a limit of 12 hrs or hours of business operation is allowed.

Staff technical issues with Temporary Signs

- Ordinance states that commercial messages may not be off-site (garage sale/reality)
- Should temporary signs be in addition to sign allowance? In which districts? RR limits signs to 4 square feet.

Lines 352-353, clearly defines when nonconforming signs must comply.

Lines 364-365, ISSUE – this is the Attorney’s attempt to allow for a 3 year grace period for compliance. As I see it, this is not what the Commission requested, which was a grace period exclusively for the multiple buildings on the spit to comply. PROBLEM-It is problematic to codify an exception to an unlawful violation. The signage currently found on many spit properties clearly exceeds any allowance in code, the right to continue can only be granted to currently conforming or accepted nonconforming. We can only grant exception to things that were lawful at inception. This should be a definite point for discussion with the Attorney. I am back to suggest leaving it in the hands of administration to deal with violations as we see fit, unless the Attorney has another suggestion.

STAFF RECOMMENDS:

1. Review and submit questions in advance to planning@ci.homer.ak.us or by calling 235-3106.
2. Discuss various points of contention with Attorney at work session.
3. Make amendments, if needed.

Att: Draft sign ordinance 7.28.11
Table 1 w/o edits

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CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 11-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.60.040, DEFINITIONS; HOMER CITY CODE 21.60.060, SIGNS ALLOWED ON PRIVATE PROPERTY WITH AND WITHOUT PERMITS; HOMER CITY CODE 21.60.070, PERMITS REQUIRED; HOMER CITY CODE 21.60.090, SIGNS IN THE PUBLIC RIGHT-OF-WAY; HOMER CITY CODE 21.60.100, SIGNS EXEMPT FROM REGULATION UNDER THIS CHAPTER; HOMER CITY CODE 21.60.130, TEMPORARY SIGNS-PRIVATE PROPERTY; HOMER CITY CODE 21.60.150, TIME OF COMPLIANCE-NONCONFORMING SIGNS AND SIGNS WITHOUT PERMITS; AND HOMER CITY CODE 21.60.170, ENFORCEMENT AND REMEDIES; AND REPEALING HOMER CITY CODE 21.60.095, ELECTORAL SIGNS; HOMER CITY CODE 21.60.120, GENERAL PERMIT PROCEDURES; HOMER CITY CODE 21.60.140, TEMPORARY SIGNS-PUBLIC RIGHTS-OF-WAY; AND HOMER CITY CODE 21.60.160, VIOLATIONS; REGARDING THE REGULATION OF SIGNS.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.60.040, Definitions, is amended to read as follows:

21.60.040 Definitions. ~~In~~ For the purpose of this chapter, **in addition to terms defined in HCC §21.03.040,** the following words and phrases shall have the meanings set forth in this ~~section~~ chapter.

"Abandoned sign-" ~~means a~~ Any sign containing copy that refers to a business or activity that is no longer being conducted or pursued.

"Animated sign-" ~~means a~~ Any sign that uses flashing lights, movement or change of lighting to depict action or create a special effect or scene, **or that includes characters, letters, or illustrations whose message changes at least one time per day; provided that a changing-** ~~A sign on which the only copy that changes is an~~ electronic or mechanical indication of time or temperature **does not cause a sign to be** ~~shall be considered a time and temperature portion of a sign and not an animated sign for purposes of this chapter.~~

"Banner-" ~~means a~~ Any sign of lightweight fabric or similar material that is **attached to a rigid structure along its entire circumference** ~~mounted to a pole or a building by a permanent frame at one or more edges. A flag, as defined in HCC § 21.60.040, shall not be considered a banner.~~

"Beacon-" ~~means a~~ Any sign **that emits** ~~with~~ one or more beams of light, capable of being directed in **one or more** ~~any direction or directions or capable of being rotated or moved.~~

[**Bold and underlined added.** Deleted language stricken through.]

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44 "Building marker-" ~~means a wall.~~ Any sign cut or etched into masonry, bronze, or similar
45 material that includes only the building name, date of construction, or historical data on historic
46 site.

47 "Building sign-" ~~means a sign that is attached to and supported by any part of a~~
48 ~~building, but that is not a freestanding sign unless it is supported in whole or in part by~~
49 ~~structures or supports that are placed on, or anchored in, the ground and that are independent~~
50 ~~from any building or other structure.~~

51 "Changeable copy sign-" ~~means a sign that includes or portion thereof with~~
52 ~~characters, letters, or illustrations that can be changed or rearranged without altering the face or~~
53 ~~the surface of the sign, and, a sign on which the message changes less often more than one time~~
54 ~~per day shall be considered an animated sign and not a changeable copy sign for purposes of this~~
55 ~~chapter; provided that a changing sign on which the only copy that changes is an electronic~~
56 ~~or mechanical indication of time or temperature does not cause a sign to be shall be considered~~
57 ~~a time and temperature portion of a sign and not a changeable copy sign for purposes of this~~
58 ~~chapter.~~

59 "Commercial message-" ~~means letters, graphic material or a combination thereof.~~ Any
60 sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls
61 attention to a business, brand, product, service or other commercial activity.

62 "Department-" ~~The Planning and Zoning division or department of the City.~~

63 "Electoral sign-" ~~Any sign used for the purpose of advertising or promoting a political~~
64 ~~party, or the election or defeat of a candidate initiative, referendum or proposition at an election.~~

65 "Flag-" ~~means the flag~~ Flags of the United States, the State, the City, a foreign nations
66 having diplomatic relations with the United States, and any other flag adopted or sanctioned by
67 an elected legislative body of competent jurisdiction. A flag shall not be considered a banner for
68 purposes of this chapter.

69 "Freestanding sign-" ~~means a sign supported, in whole or in part, by structures or~~
70 ~~supports that are placed on, or anchored in, the ground and that are independent of from any~~
71 ~~building or other structure.~~

72 "Ground sign-" ~~means a ground sign is a freestanding sign that is placed directly on the~~
73 ~~ground with having or appearing to have a foundation or solid base beneath 50 percent or more~~
74 ~~of the longest horizontal dimension of the sign.~~

75 "Handbill-" ~~Any flyer, notice or brochure advertising or promoting any product, business,~~
76 ~~cause, political candidate or issue, and intended for distribution to the general public.~~

77 "Incidental sign-" ~~means an A sign, generally informational, or directional sign that is~~
78 ~~incidental and subordinate has a purpose secondary to a principal the use of the lot on which~~
79 ~~it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar~~
80 ~~directives. No sign with a and that bears no commercial message that is legible from outside~~
81 ~~that a position off the lot on which the sign is located shall be considered incidental.~~

82 "Lot-" ~~See HCC § 21.32.030.~~

83 "Marquee-" ~~Any permanent roof like structure projecting beyond a building or extending~~
84 ~~along and projecting beyond the wall of the building, generally designed and constructed to~~
85 ~~provide protection from the weather.~~

[**Bold and underlined added.** Deleted language stricken through.]

86 "Marquee sign-" means a Any sign attached in any manner to, in any manner, or made a
87 part of, a permanent roof-like structure projecting beyond a building, generally designed
88 and constructed to provide protection from the weather marquee.

89 ~~"Non conforming sign-" Any lawfully pre-existing sign that does not conform to~~
90 ~~regulations of this chapter that became applicable after erection of the sign.~~

91 "Official traffic control device" means a sign not inconsistent with Alaska Statutes
92 Title 28, placed or erected by authority of a state or municipal agency or official having
93 jurisdiction, for the purpose of traffic regulating, warning and guiding.

94 "Off-premise sign-" means a A sign containing a commercial or non-commercial
95 message drawing attention to goods or services, business or other activity not offered or
96 conducted on the lot on which the sign is located.

97 "Pennant-" means a Any lightweight plastic, fabric, or other material, whether or not
98 containing a message of any kind suspended from a rope, wire, or string, usually in series,
99 designed to move in the wind.

100 "Permanent sign" means a sign that is not a temporary sign.

101 ~~"Portable sign-" means a Any sign not permanently attached to the ground or other~~
102 ~~permanent structure, or a sign designed to be transported, including signs designed to be~~
103 ~~transported by means of wheels; signs converted to A or T frames; menu and sandwich board~~
104 ~~signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on~~
105 ~~vehicles parked and visible from the public right of way, unless said vehicle is used in the~~
106 ~~normal day-to-day operations of the business.~~

107 "Principal building-" means a The building in which is conducted the principal use of the
108 lot is conducted on which it is located. Lots with multiple principal uses may have multiple
109 principal buildings, but storage buildings, garages, and other accessory structures shall not be
110 considered principal buildings.

111 "Projecting sign-" means a Any building sign attached affixed to a building or wall and
112 that protrudes in such a manner that its leading edge extends more than six inches beyond the
113 surface of the such building or wall.

114 "Public sign-" means A Public Sign is an off-premise off-premises sign placed by a
115 governmental agency to that provides direction or information, or to identify or identifies
116 public facilities such as parks, playgrounds, libraries, or schools or to a distinct area of the City,
117 such as Pioneer Avenue, the Homer spit, Old Town and entrances to the City. Public Signs may
118 identify categories of services available, but may not carry any other commercial message.
119 Public signs are non-regulatory.

120 "Residential sign-" means a Any sign located in the Rural Residential, Residential Office
121 or Urban Residential zoning districts that contains no commercial message except for advertising
122 for goods or services legally offered on the premises where the sign is located, if offering such
123 services at such location conforms with all requirements of the zoning code.

124 "Roof sign, integral-" means a Any sign erected and constructed as an integral part of a
125 normal the roof of a building structure, such that no part of the sign extends vertically more than
126 two feet above the highest portion of that roof of which it is a part.

[Bold and underlined added, Deleted language stricken through.]

127 "Setback-" ~~means the~~ means the distance between a sign located on a lot and the closest lot
128 line and the sign.

129 "Sign-" ~~means a~~ Any-device, fixture, placard, or structure that uses any color, form,
130 graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the
131 purpose of a person or entity, or to communicate information of any kind to the public.

132 "Suspended sign-" ~~means a~~ A sign that is suspended from the underside of a horizontal
133 plane surface and is supported by such surface.

134 "Temporary sign-" ~~means a~~ Any-sign that is used only temporarily and is not
135 permanently mounted, including without limitation menu or sandwich board signs.

136 "Wall sign-" ~~means a~~ Any-sign attached parallel to, but within six inches of, a wall,
137 painted on the wall-surface of, or erected and confined within the limits of an outside wall of any
138 building or structure, which is supported by such ~~wall or~~ building or structure, and which
139 displays only one sign surface.

140 "Window sign-" ~~means a~~ Any-sign, pictures, symbol, or combination thereof, designed to
141 communicate information about an activity, business, commodity, event, sale, or service, that is
142 placed inside a window or upon the window panes or glass and is visible from the exterior of the
143 window.

144
145 Section 2. The title and subsection (a) of Homer City Code 21.60.060, Signs allowed on
146 private property with and without permits, are amended to read as follows:

147
148 ~~21.60.060 Signs allowed on private property with and without permits.~~ a. Signs shall be
149 allowed on private property in the City ~~in accordance with, and only in accordance with~~ Table 1.
150 If the letter "A" appears for a sign type in a column, such sign type is allowed without prior
151 permit approval in the zoning district represented by that column. If the letter "P" appears for a
152 sign type in a column, such sign type is allowed only with prior permit approval in the zoning
153 districts represented by that column. Special conditions may apply in some cases. If the letter
154 "N" appears for a sign type in a column, such a-sign type is not allowed in the zoning districts
155 represented by that column under any circumstances. If the letters "PH" appear for a sign
156 type in a column, such sign type is allowed only with prior approval by the Commission
157 after a public hearing.

158 b. Although permitted under the previous paragraph, a sign designated by a "P" or
159 "S" in Table 1 shall be allowed only if:

160 1. The sum of the area of all building and free standing signs on the lot does
161 not exceed ~~conforms with~~ the maximum permitted sign area for the zoning district in
162 which the lot is located as specified in Table 2;

163 2. The characteristics of the sign conform to ~~with~~ the limitations of Table 3;
164 Permitted Sign Characteristics, and with any additional limitations on characteristics
165 listed in Table 1 or Table 2.

166 c. Any sign that is not listed on the following tables is prohibited ~~are not permitted,~~
167 ~~with or without a permit.~~

[Bold and underlined added. Deleted language stricken through.]

169 Section 3. The Key to Tables 1 through 3 that follows Homer City Code 21.60.060,
170 Signs on private property, is amended to read as follows:
171

| KEY to Tables 1 through 3 | |
|--|---------------------------------|
| RR Rural Residential | GBD Gateway Business District |
| UR Urban Residential | GC1 General Commercial 1 |
| RO Residential Office | GC2 General Commercial 2 |
| INS Institutional Uses Permitted in Residential Zoning Districts (a) | MC Marine Commercial |
| CBD Central Business District | MI Marine Industrial |
| TC Town Center District | OSR Open Space Recreation |
| | PS Public Sign Uses Permit |
| <u>A</u> <u>P</u> = Allowed without sign permit | |
| <u>P</u> <u>S</u> = Allowed only with sign permit | |
| N = Not allowed | |
| PH = Allowed only upon approval by the Planning Commission after a public hearing | |
| | |
| For parenthetical references, e.g., "(a)," see Notes following graphical portion of table. | |

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Section 4. Table 1 following Homer City Code 21.60.060, Signs on private property, is amended to read as follows:

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[Bold and underlined added. Deleted language stricken through.]

| Sign Type | RR | UR | RO | INS (a) | CBD | TC | GBD | GC 1 | GC 2 | CM | M I | OS R | PS |
|--------------------------------|-----------|-----------|------------------|------------------|-----------|-----------|------------------|-----------|-----------|-----------|-----------|-----------|-----------|
| Freestanding | | | | | | | | | | | | | |
| Residential (b) | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | N | N | N | N | <u>PA</u> | PH |
| Other (b) | N | N | N | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> (k) | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | N | PH |
| Incidental (c) | N | N | <u>PA</u> (d) | <u>PA</u> (d) | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | P A | N |
| Building | | | | | | | | | | | | | |
| Banner | N | N | N | N | <u>SP</u> | <u>SP</u> | N | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | N | N |
| Building Marker (e) | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | P A | <u>PA</u> |
| Identificati on (d) | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | P A | <u>PA</u> |
| Incidental (c) | N | N | <u>PA</u> (f) | <u>PA</u> (c) | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | P A | N |
| Marquee (g) | N | N | N | N | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | N | N |
| Projecting (g) | N | N | <u>NP</u> | N | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | N | N |
| Residential (b) | <u>PA</u> | <u>PA</u> | <u>PA</u> | N | <u>PA</u> | <u>PA</u> | <u>PA</u> | N | N | N | N | <u>PA</u> | N |
| Roof | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Roof, Integral | N | N | N | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | N | N |
| Suspended (g) | N | N | N | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | N | N |

[**Bold and underlined added.** Deleted language stricken through.]

| | | | | | | | | | | | | | | |
|-----|-------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|----------|-----------|-----------|
| (h) | Temporary | <u>NA</u> | <u>NA</u> | <u>NA</u> | <u>NA</u> | <u>PP</u> | <u>PP</u> | <u>SP</u> | <u>PP</u> | <u>PP</u> | <u>PP</u> | <u>P</u> | <u>NP</u> | <u>NP</u> |
| | Wall | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>PA</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>S</u> | <u>PA</u> | <u>PH</u> |
| | Window | <u>N</u> | <u>N</u> | <u>PA</u> | <u>N</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>SP</u> | <u>S</u> | <u>N</u> | <u>N</u> |
| | Miscellaneous | | | | | | | | | | | | | |
| | Banner (c) | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>N</u> | <u>N</u> |
| | Flag (i) | <u>PA</u> | <u>P</u> | <u>PA</u> | <u>PA</u> |
| | Portable (j) | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>N</u> | <u>N</u> |

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(Homer 12/08)

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216
217 **Section 5.** Table 2 following Homer City Code 21.60.060, Signs on private property, is
218 amended to read as follows:

Table 2. Maximum Total Sign Area Per Lot by Zoning District

Table 2 Part A

The maximum combined total area of all signs, in square feet, except incidental, building marker and flags (b) shall not exceed the following according to district:

| R | UR | RO | RO (e) | INS (a) | OSR | PS (d) |
|---|----|----|--------|---------|-----|--------|
| 4 | 4 | 6 | 50 | 20 | 4 | 32 |

Table 2 Part B

In all other districts not described in Table 2 Part A, the maximum combined total area of all signs, in square feet, except incidental, building marker and flags, shall not exceed the following:

| <u>Square feet of wall frontage (c):</u> | <u>Maximum allowed sign area per lot:</u> |
|--|---|
| 750 s.f. and over | 150 s.f. |
| 650 to 749 | 130 s.f. |
| 550 to 649 | 110 s.f. |
| 450 to 549 | 90 s.f. |
| 350 to 449 | 70 s.f. |
| 2000 to 349 | 50 s.f. |
| <u>0</u> to <u>199</u> | <u>30 s.f.</u> |

In all districts covered by Table 2 Part B, on any lot with multiple principal buildings or with multiple independent businesses or occupancies in one or more buildings, the total allowed sign area may be increased beyond the maximum allowed signage as shown in Table 2 Part B, by 20%. This additional sign area can only be used to promote or identify the building or complex of buildings.

In all districts covered by Table 2 Part B, freestanding signs, when otherwise allowed, shall not exceed the following limitations:

Only one freestanding sign is allowed per lot, except one freestanding Public Sign may be additionally allowed. A freestanding sign may not exceed ten (10) feet in height. The sign area on a freestanding sign (excluding a Public Sign) shall be included in the calculation of maximum allowed sign area per lot and shall not exceed the following:

- One business or occupancy in one building – 36 sq ft
- Two independent businesses or occupancies or principal buildings in any combination – 54 sq ft
- Three independent businesses or occupancies or principal buildings in any combination – 63 sq ft
- Four or more independent businesses or occupancies or principal buildings in any combination – 72 sq ft

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[**Bold and underlined added.** Deleted language stricken through.]

220 Section 6. Table 2 following Homer City Code 21.60.060, Signs on private property, is
221 amended to read as follows:
222

| Sign Type | Table 3. | | | | | | | | | | |
|-----------------------|----------|----|----|------------|-----|----|-----|-----|-----|----|----|
| | RR | UR | RO | INS (a) | CBD | TC | GBD | GC1 | GC2 | MC | MI |
| Animated (b) | N | N | N | N | SP | SP | N | SP | N | SP | N |
| Changeable Copy (c) | N | N | N | N | SP | SP | N | SP | SP | SP | SP |
| Illumination Internal | N | N | N | SP | SP | SP | N | SP | SP | SP | SP |
| Illumination External | N | N | N | SP | SP | SP | SP | SP | SP | SP | SP |
| Neon (d) | N | N | N | N | SP | SP | N | SP | SP | SP | SP |

Notes to Table 3

- The INS column does not represent a zoning district. It applies to institutional uses permitted under the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established organization or corporation of a public, non-profit or public safety/benefit nature, *i.e.*, schools, churches and hospitals.
- Animated signs may not be neon or change colors or exceed three square feet in area.
- Changeable Copy signs must be wall or pole mounted, and may not be flashing.
- Neon signs may not be flashing and may not exceed 32 square feet.
- The PS column does not represent a zoning district. It applies to Public Signs permitted under the zoning code, in all zoning districts.

223
224
225 Section 7. Homer City Code 21.60.070, Permits required, is amended to read as follows:
226

227 **21.60.070 Sign permits** ~~Permits required.~~ a. **No person may place, construct, erect or**
228 **modify a sign for which if a sign requiring a provision of this chapter requires a permit**
229 **without first obtaining a permit for the sign under this section the provisions of this chapter is**
230 **to be placed, constructed, erected, or modified on a lot, the owner of the lot shall secure a sign**
231 **permit prior to the construction, placement, erection, or modification of such a sign in**
232 **accordance with the requirements of HCC § 21.60.120.**

233 **b. Applications. An application for a sign permit shall be submitted to the**
234 **Department on an application form or in accordance with application specifications**
235 **published by the Department. An application for a permit for a sign that is not an off-**
236 **premise sign shall be submitted by the owner of the lot where the sign is to be located, or by**
237 **a tenant leasing all or part of the lot when the sign names, advertises, or calls attention to a**
238 **business, brand, product, service or other commercial activity of the tenant.**

239 **c. Fees. An application for a sign permit shall be accompanied by the applicable**
240 **fees established by the Homer City Council from time to time by resolution.**

241 **d. Action. Within seven working days after the submission of a complete**
242 **application for a sign permit, the Department shall either:**

[**Bold and underlined added.** Deleted language stricken through.]

243 1. Issue the sign permit, if each sign that is the subject of the application
244 conforms in every respect with the requirements of this chapter; or

245 2. Reject the sign permit if a sign that is the subject of the application
246 fails in any way to conform to the requirements of this chapter. In case of rejection,
247 the Department shall specify in the rejection the section or sections of this chapter to
248 which the sign does not conform.

249
250 Section 8. Homer City Code 21.60.090, Signs in the public right-of-way, is amended to
251 read as follows:

252
253 21.60.090 Permanent Signs in the public rights-of-way. No person may place,
254 construct or erect a permanent sign shall be allowed in a the public right-of-way, except for
255 the following:

256 a. ~~Permanent Signs. Only the following permanent signs, including:~~

257 a1. Official traffic control devices.

258 b. Public signs erected by or on behalf of a governmental body to post legal notices,
259 identify public property, convey public information, and direct or regulate pedestrian or
260 vehicular traffic;

261 c2. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
262 and

263 d3. Signs containing commercial messages that have been must be approved by the
264 State of Alaska Department of Transportation, ~~Tourist-Oriented Directional Signing Program.~~

265 b. ~~Temporary Signs. Temporary signs for which a permit has been issued in~~
266 ~~accordance with HCC § 21.60.140, which shall be issued only for signs meeting the following~~
267 ~~requirements:~~

268 1. ~~The signs shall contain no commercial message; and~~

269 2. ~~The signs shall be no more than two square feet in area each.~~

270 3. ~~Notwithstanding (1) and (2), such signs calling attention to civic events~~
271 ~~shall be no more than four square feet in area, if freestanding, or if street banner, may not~~
272 ~~exceed the width of traveled portion of road.~~

273 e. ~~Emergency signs. Emergency warning signs erected by a governmental agency, a~~
274 ~~public utility company, or a contractor doing authorized or permitted work within the~~
275 ~~public right of way.~~

276 d. ~~Other Signs Forfeited. Any sign installed or placed on public property, except in~~
277 ~~conformance with the requirements of this section, shall be forfeited to the City and subject to~~
278 ~~confiscation. In addition to other remedies hereunder, the City shall have the right to recover~~
279 ~~from the owner or person placing such a sign the full costs of removal and disposal of such sign.~~

280
281 Section 9. Homer City Code 21.60.095, Electoral signs, is repealed.

282
283 Section 10. Homer City Code 21.60.100, Signs exempt from regulation under this
284 chapter, is amended to read as follows:

[Bold and underlined added. Deleted language striken through.]

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- 285
286 21.60.100 Signs exempt from regulation under this chapter. The following signs shall be
287 exempt from regulation under this chapter:
288 a. Any sign bearing only a public notice or warning required by a valid and applicable
289 federal, state, or local law, regulation, or ordinance.
290 b. Any emergency warning signs erected by a governmental agency, a public utility
291 company, or a contractor doing authorized or permitted work within a public right-
292 of-way.
293 c. Any sign inside a building, not attached to a window or door, that is not legible from a
294 distance of more than three feet beyond the lot line of the lot or parcel on which such sign is
295 located,
296 d. Works of art that do not contain a commercial message;
297 e. Holiday lights between October 15 and April 15;
298 f. Traffic control signs on private property, such as a stop sign, a yield sign, and similar
299 signs, the face of which meet Department of Transportation standards and that contain no
300 commercial message of any sort.
301 g. Signs in existence before February 11, 1985, but such signs shall not be replaced,
302 moved, enlarged, altered, or reconstructed except in compliance with this chapter.

303
304 Section 11. Homer City Code 21.60.120, General permit procedures, is repealed.

305
306 Section 12. Homer City Code 21.60.130, Temporary signs-private property, is amended
307 to read as follows:

308
309
310 21.60.130 Temporary signs-Private property. a. All temporary signs are subject to the
311 following requirements:

312 1. Temporary signs shall not be illuminated, animated, or changeable copy
313 signs.

314 2. Unless a smaller size is required by another provision of this chapter, the
315 maximum size of a temporary sign is restricted to 16 square feet.

316 3. A temporary sign whose message pertains to a specific date, event, or time
317 period shall not be displayed for more than seven days after that date or the
318 conclusion of the event or time period.

319 b. Temporary signs on private property shall be allowed in all zoning districts subject to
320 the following requirements:

321 a. Term. ~~A temporary sign shall not be displayed for more than 14 days in any 90-~~
322 ~~day period, except a sign offering for sale or lease the lot on which the sign is located,~~
323 ~~which is allowed as long as the property is for sale or lease.~~

324 b. Number. ~~Only one temporary sign per lot is allowed.~~

[**Bold and underlined added.** Deleted language stricken through.]

325 1b. No temporary sign that bears a commercial message may be an off-
326 premise sign. Only one temporary sign bearing a commercial message per lot is
327 allowed, and is limited to the following:

328 i. Advertising the property on which the sign is located for sale or for
329 rent.

330 ii. Advertising a temporary sale of household goods on a property
331 occupied by a dwelling.

332 2. Temporary signs that do not bear a commercial message are allowed in
333 any number, subject to the square footage limitations in this chapter.

334
335 Section 13. Homer City Code 21.60.140, Temporary signs-Public right-of-way, is
336 repealed.

337
338 Section 14. Homer City Code 21.60.150, Time of compliance-Nonconforming signs and
339 signs without permits, is amended to read as follows.

340
341 21.60.150 Time of compliance-Nonconforming signs and signs without permits. a.
342 Except as otherwise provided herein, the owner of any lot or other premises on which exists a
343 sign that does not conform with the requirements of this chapter or for which there is no current
344 and valid sign permit must remove such sign or, in the case of a nonconforming sign, bring it
345 into conformity with the requirements of this chapter.

346 b. Signs that were prohibited by Ordinance 84-33(S), as amended by Ordinances 86-18,
347 89-8 and that are prohibited in this chapter are illegal and must be removed immediately.

348 c. Any sign that was constructed and continues to be maintained in accordance with the
349 applicable ordinances and other laws that existed prior to an amendment to this code, but which
350 becomes unlawful as a result of an amendment to this code, is lawfully nonconforming. A sign
351 that is lawfully nonconforming under this subsection may remain in place and continue to be
352 maintained until the information on the face of the sign is changed, or for a period of three
353 years one-year after the effective date of the amendment, whichever occurs first. If any action
354 is taken that increases the degree or extent of the nonconformity with the amended code, the sign
355 loses lawful nonconforming status and must be removed immediately. ~~A change in the~~
356 ~~information on the face of an existing nonconforming sign is allowed.~~ At the end of the period
357 during which the lawfully nonconforming sign is allowed to remain in use, the sign shall either
358 be removed or the owner must obtain a permit, if required, and complete all other steps and make
359 any modifications necessary to bring it into full compliance with this code.

360 d. Any sign that was constructed and continues to be maintained in accordance with the
361 applicable laws that governed territory prior to its annexation to the City, but which becomes
362 unlawful under this code as a result of annexation to the City, is lawfully nonconforming. A sign
363 that is lawfully nonconforming under this subsection may remain in place and continue to be
364 maintained until the information on the face of the sign is changed, or for a period of three
365 years one-year after the later of (i) the effective date of the annexation of the territory or (ii) the
366 effective date of the ordinance that assigns the territory in which the sign is located to a zoning

[Bold and underlined added. Deleted language stricken through.]

367 district under the Homer zoning code, whichever occurs first. If any action is taken that
368 increases the degree or extent of the nonconformity with the code, the sign loses lawful
369 nonconforming status and must be removed immediately. ~~A change in the information on the~~
370 ~~face of an existing nonconforming sign is allowed.~~ At the end of the period during which the
371 lawfully nonconforming sign is allowed to remain in use, the sign shall either be removed or the
372 owner must obtain a permit, if required, and complete all other steps and make any modifications
373 necessary to bring it into full compliance with this code.

374 (e) Notwithstanding the remainder of this section, a nonconforming banner or
375 temporary sign shall be removed no later than January 1, 2012.
376

377 Section 15. Homer City Code 21.60.160, Violations, is repealed.
378

379 Section 16. Homer City Code 21.60.170, Enforcement and remedies, is amended to read
380 as follows:
381

382 21.60.170 Enforcement and remedies. In addition to the remedies provided in HCC
383 Chapter 21.90, violations of this chapter are subject to the following remedies:

384 a. A person designated to enforce this title under HCC 21.90.020 may remove a
385 temporary sign placed in a public right-of-way in violation of this chapter. The person
386 responsible for the illegal placement shall be liable for the cost incurred in removing the
387 sign. Any violation or attempted violation of this chapter or of any condition or requirement
388 adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by
389 injunction or other appropriate proceedings pursuant to law.

390 b. Notwithstanding any other provision of this title:

391 1. An appeal to the Planning Commission from an enforcement order that
392 requires the abatement or removal of a temporary sign placed on private property
393 in violation of this chapter must be filed within seven days after the date of
394 distribution of the enforcement order to the person whose property is the subject of
395 the enforcement order.

396 2. An appeal from a final decision of the Planning Commission regarding an
397 enforcement order that requires the abatement or removal of a temporary sign
398 placed on private property in violation of this chapter must be taken directly to the
399 Superior Court. A violation of this chapter shall be considered a violation of the zoning
400 code of the City, subject prosecution and, upon conviction, subject to fines pursuant to
401 HCC § 21.90.100.

402 e. ~~The City shall have and may exercise all remedies provided for or allowed by City~~
403 ~~code or other law for the violation of the zoning code.~~

404 d. ~~All remedies provided herein shall be cumulative. To the extent that state law may~~
405 ~~limit the availability of a particular remedy set forth herein for a certain violation or a part~~
406 ~~thereof, such remedy shall remain available for other violations or other parts of the same~~
407 ~~violation.~~
408

[Bold and underlined added, Deleted language striken through.]

409 Section 17. Sections 1 through 16 of this Ordinance are of a permanent and general
410 character and shall be included in the City Code.

411
412 Section 16. This Ordinance shall become effective on January 1, 2012.

413
414 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
415 _____ 2011.

416
417 CITY OF HOMER

418
419
420
421 _____
422 JAMES C. HORNADAY, MAYOR

423 ATTEST:

424
425
426 _____
427 JO JOHNSON, CMC, CITY CLERK

428
429 YES:

430 NO:

431 ABSTAIN:

432 ABSENT:

433

434 First Reading:

435 Public Hearing:

436 Second Reading:

437 Effective Date:

438

439 Reviewed and approved as to form:

440

441

442

443 _____
Walt E. Wrede, City Manager

444 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

Bold and underlined added. Deleted language stricken through.]

Table 1 without edits shown.

| Sign Type | RR | UR | RO | INS (a) | CBD | TC | GBD | GC1 | GC2 | CM | MI | OSR | PS |
|----------------------|----|----|----------|------------|-----|----|-----|-----|-----|----|----|-----|----|
| Freestanding | | | | | | | | | | | | | |
| Residential (b) | A | A | A | A | A | A | A | N | N | N | N | A | PH |
| Other (b) | N | N | N | P | P | P | P | P | P | P | P | N | PH |
| Incidental (c) | N | N | A (d) | A (d) | A | A | A | A | A | A | A | N | N |
| Building | | | | | | | | | | | | | |
| Banner | N | N | N | N | P | P | N | P | P | P | P | N | N |
| Building Marker (e) | A | A | A | A | A | A | A | A | A | A | A | A | N |
| Identification (d) | A | A | A | A | A | A | A | A | A | A | A | A | N |
| Incidental (c) | N | N | A (f) | A (c) | A | A | A | A | A | A | A | N | N |
| Marquee (g) | N | N | N | N | P | P | P | P | P | P | P | N | N |
| Projecting (g) | N | N | P | N | P | P | P | P | P | P | P | N | N |
| Residential (b) | A | A | A | N | A | A | A | N | N | N | N | A | N |
| Roof | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Roof, Integral | N | N | N | P | P | P | P | P | P | P | P | N | N |
| Temporary (h) | A | A | A | A | P | P | P | P | P | P | P | P | P |
| Wall | A | A | A | A | P | P | P | P | P | P | P | A | PH |
| Window | N | N | A | N | P | P | P | P | P | P | P | N | N |
| Miscellaneous | | | | | | | | | | | | | |
| Flag (i) | A | A | A | A | A | A | A | A | A | A | A | A | A |

Table 1:

A = Allowed without a sign permit

P= Permit needed.

N= Not allowed

PH= Public Hearing

Removed Suspended, Banner(c) and Portable(j) rows.

PLAT CONSIDERATION

PENDING BUSINESS

- A. Staff Report PL 11-82, Sign Code Amendments

The Commission continued their discussion from the worksession. They addressed electoral signs, temporary signs, and off premise signs.

- B. Staff Report PL 11-76, Draft Resolution Amending the Homer Advisory Planning Commission Bylaws to Change the Regular Meeting Time

MINSCH/HIGHLAND MOVED TO APPROVE THE DRAFT RESOLUTION OUTLINED IN STAFF REPORT PL 11-76 AND FORWARD TO CITY COUNCIL FOR ADOPTION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- C. Staff Report PL 11-77, East End Mixed Use

Chair Minsch explained that the Commission gave staff feedback during the worksession.

NEW BUSINESS

- A. Staff Report PL 11-84, More than One Permitted Principal Use on a Lot

City Planner Abboud reviewed the staff report.

HIGHLAND/VENUTI MOVED TO DISCUSS AND MAKE RECOMMENDATIONS.

No objection was expressed and discussion ensued.

The Commission discussed challenges and concerns regarding density and how it relates to the different districts and the Comprehensive Plan. They began reviewing districts to try to establish if there is enough direction for staff to make a determination rather than bringing it to the Commission with a CUP. The following points were raised:

- Concern was expressed regarding water and septic requirements in rural residential district.
- Staff could permit one additional use, and two or more would come to the Commission.
- Would this include permitting a second 4-plex or rooming house.

Chair Minsch recommended reviewing the Comprehensive Plan. City Planner Abboud appreciated the feed back and will bring a revised recommendation at a future meeting.

INFORMATIONAL MATERIALS



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STAFF REPORT PL 11-78

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: July 20, 2011
SUBJECT: DRAFT sign ordinance

Rick- OK here we are again. I would have really rather had an "attorney approved" draft at this time, but I do not. The various drafts with comments and questions are getting a bit overwhelming. Perhaps we will have an attorney lay down that is a bit further along at meeting time. For now, I have created my own draft for discussion. Have a close look and prepare questions for the Attorney, as I hope to have him available at the meeting. My goal is to have a solid final draft after this. Thanks for your patience!

At our packet deadline we had not received an updated draft sign ordinance, but in the end the recommended changes simplify the code by eliminating duplication, contradiction and streamlining enforcement. In a nutshell this ordinance:

1. Cleans up the sign definitions.
2. Makes the Table 1 abbreviations more readable.
3. Establishes signage based on principal building.
4. Allows temporary signs in the residential districts.
5. Broadens those who can apply for a sign permit to include business tenants.
6. Establishes a timeline to "amortize" existing signs on lots with multiple buildings.
7. Authorizes the Planning staff to remove temporary signs in ROWs.
8. Shortens the time to file an appeal to 7 days with the HAPC review being the final decision from the city.

Tom Klinker, the city attorney will join the meeting telephonically. He will discuss the First Amendment right to free speech by seeking content-neutral sign provisions with emphasis on temporary signs and banners. He has asked that questions be submitted by Tuesday, July 19th at 8:30 am allowing him and his staff time to do the necessary research.

The draft ordinance includes side comments by (IR) = City Attorney, and (DH) = Dotti Harness-Foster comments. At the June 15, 2011 HAPC meeting the commission asked the City's position on a 'content neutral' sign code. "Content neutral" means that a sign code may not regulate on the basis of the content or favor the display of one message over another. Typically, the burden of justifying a content-based sign code is on the city. To avoid future liability and legal costs, it is prudent to keep the sign code as content neutral as possible.

Staff understood (motion needed) that the HAPC agreed to include 'commercial' temporary signs within the temporary sign standards of a maximum of 16 sf. This provision passes the 'content neutral' test. Requiring that commercial temporary signs be removed when the business is not open, or a maximum of 12 hours per day, does not pass the 'content neutral' display time. The likelihood of a business challenging the inability to display a temporary sign during the 'off' hours is....?

I feel compelled to bring forward one topic within the sign code that the HAPC hasn't discussed; the amount of signage allowed in the RR, UR and parts of the RO district. In particular, B&Bs and churches in the RR district along the Sterling Hwy consider the existing sign allowance of four (4) sf restrictive. The existing code adds to the confusion by allowing 4 sf of signage in RR and UR, 6 sf of signage in RO unless you're along one of the main roads in the RO district then the business is allowed 50 sf. The United States Sign Council recommends allowing 8 sf in residential districts, which seems reasonable and conducive to Homer's residential areas. Discuss, and if the HAPC agrees, a motion is needed, to recommend increasing the sign allowance in the RR, UR and RO districts to 8 sf. Retain the provision for 50 sf of signage in the RO district along the main roads, per HCC 21.60.060 Table 2, (e).

STAFF RECOMMENDS:

1. Review and submit questions in advance to Dotti at dharness@ci.homer.ak.us or by calling 235-3106.
2. Motion(s) are needed to clarify the use of 'commercial' temporary signs. Line 306-307
3. Motion(s) are needed to clarify the display time for 'commercial' temporary signs. Line 313-314
4. Make amendments, if needed.

Att: Draft sign ordinance

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Commissioner Highland commented in support of a buffer requirement along East End Road and also suggest the notion to existing businesses to improve the visual impact. She would like to see a buffer for all new development of businesses. When you drive through Wasilla you see what happened without buffers and anything to make visual improvement is a very good concept. She feels very strongly that buffers should be required, it might be different if it pure industrial and commercial, but this is an access into town.

Chair Minsch questioned what would be accomplished by planting a spruce tree for new businesses requiring direct motor vehicle access. They need direct access and need to be seen from the road. If it is a small building that is a permitted use they can exist, we are trying to encourage them and they need to be seen from the road. Larger buildings will require a CUP. She noted the City Hall sign that is covered by bushes and no one can see it. Little signs don't do much.

Commissioner Venuti questioned the purpose behind the rule when the existing properties should meet the same standard. He doesn't see where much improvement is gained by a buffer requirement for new development.

There was discussion about the phase 1 and phase 2 requirements and about issues that trigger the site development standards.

HIGHLAND/VENUTI MOVED TO POSTPONE DISCUSSION TO THE NEXT MEETING.

Chair Minsch asked that it be included on the worksession since buffers haven't been part of the conversation until tonight.

Commissioner Venuti asked staff to consider that buffer could be based on road frontage and bring suggestions back.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report PL 11-68, Draft Ordinance 11-xx Sign Code Ordinance

City Planner Abboud reviewed the staff report.

HIGHLAND/DRUHOT MOVED TO DISCUSS AND MAKE RECOMMENDATIONS REGARDING THE DRAFT SIGN ORDINANCE.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

The Commission discussed banners and when they are and are not temporary signs. Question was raised whether a banner tied at all four corners to two permanent poles constitutes a rigid structure along the entire circumference. Staff encouraged that if it is encased or mounted on a separate frame, then it is no longer a banner. When it is attached without a frame then it's a banner. The conversation transitioned to whether there would be an allowance for advertising civic events and if that is even appropriate to restrict a temporary sign based on the message.

On page 2 of the staff report there was a note about signage on churches and B&B's along the Sterling Highway. Chair Minsch encouraged the Commissioners to read the gateway overlay information as there are specific rules for that area.

The discussion carried over to political signs. Because there is no definition of a temporary sign and how long it can be displayed, it is challenging. Election signs have a purpose and they have a time they can be up before elections and a time they need to come down. In the draft the attorney argues that they are temporary sign and should be addressed like any other. Point was raised that in our town it isn't something that will be enforced as a temporary sign.

HIGHLAND/VENUTI MOVED TO POSTPONE DISCUSSION TO THE NEXT WORKSESSION AND ASK THE CITY ATTORNEY TO PARTICIPATE.

City Planner Abboud said it will be included on the regular meeting agenda as well.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report PL 11-76, Bylaws Change to Amend the Meeting Time

This item was postponed to the next meeting due to notice requirements for the second notice of the amendment.

The Commission took a short recess at 8:47 p.m. and the meeting resumed at 8:50 p.m.

NEW BUSINESS

A. Staff Report PL 11-79 Hostels Permitted as "Permitted" and "Conditional" Housing Use

City Planner Abboud reviewed the staff report. He recommended eliminating GC2 from the ordinance and including it in the Marine Commercial district to accommodate workers on the spit.

HIGHLAND/VENUTI MOVED TO DISCUSS AND MAKE RECOMMENDATIONS REGARDING HOSTELS AS PERMITTED AND CONDITIONAL USES IN ZONING DISTRICTS.

Commissioner Highland noted a typographical error on staff recommendation 1.



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STAFF REPORT PL 11-68 05

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: June 15, 2011
SUBJECT: DRAFT sign ordinance

After our well-meant intentions of simplifying the sign code to make compliance on the spit a reality, we sent it off to the attorney and ended up with more than we expected (and we did expect some modification). I received the ordinance from the attorney and put it on the agenda, then took a closer look and figured that staff needed to work with the attorney to explain some of the reasoning behind some of the existing code provisions. At this time, the attorney is on vacation and unable to consider additional refinements. So instead of pulling it from the agenda, I made a few adjustments and thought that the Planning Commission could have a look prior to a final revision. It is my intent to have a logic check with the commission and work to get a final draft for the next meeting. The most significant topics for discussion in my estimation revolve around two particular items:

- 1. The definition of banner – The definition found in lines 38-41. This effectively eliminates banners, so do we really need it at all? Wouldn't this just be a sign and then a non-rigid banner be a flag?*
- 2. Removal of the exemption for signs existing prior to February 11, 1985, lines 282 – 283. This is effectively the exception for signs over 10 feet in height. Are we ready to require these to be removed? Other concerns regarding amnesty are discussed below.*

Another item we thought needed to go was provisions for permitting temporary signs in the rights-of-way. After thinking about it, most all of the desire to put up such a sign is found in State ROW, a place where we really do not have the authority to grant. Additionally, we would not want to deal with election signs in the ROW since the attorney thought that reference to content could be suspect.

Because of the complicity of the sign ordinance in general, we do not address all scenarios in this staff report. Although we believe that we have had enough internal discussion to explain the logic regarding most all scenarios. If you are in need of clarification of how the ordinance treats or responds to a specific scenario and are not seeing it, PLEASE contact us prior to the meeting, so we may explain or research it. RICK

Before the City Attorney left on vacation he submitted a draft sign ordinance. We have not had the opportunity to edit this draft with him, so at first glance the **bold, strike-throughs** and balloons are overwhelming. This draft ordinance has blossomed beyond Spit signage for multiple buildings, but in the end the recommended changes simplify the code by eliminating duplication and contradiction. Many of the changes deal with semantics and the First Amendment right to free speech by seeking content-neutral provisions.

Staff remains concerned about the complete ban on commercial temporary signs. A compromise by allowing **commercial temporary signs during the hours the business is open, with a maximum of 12 hours per day** would reflect the message in the Chamber's June newsletter which proclaims, "We encourage businesses to place sandwich boards or signage in front of their businesses to encourage (cruise) passengers to stop in."

In the draft, "iR" balloons are the attorneys comments, "DH" balloons are Dotti Harness-Foster comments.

Line 27-143 cleans up sign definition.

Line 148-155 changes the abbreviation for Table 1 more readable.

Line 157-161 allows temporary signs in the residential districts.

Line 171-179 establishes the sign allowance per principal building

Line 208-213 broadens those who can apply for a sign permit.

Line 261 treats electoral signs as any temporary sign by repealing HCC 21.60.095 Electoral signs.

Line 281- 2 Clarification is needed on the timeline to "amortize" existing signs.

It's our understanding that:

- Temporary, portable sandwich board would need to comply upon adoption, or January 1st, 20xx.
- Building signs on multiple buildings would need to comply within three years, or January 1st, 20xx.
- There were no changes to the amortization of any other signs.

Line 331-352 authorizes Planning staff to remove temporary sign in ROWs.

Line 338-346 requires that an appeal be filed within 7 days with the HAPC being the final decision from the city.

With your comments our goal is to have a FINAL DRAFT for the July 20th HAPC meeting. Only then can we move forward for public comment.

STAFF RECOMMENDS:

1. Review and submit questions in advance to Dotti at dharness@ci.homer.ak.us or by calling 235-3106.
2. Comment on other provisions.

Att: Draft sign ordinance



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STAFF REPORT PL 11-61

TO: Homer Advisory Planning Commission
 THROUGH: Rick Abboud, City Planner
 FROM: Dotti Harness-Foster, Planning Technician
 MEETING: May 18, 2011
 SUBJECT: Internally illuminated signs

At the May 4, 2011 HAPC work session the Commission reviewed research regarding internally illuminated signs and how other communities set sign standards. Based on the conversation, the main issues were 1) Opaque backgrounds; 2) Changeable copy; 3) Nonconforming signs. First, signs with opaque backgrounds:

1) Signs with opaque (dark) backgrounds emit less light than a similar sign with a light background. In other words, an internally lit sign with a dark background and white letters emits less light than a sign with a light background with dark lettering.

Research indicates that a sign with a black lettering on a white background has better legibility and recognition¹.

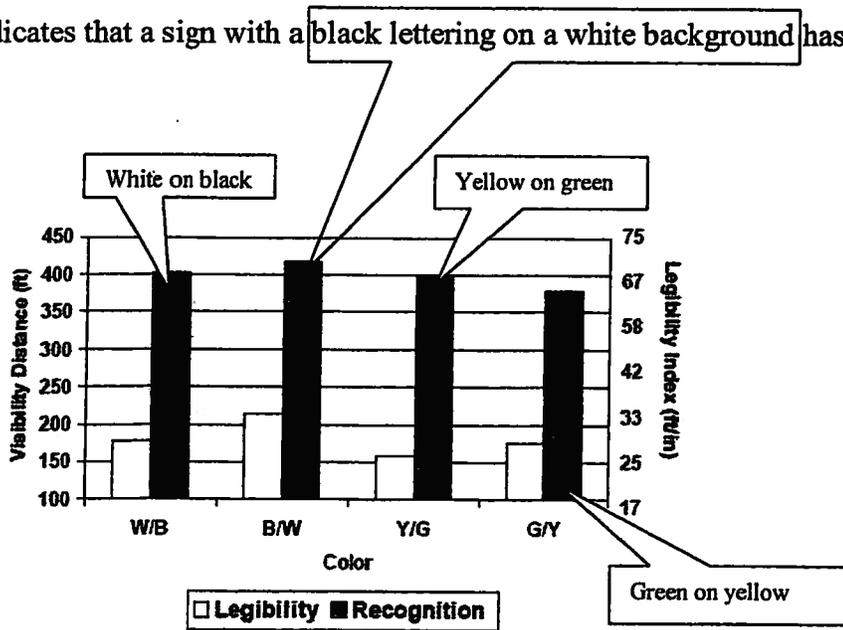


Figure 5. Mean legibility and recognition distance for the four color combinations.

Smart Growth suggests eliminating internally lit signs, “Because internally lit signs can be intrusive, consider prohibiting them or strictly limiting their size and *brightness*. Any lighting for signs should be shielded and focused to ensure that glare doesn’t impact surrounding roads and properties.”

Enforcement: Brightness as in wattage, type and number of bulbs is difficult to enforce because bulbs can easily be changed. Far easier to enforce is sign background color. Professional sign manufacturers are prudent about getting pre-authorization and a sign permit prior to installation.

- 2) Changeable copy signs should be exempt from any standards that require an opaque background.
- 3) New standards would apply to new signs only. HCC 21.60.150 provides nonconforming signs to remain.

STAFF COMMENTS: If the goal of the Commission is to reduce the brightness of signs, the most enforceable options are to:

Prohibit internally illuminated signs cabinets that allow the entire face to be illuminate, except for changeable copy signs.

and/or:

The sign background to be opaque and of a non-reflective material, except for changeable copy signs.

Since the "Spit" sign code amendments blossomed to include other parts of town, if the internally illuminated amendments are simple in nature, they too maybe included in the draft sign code ordinance. Staff is working with the city attorney on that ordinance.

ⁱ *Internally Illuminated Sign Light: Effects on Visibility and Traffic Safety* published by the United States Sign Council, 2009

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- B. Staff Report PL 11-60, Draft Ordinance 11-xx, Conservation District
- C. Staff Report PL 11-59, Draft Ordinance 11-xx, East End Mixed Use
- D. Staff Report PL 11-57, Internally Illuminated Signs

HIGHLAND/BOS MOVED TO POSTPONE THE REMAINING AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

No new business items were scheduled.

INFORMATIONAL MATERIALS

- A. City Manager's Report May 9, 2011
- B. Memo Dated May 9, 2011 from Deputy City Clerk Jacobsen to HAPC Regarding Renewal of a Motion
- C. Letter dated May 11, 2011 from Dotti Harness-Foster Planning Technician, to Property or Business Owners Regarding Sandwich Board Signage

COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute time limit)

There were no audience comments.

COMMENTS OF STAFF

City Planner Abboud commented that this was a challenging packet. There was a lot of stuff and it was tough, even for him. He received two calls, and expected more, but said that if they feel like they want to change something write it down and let him know. We operate in a lot of areas that are opinions and while he gives it his best shot, if Commissioners disagree then talk to him about it, be prepared to present an alternative, and be ready with a motion to satisfy the change. He appreciates their work and is glad they got as far as they did tonight.

COMMENTS OF THE COMMISSION

There were no Commission comments.



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STAFF REPORT PL 11-53

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: May 4, 2011
SUBJECT: Internal illuminated signs

At the April 20, 2011 HAPC meeting there was a brief discussion about a moratorium on new internally illuminated signs. The purpose of this staff report is to provide a condensed summary of internally lit sign issues. Staff reviewed several articles published by the United States Sign Council and attached to this staff report is one cities sign standards for internal illuminated signs. Also available (by telephone) during the Commissions' work session is Doug Field from Kenai Neon Signs who has installed several internally illuminated signs in Homer. Staff has also prepared photos that illustrate the key concepts in this report. First, a recap on how Homer's Sign code addresses internally lit signs.

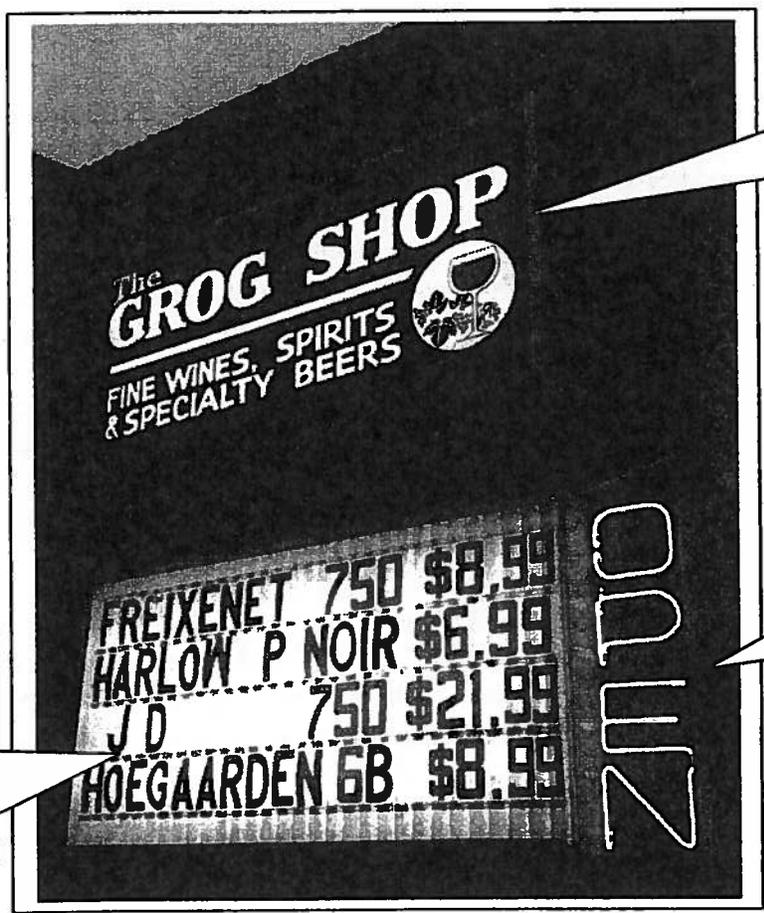
Existing code: HCC 21.60.060 Table 3 allows "Illumination Internal" signs in the commercial districts with one exception. "Illumination Internal" are not allowed in the Gateway Business District. Illuminated internal signs have the same size and height restrictions as other signs and can be mounted on a wall, freestanding, and/or changeable copy. Homer's sign code restricts flashing, blinking, rotating, and changeable messages except for time and temperature.

Smart Growth suggests eliminating internal lit signs, "Because internally lit signs can be intrusive, consider prohibiting them or strictly *limiting their size and brightness*. Any lighting for signs should be shielded and focused to ensure that *glare doesn't impact surrounding roads and properties*." *Homer limits the size of all signs and requires that light shine only upon the sign. Brightness is discussed below.*

Aesthetics and economics: Signs contribute to a community's economic viability and can work in effective partnership with aesthetic goals. Where there is no benefit to the general community, other than forcing a biased viewpoint or particular aesthetic preference on the business community, the arguments for requiring just compensation are particularly strong.¹

Readability research summary: Research indicates that when external and internal signs are compared, internally lit signs have approximately 40% improvement for readability. There are many variables that contribute to sign readability, but when studied and compared researchers go through great means to dissolve factors such as drivers age, gender, mph, right or left side of the road, font size, style and color, and sign background.

Sign Background: as in the contrast between letters and background. For example: light letters on a dark background reduces the luminance, or the amount of light that the sign emits. The City of Middletown, Connecticut requires a dark background by stating that “the sign background or field should be opaque and of a non-reflective material.” The converse prohibits internally lit signs that allow the entire face to illuminate, as in a white background with dark lettering. In Homer, we usually issue sign permits based on the proof that the sign manufacture provide, so the sign’s background color could be enforced at the time of permitting.

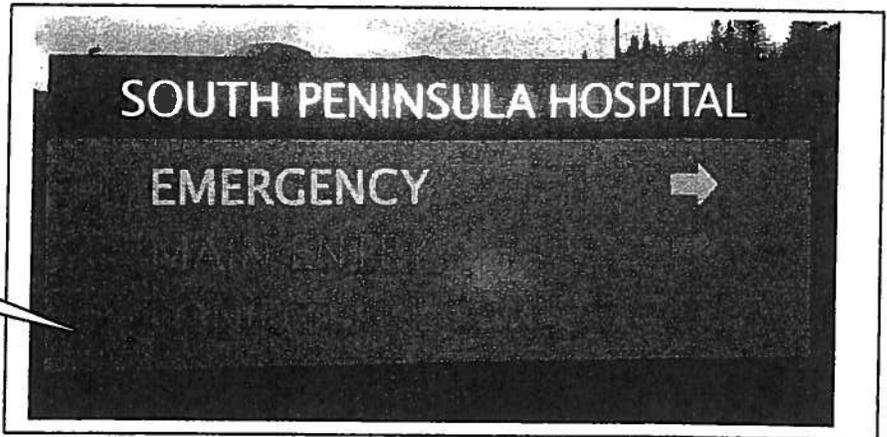


Internally lit, changeable copy wall sign. White background with black letters emits more light.

Light letters on a dark background reduces the luminance, or the amount of light that the sign emits.

Neon sign are not considered internally lit.

An internally lit, freestanding ground sign with an opaque background.



“Stencil-cut internal illuminated lettering” The City of Middletown, Connecticut restricts the illuminated portions of the sign to just the lettering or logo. See attached.

Brightness of a sign has several variables including bulb type, wattage, contrast between the sign's background and the lettering, stencil-cut lit letters and color contrast. Light bulbs are interchangeable from neon tubes, LEDs, incandescent or halogen lamps. Testing or measuring brightness has variables such as: contrast between the background and lettering, number of 'active' bulbs, and meter calibration which makes brightness standards difficult to enforce.

Timers or dimmers: Timers and dimmers are feasible. For example: the City of Middletown, Connecticut requires that “illuminated signs should not be illuminated after 10pm or the close of business, whichever is later.” Local sign makers have indicated that installing a timers and/or dimmers is feasible.

Information for this staff report was gathered from the United State Sign Council publications: *INTERNAL vs. EXTERNAL ON-PREMISE SIGN LIGHTING*, Visibility and Safety in the Real World, and *INTERNALLY ILLUMINATED SIGN LIGHTING*, Effects on Visibility and Traffic Safety. If you would like the full articles contact the planning staff.

STAFF RECOMMENDATION: View the side presentation that illustrates the research and local examples of internally lit signs. Comment and/or direct staff to pursue or not.

Att: City of Middletown, Connecticut, Design Review and Preservation Board, pg 2-3

ⁱ International Sign Association, Official Positions of the International Sign Association Adopted June 16, 2001

General Illumination Standards

1. Illumination should not interfere or distract from the message conveyed by the sign.
2. Lighting for signs shall not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises *HCC 21.60.080*
3. The light source, whether internal to the sign or external, shall be shielded from view. This requirement is not intended to preclude the use of creative exposed lighting.
4. Illumination should be appropriate for the location, use and character of the neighborhood.
5. Illumination should seem integrated into the building façade or property/neighborhood character.
6. Illuminated signs should not be illuminated after 10pm or the close of business, whichever is later.
7. Flashing, blinking, revolving, or rotating lights are not permitted. *HCC 21.60.060*
8. All exposed conduit and junction boxes should be concealed from public view.

Internal IlluminationStandards

1. Internally illuminated sign cabinets that allow the entire face to illuminate are prohibited.

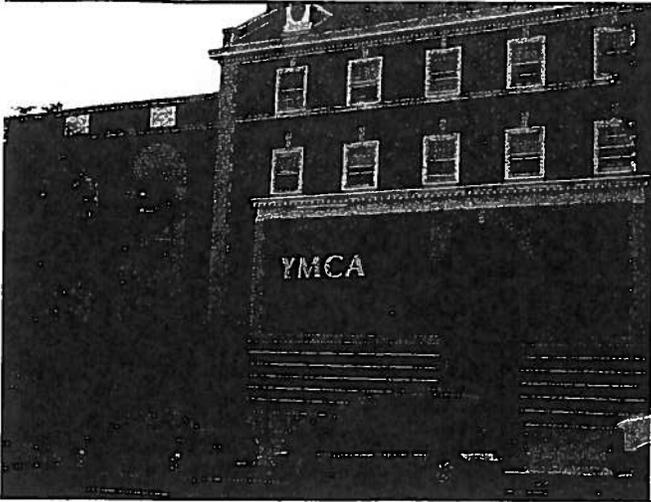
- 2. The sign background or field should be opaque and of a non-reflective material.

External IlluminationStandards

1. External lighting fixtures that project light on a sign from above or below are strongly encouraged. Light fixtures supported on the front of the building cast light on the sign and a portion of the façade immediately around the sign. The visual impact of this should be considered in lighting selection.
2. Light fixtures should be simple and unobtrusive in appearance and size.
3. Light fixtures should be positioned as to not obscure the sign's message and graphics.
4. Light sources should be shielded and such that the light source is directed away from passersby. Light sources should be directed against the sign such that it does not shine onto adjacent property or cause glare for motorists and pedestrians. Bare light bulbs should not be exposed.
5. Awnings with signage included should always be externally illuminated.

Preferred Internal Illumination Styles

1. Halo-Style Internal Illumination- This form of internal illumination directs light to the wall behind the sign that results in a halo of light around the opaque lettering or logo.



Correct:

This style is frequently compatible with historic structures and simple signage.

2. Stencil-Cut Internal Illumination- This form restricts the illuminated portions of the sign to the lettering or logo. The remaining face of the sign is opaque.

Correct:

Stencil-Cut creates a sign that prevents the background of the sign from being illuminated. Only the logo and name of the brand would illuminate.

3. Channel-Letters Internal Illumination- This style of sign is comprised of individual letters and symbols, each with its own internal illumination.



Correct:

Channel Letters creates a sign that advertises only that which is important, in this case it is the logo and name of the brand.

4. Push-Through Graphics and Text- A mix between stencil-cut and channel-letters, where an opaque background like a stencil-cut, but has raised lettering or images that act similarly to channel-letters.

application comes in. He noted that the issue of the setback to the slope isn't relevant to the purpose of this action.

Commissioner Highland questioned the 3:1 ratio. City Planner Abboud explained that is something dealt with at the Borough and not through Homer City Code. He noted that if a Commission had opposition they could express it for the record. He thinks the relation between the upland and low land area makes the issue negligible.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

BOS/VENUTI MOVED TO POSTPONE THE REST OF THE AGENDA TO GO INTO DELIBERATION.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

- A. Staff Report PL 11-52, Draft Ordinance 11-xx East End Mixed Use
- B. Staff Report PL 11-45, Draft Ordinance Amending Chapter 21.34, Conservation District

NEW BUSINESS

- B. Staff Report PL 11-57, Internally Lit Signs
POSTPONED.

INFORMATIONAL MATERIALS

- A. City Manager's Report April 11, 2011
- B. 'Planning Made Easy' Excerpt of Chapter 5- Ethics

COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute time limit)

There were no audience comments.

COMMENTS OF STAFF

Deputy City Clerk Jacobsen recommended that the Commission become familiar with the dollar amounts outlined in the Ethics portion of City Code specific to conflicts of interest. Code outlines \$1000 per occurrence or \$5000 per year. So if a Commissioner states that there is the potential to earn more than \$1000 then that is the Commission's cue that there is in fact a conflict per Homer City Code. It doesn't matter if you ask if a Commissioner can make an unbiased decision and they say yes. A no vote for a conflict of interest cannot be justified when a commissioner states that the amount, if hired, would exceed \$1000. She said if the



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STAFF REPORT PL 11-46

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: April 20, 2011
SUBJECT: Sign code amendments

This staff report includes an updated draft ordinance based on amendments made at the April 6, 2011 HAPC meeting. In summary, the amendments are:

1. City wide "sign allowances" based on the wall frontage of the principal building(s). Motion carried.
 2. Buildings with wall frontage of 0 to 199 sf would have a 'sign allowance' of 20 sf. Motion carried.
 3. Buildings with wall frontage of 200 to 349 sf would have a 'sign allowance' of 40 sf. Motion carried.
 4. Banners on buildings and mounted on a permanent rigid frame on all edges. Motion carried.
 5. No temporary sandwich boards allowed. Motion carried.
 6. Event signs may be displayed for a maximum of seven (7) days and a maximum number of event signs is five (5). Motion carried.
 7. Signs would need to comply when the face is changed, or within three (3) years. Motion carried.
- A motion for banners and sandwich boards to comply within one year **failed**.

Also discussed and addressed in the staff report are:

8. Electoral signs
9. Internally lit signs
10. Lot owners responsible for sign permits

The sign conversation started with the concern how best to accommodate multiple Spit buildings on one parcel. In trying to ensure that changes to the sign code truly meet that goal, staff is concerned that the draft ordinance has broadened and could disrupt the initials goals.

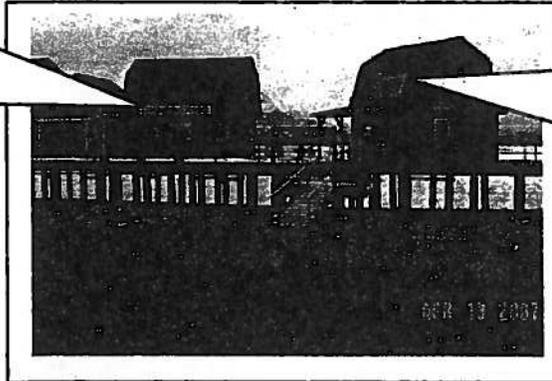
1. Sign allowance based on the wall frontage of the principal building(s). Line 15-23.

Regulatory methods: On April 6, 2011 the HAPC asked about how other communities regulate "Sign allowances." "Sign allowances" can be a function of lot area, street frontage, building area or some combination thereof.¹ Homer's 'sign allowance' is within these standards by basing the "sign allowance" on the building's wall frontage. The wall frontage approach is straight forward and the 100 sf range within each category avoids 'hair-splitting' calculations under roof peaks.

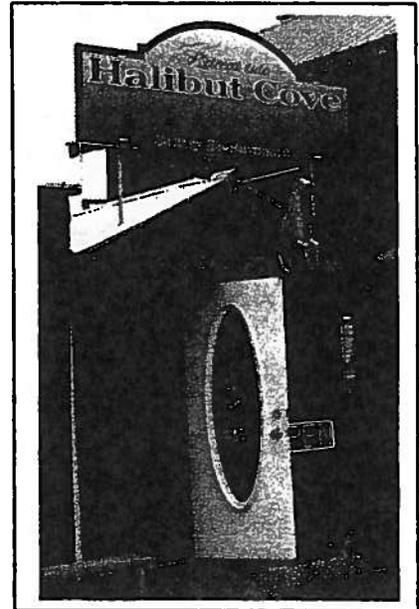
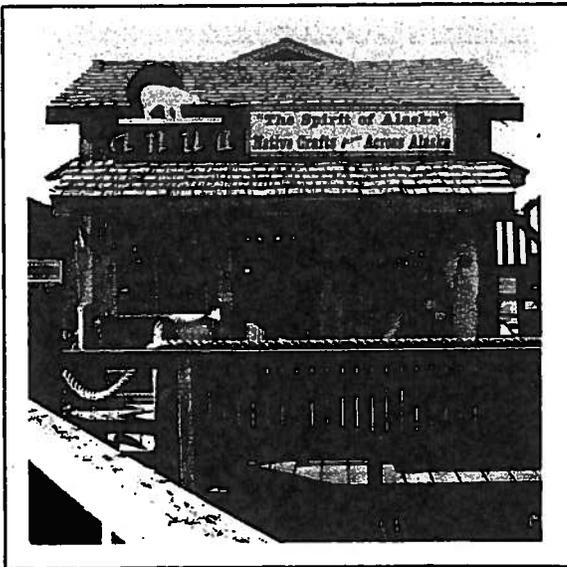
2. Buildings with wall frontage of 0 to 199 sf would have a 'sign allowance' of 20 sf. Line 23.

This amendment is not recommended by staff: Business owners may consider a 20 sf sign allowance restrictive, especially those businesses with large setbacks from the rights-of-way (ROW). Along the Homer Spit Road the width of the ROW ranges from 90 to 180 feet. This results in varying setbacks for business store fronts that range from 45 to 190 feet from the road center line. To accommodate businesses that have large setbacks from the road, staff recommends that the sign allowance of buildings with wall frontages of 0 to 199 sf be 30 (~~20~~) sf.

250 sf of wall frontage
2' x 16' = 32 sf main sign
16" lettering (Tackle Busters)
3" lettering (Booking)
190' from road center line



Frosty Bear Ice Cream
4' x 10' main sign
12" high lettering
160' building setback from road center line
Black lettering on white background.



160 sf of wall frontage
22 sf of signage (text only)
85' building setback from road center line
Photo taken 8/18/2010

Less than 200 sf of wall frontage
32 sf of signage
45' building setback from road center line

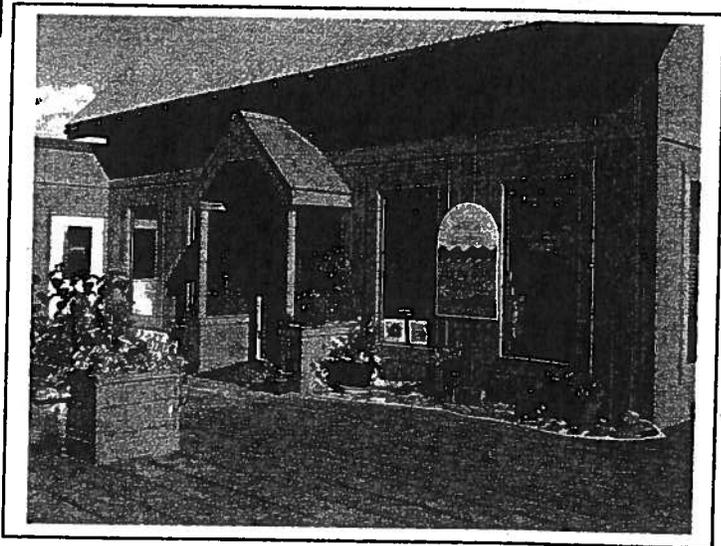
3. Buildings with a wall frontage of 200 to 349 sf would have a 'sign allowance' of 40 sf. Line 22.

This amendment is not recommended by staff: This amendment would require existing compliant businesses to reduce their signage within three (3) years. The intent of this ordinance as staff understands it is to fix Spit sign issues, not reduce signage city wide.

Reducing the "sign allowance" for buildings with a wall frontage of 200 to 349 sf from 50 to 40 sf broadens this sign ordinance to existing businesses that are in compliance. Below are photos of businesses that comply with the 50 sf sign allowance.



240 sf of wall frontage
50 sf of signage
Photo taken 9/13/2010



300 sf wall frontage
50 sf of signage
(additional signage on deck
the railings).
Photo taken 8/24/11

At the April 6, 2010 HAPC the Commission asked for information on sign readability, a huge topic that I'll attempt to boil down thanks to help from the International Sign Association.

- Viewer reaction time depends on what the driver has to do. For example: "Homer 12 miles" the driver reads it, processes the information, no action needed.
- In a simple driving environment it takes 4 seconds to see a sign, and an additional 4 seconds to process the sign, plus another 4 seconds to respond.
- Signs displayed at a perpendicular angle to the road are more readable.
- Font size, font type and contrast matters.
- Other road distractions as in the fishing hole, kite surfers, eagles etc.

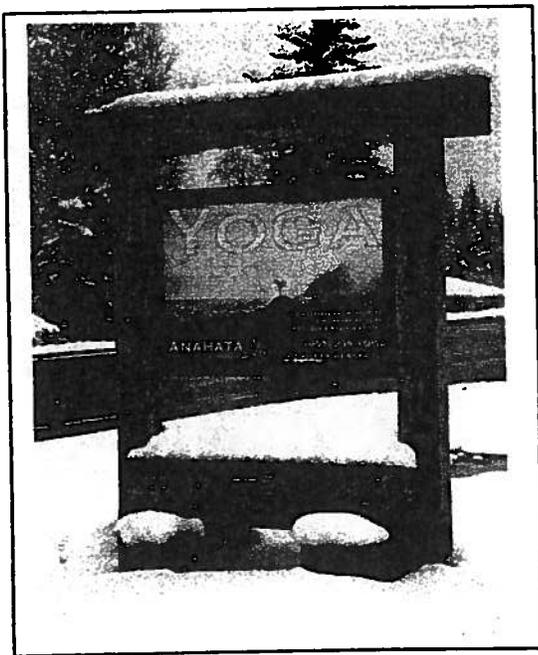
4. Banners mounted to a **building** by a permanent **rigid** frame **on all** edges. Line 5-6.

Staff does not recommend restricting banners from deck railings or for that matter within a freestanding sign. This broadens the sign ordinance to existing businesses such as the Hillas building, Captain's Coffee, Cosmic Kitchen, Don Jose's, and the Veteran's building on Pioneer Avenue. All these buildings have decks with a mix of banners and rigid signs that are tacked or screwed into the railing. Often times a banner is an interim to a more permanent sign.

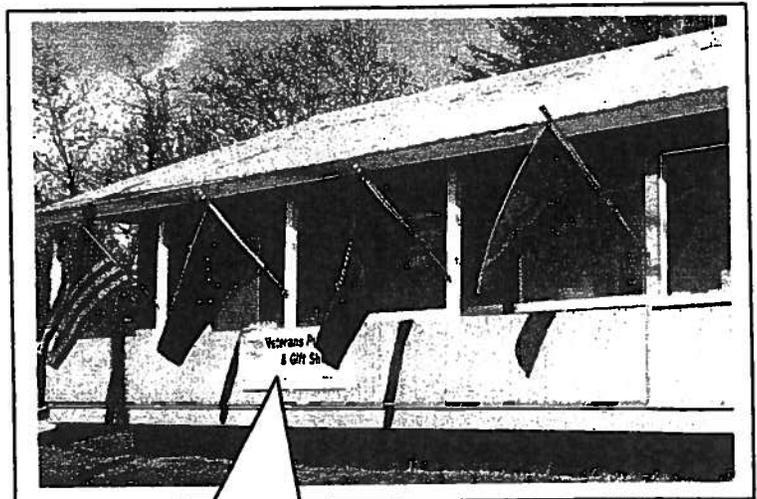
On the Spit, staff estimates that approximately 30% to 60% of the buildings would need to reduce signage to meet the proposed standards. This equates to a reduction of at least 600 sf of signage from buildings and decks. When aiming for sign compliance business owners are likely to remove banners before a more expensive rigid sign.

A motion to amend the draft ordinance would be something like:

"I move that banners be mounted on a permanent **rigid** frame **on all** edges."



A banner mounted on a permanent rigid frame on all edges.



A deck banner mounted on a permanent rigid and attached on all edges.

5. Temporary sandwich boards. Line 29-32.

The total ban on sandwich boards is not recommended by staff. First, business owners are convinced that sales increase when their sandwich board is displayed. Second, tourists appreciate some direction. Third, businesses may create more 'creative' substitutes to sandwich boards. Fourth, the legal consequence of allowing sandwich boards for civic events, but not for commercial messages is 'content-based;' 'content' being the commercial message. Research reveals that court challenges to a complete ban of a particular type of sign has had mixed results, in conjunction with the city's failure to provide adequate substitutes for such an important medium.²

Based on the above, staff is keeping with the recommendation to limit commercial temporary signs to business hours, with a maximum of 12 hours per day. If the HAPC agrees, a motion to amend the draft ordinance would be something like:

"The display of a **commercial** temporary sign shall not be displayed **only during the hours the business is open, with a maximum of 12 hours per day for more than 14 days in any 90-day period,** except a sign offering for sale or lease the lot on which the sign is located, which is allowed as long as the property is for sale or lease."

Additional thoughts: Eliminating sandwich boards from the MC district would not allow businesses on a boardwalk to have sandwich boards on their boardwalks. Do we really want to be that restrictive?



A temporary portable sign.
Approximately 16 sf.
GC1 district.

6. "Event" signs maybe displayed for a maximum of seven (7) days, and the maximum number of event signs is five (5). "Event" signs are also temporary and portable signs which are addressed in HCC 21.60.090, 21.60.130 and 21.60.140. "Event" signs are not defined in our code. Staff will work with the city attorney on these issues.

7. Signs would need to comply when the face is changed, or within three (3) years. This is a policy statement, a Whereas, and not included in the attached draft ordinance. Staff will work with the City Attorney on an appropriate policy statement.

Information on subjects of discussion:

8. "Electoral" signs:

HCC 21.60.095 allows electoral signs to be displayed 60 days prior to an election, and they must be removed within one week after the election. Maximum size is 32 sf. To be content neutral political signs can be the same size as any other allowed sign. For example, a real estate For Sale sign is also a temporary sign and HCC 21.60.130(c) states that the "maximum size of a temporary sign is restricts to 16 sf." If the commission wishes to address electoral signs, some discussion is needed on the desired outcome, and then staff will work with the city attorney to include it in the draft ordinance.

9. Internally lit signs:

HCC 21.60.060 Table 3 allows "Illumination Internal" signs in the commercial districts with one exception. Neither "Illumination Internal" nor "banners" are allowed in the Gateway Business District. Eliminating internal lit signs is suggested by Smart Growth advocates: "Because internally lit signs can be intrusive, consider prohibiting them or strictly limiting their size and brightness. Any lighting for signs should be shielded and focused to ensure that glare doesn't impact surrounding roads and properties."

If the HAPC wishes to ban "Illumination Internal" a motion is needed to amend the draft ordinance:

"I move to amend Table 3, Illumination Internal signs to reflect "N" = Not allowed in the Central Business District, Town Center, General Commercial 1 & 2, Marine Commercial, Marine Industrial district and for all institutional uses(INS)."

10. Lot owners responsible for sign permit.

HCC 21.60.070(a) and HCC 21.60.092(f) puts the responsibility on the property owner to secure a sign permit.

Multitenant properties such as a boardwalk or a mall may have several sign changes in a year; requiring a land owner or corporate officer signature for every sign permit is onerous for a tenant that already has a lease agreement. Staff will work with the city attorney to resolve this issue.

STAFF COMMENTS/RECOMMENDATIONS:

Staff recommends adopting SR 11-45 and the following amendments:

1. Banners mounted to a **building** by a permanent **rigid** frame **on all** edges. Line 5-6.
2. Buildings with a wall frontage of 200 to 349 sf would have a 'sign allowance' of **50 (40)**sf. Line 22
3. Buildings with wall frontage of 0 to 199 sf would have a 'sign allowance' of **30 (20)**sf. Line 23
4. The display of a **commercial** temporary sign shall ~~not~~ be displayed **only during the hours the business is open, with a maximum of 12 hours per day** ~~for more than 14 days in any 90 day period,~~ except a sign offering for sale or lease the lot on which the sign is located, which is allowed as long as the property is for sale or lease. Line 29-32.

Comments or motions are needed on:

5. Electoral signs
6. Illuminated Internal signs: A sample motion, "I move to amend Table 3, Illumination Internal signs to reflect "N" = Not allowed in the Central Business District, Town Center, General Commercial 1 & 2, Marine Commercial, Marine Industrial district and for all institutional uses(INS)."

ATTACHMENTS

1. April 20th Draft ordinance

¹ *Sign Regulation for Small and Midsize Communities*, American Planning Association, 1989, pg 6.
² *A Framework for On-Premise Sign Regulations*, by Alan C. Weinstein, LLC, March 2009

1 Based on the April 6, 2011 HAPC motions. Attached to SR 11-46, April 20, 2011

2
3 Section 1. Homer City Code Title 21 Zoning and Planning 21.60.040 Definitions:

4
5 "Banner." Any sign of lightweight fabric or similar material that is mounted to a pole or a
6 building by a permanent rigid frame on all at one or more edges.

7
8 Section 2. Homer City Code Title 21 Zoning and Planning, 21.60.060 Table 2 Part B
9 Sign Code Maximum Total Sign Area is hereby amended as follows:

10
11 **Table 2 Part B**

12 In all other districts not described in Table 2 Part A, the maximum combined total area of
13 all signs, in square feet, except incidental, building marker, and flags, shall not exceed the
14 following:

15 Square feet of wall frontage (c): Maximum allowed sign area per lot principal
16 building(s)

17 750 s.f. and over 150 s.f.

18 650 to 749 130 s.f.

19 550 to 649 110 s.f.

20 450 to 549 90 s.f.

21 350 to 449 70 s.f.

22 200 to 349 40(50) s.f.

23 0 to 199 20 s.f.

Comment [DH1]: Not recommended by staff because it broadens this sign ordinance to existing businesses that are in compliance.

Comment [DH2]: Not recommended by staff due to large ROW's.

24
25 Section 3. Homer City Code Title 21 Zoning and Planning 21.60.130 Temporary signs-
26 Private property is amended to read as follows:

27 21.60.130 Temporary signs-Private property. Temporary signs on private property shall
28 be allowed subject to the following requirements:

29 a. Term. A commercial temporary sign shall not be displayed, only during the hours the
30 business is open open with a maximum of 12 hours per day for more than 14 days in any 90-
31 day period, except a sign offering for sale or lease the lot on which the sign is located, which is
32 allowed as long as the property is for sale or lease.

Comment [DH3]: Not recommended by staff. Too restrictive and could disrupt the Initials goals.

33

34

35 Section 4. Homer City Code Title 21 Zoning and Planning 21.60.140 Temporary signs-
36 Public right-of-way is amended to read as follows:

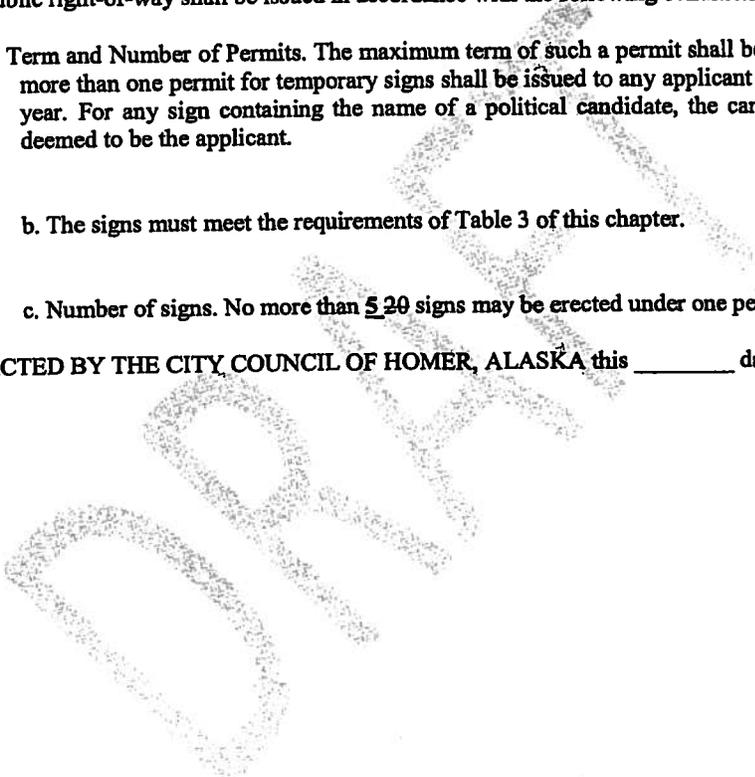
37 21.60.140 Temporary signs-Public right-of-way. Permits for temporary private signs in
38 the public right-of-way shall be issued in accordance with the following conditions:

39 a. Term and Number of Permits. The maximum term of such a permit shall be 7 60 days. No
40 more than one permit for temporary signs shall be issued to any applicant in any calendar
41 year. For any sign containing the name of a political candidate, the candidate shall be
42 deemed to be the applicant.

43 b. The signs must meet the requirements of Table 3 of this chapter.
44

45 c. Number of signs. No more than 5 20 signs may be erected under one permit.
46

47 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this _____ day of



HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
APRIL 20, 2011

Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

No public hearings were scheduled.

PLAT CONSIDERATION

No plats were scheduled.

PENDING BUSINESS

A. Staff Report Pl 11-46 Sign Code Amendments

DOLMA/HIGHLAND MOVED TO BRING STAFF REPORT PL 11-46 TO THE TABLE FOR DISCUSSION.

No objection was expressed and discussion ensued.

The Commission had discussion with staff on the sign code amendments during their worksession.

Regarding item two in the staff report there was agreement with staff's comments to bring the sign size back up as it may be hard for people to see some of the buildings that are sitting back from the road.

DRUHOT/HIGHLAND MOVED TO CHANGE ITEM TWO TO READ 30 SQUARE FEET OF SIGN ALLOWANCE INSTEAD OF 20 SQUARE FEET FOR BUILDINGS WITH WALL FRONTAGE OF 0-199 SQUARE FEET.

Commissioner Highland noted that a concern for the future of Homer is that we continue to keep the signs as small as we can within reason but this seems to be a reasonable amendment.

Commissioner Venuti commented that a 4x5 sign will be pretty big.

There was brief discussion whether consideration should be given to the location of the building or boardwalk in relation to the road. Buildings which are closer would have a smaller allowance than those set back farther from the road. City Planner Abboud and Planning Technician Engebretsen responded that concept would be very challenging to explain and regulate.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

DOLMA/VENUTI MOVED TO ACCEPT THE STAFF RECOMMENDATION TO CHANGE THE 40 SQUARE FEET TO 50 SQUARE FEET FOR BUILDINGS 200 TO 349 SQUARE FEET.

Commissioner Dolma commented that after looking at examples of existing signs it might be a hardship for people who already have signs currently in place. This is a compromise between preserving the status quo and making amendments to the ordinance.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VENUTI/HIGHLAND MOVED TO ACCEPT STAFF RECOMMENDATIONS ON BANNERS MOUNTED TO A BUILDING TO BE ON A PERMANENT RIGID FRAME ON ALL EDGES.

Commissioner Venuti expressed his desire to get this to the public for their feedback.

Chair Minch agreed with staff comments that if people come into compliance with sign square footage then the banner issue may take care of itself.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was discussion that staff recommends removing the word building.

MINSCH/DRUHOT MOVED TO DELETE BUILDING ON LINE 6.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VENUTI/HIGHLAND MOVED TO MAINTAIN THE COMMISSION'S POSITION TO NOT ALLOW SANDWICH BOARD SIGNS.

Commissioner Druhot commented that she would like to see no sandwich boards on the spit and eliminate them in Marine Commercial, which helps with safety issues. There is good reasoning for having some of these in town if they are kept off sidewalks and closer to the businesses.

While the Commission agreed that there are safety issues with the sandwich boards in the right-of-way and on the side walk out on the spit, there were comments for and against allowing them in town. Some felt there could be options to be allow them in town if business owners would keep them away from sidewalks, closer to their businesses, and put away when businesses are closed. Others felt business owners won't comply because right now they leave them out all night and it will be difficult to enforce after hours.

The discussion turned to temporary event signs and how this action would affect them. Staff will work with the City Attorney to define event signs.

MINSCH/HIGHLAND MOVED TO AMEND TO INCLUDE ITEM 6 THAT EVENT SIGNS MAY DISPLAYED AND STAFF WILL WORK WITH THE CITY ATTORNEY ON A DEFINITION.

There was brief discussion.

VOTE: (Primary Amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VENUTI/HIGHLAND MOVED TO AMEND THE ORIGINAL MOTION TO STATE COMMERCIAL SANDWICH BOARD SIGNS.

There was brief discussion.

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

Motion carried.

VOTE: (Main Motion as Amended): YES: MINSCH, HIGHLAND, VENUTI, DOLMA
NO: DRUHOT

There was discussion about item 7 and including amnesty language in code. Planning Technician Engebretsen noted that there is conforming language in the sign code and it is very problematic code wise to write in more amnesty with another compliance timeframe. The suggestion of working it into the whereas clauses as a policy statement and working with businesses to educate them on the requirements and deadlines is cleaner. There is no language in the code that requires a building be in compliance to get a sign permit. City Planner Abboud reiterated comments from a previous meeting that he has had discussion with the City Attorney who said a sign permit may not be held up because of other violations on the property.

MINSCH/DRUHOT MOVED TO ACCEPT ITEM 7 PAGE 17 REFERENCING SIGNS NEED TO COMPLY WHEN FACES CHANGE OR WITHIN 3 YEARS. STAFF WILL WORK WITH THE ATTORNEY ON THE APPROPRIATE POLICY STATEMENT THAT WILL BE INCLUDED IN THE DRAFT ORDINANCE.

There was brief discussion clarifying that this does not relate to sandwich boards or banners which the Commission has already stated are not allowed.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

DOLMA/HIGHLAND MOVED THAT BANNING TEMPORARY COMMERCIAL SANDWICH BOARDS IS EFFECTIVE IMMEDIATELY UPON ADOPTION BY THE CITY COUNCIL.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was brief discussion about internally illuminated signs and having a moratorium on any new internally illuminated signs in the city. Planning Technician Engebretsen warned that they consider the unintended consequences that may result from this. Currently code allows externally illuminated signs with the upward facing lighting. She asked that they be cognizant that if one is eliminated there will be more of the other. She suggested more time be spent on this.



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STAFF REPORT PL 11-42

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: April 6, 2011
SUBJECT: Sign code amendments

Based on comments at the March 7th joint work session, staff has drafted an ordinance where the amount of signage, also known as “sign allowance”, is based on the wall frontage of a “principal building.” Portable A-frame signs are limited to the hours the business is open, and banners are required to be mounted to a rigid frame. This draft ordinance is similar to what was presented at the September 15, 2010, October 6, 2010, October 20, 2010, and the November 3, 2010 work sessions. Though no motions were made in support of the draft ordinance, no amendments were made to change directions. Staff requires direction so that we can provide a draft ordinance for the public to review and comment on, followed by formal public hearings in the early fall.

This staff report also includes information on short-term “event” signs and phasing-out, also known as “sign amortization.” In the end, staff recommends approving (in concept) the draft ordinance and commenting on “event” signs and sign amortization. Only then, will staff work with the city attorney to bring back a drafted ordinance for your review.

Principal Buildings: Line 15-23.

As discussed in the fall of 2010, the proposed amendments makes sign size compatible and in scale with multiple small buildings on the Spit by:

1. Changing the amount of signs allowed FROM being based on a lot TO being based on a **principal building(s)**. HCC 21.60.060 Table 2 Part B. Line 15-16.
2. Adding a row to Table 2 for small buildings. Line 22-23.

Banners: Line 4-6.

The number of banners, the visual clutter, their size, their floppy nature and their display on deck railings is bothersome to some folks. First, an explanation of how “banners” are regulated in Homer is followed by “banner issues.”

Banners regulations: Banners are allowed in the commercial districts and are included in the sign allowance. Banners are not allowed in the residential and the Gateway Business district.
P:\PACKETS\PCPacket 2011\Ordinance\Sign\SR 11-42 April 6, 2011 JE input.docx

Homer City Code does not specifically address banners on decks. The "banner" definition describes mounting a banner on "a pole" and a "permanent frame." Most property owners consider their deck "permanent" and built with "poles" and planks.

HCC 21.60.060(c) Table 1 allows two types of "Banners"

1. Miscellaneous signs cannot have a commercial message that is legible for any location off the lot, HCC 21.60.060(c) Table 1: "No commercial message of any kind allowed on sign if such message is legible from any location off the lot on which the sign is located." Due to these limitations, no one has applied for a miscellaneous banner(s), nor has staff ever permitted Miscellaneous Banners.

2. Building Banners are allowed (HCC 21.60.060(c) Table 1) and are displayed as on buildings/walls and deck railings. The definition of banners allows a banner to be mounted on a pole or a building by a permanent frame at one or more edges. In most cases, mounting a banner on a pole by one edge results in a floppy banner.

HCC 21.030.040 defines: "'Building sign." Any sign attached to any part of a building, unless it is supported in whole or in part by structures or supports that are placed on, or anchored in; the ground and that are independent from any building or other structure."

Banner analysis

The number and visual clutter of banners is likely to be reduced if/when a sign allowance established. If the typical small retail building had a sign allowance of 30-50 sf, staff estimates that the amount of signage (*including banners*) will be reduced by 30% - 60%. When aiming for sign compliance business owners are likely to remove banners before a more expensive rigid sign.

Size of banners: There is no maximum size for banners. As long as the banner(s) are within the "sign allowance" the banner is in compliance. Seasonal banners such as "Derby" are included in a "sign allowance".

Deck railings: Restricting banners from deck railings is problematic because decks provide excellent visibility. The Hillas building, Captain's Coffee, Cosmic Kitchen and the Veteran's building on Pioneer Avenue all have decks with a mix of banners and rigid signs that are tacked or screwed into the railing.

Floppy banners: are not attached to a rigid surface nor are they firmly secured on all sides. Requiring banners to be attached on all edges, to a rigid, solid surface would curtail flimsy banners flopping in the wind.¹ A proposed code amendment to HCC 21.60.040 Definitions:

Line 4-6. "'Banner." Any sign of lightweight fabric or similar material that is mounted to a pole or a building by a permanent rigid frame on all at one or more edges. A flag, as defined in HCC § 21.60.040, shall not be considered a banner."

Portable A-frame are temporary signs and commonly referred to as sandwich boards: (Line 28-30)

Background: When placed in the rights-of-way, portable A-frame signs are a safety concern and add to the visual clutter especially in the summer as their numbers blossom. Portable A-frames (sandwich boards) are allowed in the commercial districts and are included in the sign allowance. One portable A-frame, (sandwich board) is allowed per lot with a maximum size is 16 sf (one side), and may “not be displayed for more than 14 days in any 90 day period...” per HCC 21.60.130.

Definitions:

"Portable sign." Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including signs designed to be transported by means of wheels; signs converted to A- or T- frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business” per HCC 21.60.040.

"Temporary sign." Any sign that is used only temporarily and is not permanently mounted per HCC 21.60.040.

Display days/hours: Enforcement of the 14 days in any 90 day period is challenging because it requires continual monitoring, tracking and proving the number of days the sign has been posted. Business owners are passionate about their portable A-frame signs and often comment that sales increase when their portable A-frame sign is out.

If the goal is to reduce the visual clutter, a more enforceable option is to reduce the display hours to business hours only, with maximum of 12 hours a day. This is similar Gig Harbor, Washington which restricts the display hours to “Signs may be displayed during business hours only” GH 17.80.110(f)(2). Assuming a 12 hour business work day, this would reduce the visual clutter by 50%. A late evening or early morning sweep makes enforcement far easier than tracking 14 days in any 90 day period.

Rights-of-way(ROW): Often times, business owners and/or tenants do not know where the lot lines are, and in reality only a survey can accurately establish lot lines. Staff spends consider time with business owners to establish the approximate location of the lot lines.

Proposed change city wide: The draft ordinance replaces the display time of commercial temporary-portable signs to when the business is open, with a maximum of 12 hours per day. Not included in this draft ordinance is (non-commercial) temporary signs in the right-of-way (ROW) such as spaghetti feed, rotary health fair and/or political signs, per HCC 21.60.140. Proposed code amendment to HCC 21.60.130(a). Temporary signs-Private Property:

Line (28-30) HCC 21.60.130 (a)Term. A commercial temporary sign shall ~~not~~ be displayed only during the hours the business is open, with a maximum of 12 hours per day, for more than 14 days in any 90 day period, except a sign offering for sale or lease the lot on which the sign is located, which is allowed as long as the property is for sale or lease.

Event Signs: (Line 38-45)

HCC 21.60.090(b)(3) describes temporary “event” signs that shall not be more the four (4) sf. In the past, the Planning Office has not issued permits for “event” signs whether on private property or in the rights-of-way. Typical Homer “event” signs advertise a weekend event, are posted on private property and in the rights-of-way, and are a mix of banners and portable A-“Event” signs are different the signs promoting derbies and raffle which are included in the properties sign allowance.

From *A Framework for On-Premise Sign Regulations* points out:

“It is reasonable for a community to regulate signs for special events – whether these events are related to commercial enterprises (grand opening, clearance sales, sidewalk sales, etc.) or institutional (places of worship, schools, non-profits) festivals, etc. These regulations can include: the number of days the signs can be displayed; the number and type of advertising devices (signs, banners, balloons, etc.) that can be displayed; and their location on the property.”²

Considerations: Neither banners nor portable A-frames signs are allowed in the residential districts. Staff recommends confining “special event” signage to events lasting one week or less, with signs posted a maximum of three (3) days in advance. For example if an event starts on Thursday, signs could be posted on Monday and taken down within 24-hours of the closure of the event.

Line 38. HCC 21.60.140(a) Temporary signs-Public right-of-way. Term and Number of Permits. The maximum term of such a permit shall be 7 60 days. No more than one permit for temporary signs shall be issued to any applicant in any calendar year. For any sign containing the name of a political candidate, the candidate shall be deemed to be the applicant. *Staff note: This allows a weeklong event to have temporary signs out on a Monday before the event, and taken down by Monday after the event.*

Line 45. HCC 21.60.140(c). Number of signs. No more than 5 20 signs may be erected under one permit. *Staff note: This covers the main intersections in town.*

HCC 21.60.090(b)(1) states that signs shall contain “No commercial message” and a maximum of four (4) sf for civic events, HCC 21.60.090(b)(3). *Staff notes: Four (4) sf is small. If the commission proposes a change, staff recommends 16 sf. This is consistence with the maximum size of 16 sf for temporary signs on private property, HCC 21.60.130(c).*

Amortizing or “phase-out” time period:

Most of the existing signs on the Spit do not qualify as “nonconforming signs” because the signs are not “legal” by today’s standards. Being sensitive to the business owner’s investment in their signage would be sensible; “phase-out” often called “amortization” for a specific time period to meet compliance is a reasonable approach.

Staff researched the background of sign amortizations, legal challenges and incentives.

Legal: The major factor that courts have cited in determining an adequate amortization period is whether sufficient time was allowed for the owner to recoup most of his/her investment. This is judged by looking at the nature of the use in relation to the character of the neighborhood; the value of the remaining use, if any, and the difficulty in removing the sign. A person challenging a zoning decision has the burden of proof that the zoning commission’s action was wholly arbitrary and unreasonable and was not related to the public health, safety, moral or general welfare.³

Amortization time: For tax purposes, most signs can be depreciated in three years, although some extend to 5-10 years. In areas where large expensive signs are financed, the term of the loan is unlikely to be more than three years and is almost certain to be 5 years or less.¹ Courts have routinely sustained billboard amortization periods of three years and less.⁴ For other types of signs, courts have upheld amortization periods ranging from 10 months to 10 years.⁵ In the 1990’s when Homer adopted a sign ordinance, 18 months was the time limit originally approved for removing signs that were nonconforming. In 2003 when Homer amended the sign code, One year was the time limit unless the owner obtained a permit.

Date specific: The American Planning Association suggests setting a specific date by which signs must be replaced with conforming signs or removed. The “the most important thing about a sign amortization periods is to have one. Even if it is necessary politically to agree to a 10-year or 15-year amortization period, such a provision is far better than the alternative of having no limit to the life of nonconforming signs.”

“A simpler and safer approach is simply to have the amortization period begin with the effective date of the new sign regulations. As with other dates in regulations, it is administratively simpler to use a “date Certain” (such as the next July 1 or January 1) rather than “ten days from the date of adoption,” a stipulation that requires someone to document the adoption date of a five-year-old regulations in order to begin enforcing the amortization provision.”⁶

The American Planning Association offers several options for sign phase-out or amortization. In *italic* is how these options might apply to Homer.

1. When a sign is removed, replaced, face is changed; it must be replaced with a conforming sign.
Staff note: Common amortization language uses the terms removed, replaced, however many of the Spit businesses remove their signs for the winter, with the intent to replace them in the spring. If there is a need to change the face of the sign, odds are there is a new business.
Staff recommends a reasonable accommodation that when the face of a sign is changed; all the signs on that particular building must be replaced with a conforming sign(s).
2. New tenants, lease renewals, building owners or property owners, shall thereafter comply.
Staff note: Sign compliance is part of the City's lease renewals. On private property there can multiple layers of ownership which is not realistic to track. If a new tenant moves into a portion of the building, or onto the boardwalk the entire site thereafter would need to comply. To avoid making the new tenant the "compliance culprit" staff recommends compliance when the face of the sign changes.

Based on APA amortization guidelines staff recommends phasing these standards in when the face of the sign changes, or no later than 3 years. January 1st of a given year provides plenty of time for seasonal businesses to make adjusts for the upcoming season.

Incentives: Some communities provide incentives for removing non-compliant signs. Examples are:

1. A prohibition of the installation of *any* new signs on a lot while a nonconforming sign(s) remain.
2. A bonus in the size of new sign(s) if non-compliance signs are removed by *date*.
3. Increased size Option. If a carved or sandblasted wooden sign is used, the sign size maybe increased by 20% of its underlying allowable sign area. GH 17.80.100(C)(1)(c).
4. Nominal cash compensation for early removal (including summer) of non-compliance signs.

Draft Spit Comprehensive Plan statements that support changes to the sign code are:

"Sign size needs to be compatible and in scale with multiple buildings on one parcel."
Pg 24, Commercial Development.

"Zoning should be adjusted to support Spit business owner's sense of individuality and unique character." Pg 23, Land Use & Community Development.

STAFF COMMENTS/RECOMMENDATIONS: The existing sign code is thorough and complete so the staff recommendations are geared to reduce clutter while maintaining the sign code's integrity. Staff recommends accepting the draft ordinance (in concept) and commenting on amortization and incentives. Only then will the draft ordinance be reviewed by the city attorney and brought back to you for approval. The attached draft ordinance includes:

- Line 4-5. "Banner." Any sign of lightweight fabric or similar material that is mounted to a pole or a building by a permanent **rigid** frame **on all** ~~at one or more~~ edges.
- Line 14-22. Sign allowance allocated by ~~lot~~ **principal building(s)**. Inserting a sign allowance for small buildings for **30 sf to 50 sf**.
- Line 28-29. Temporary signs: A **commercial** temporary sign shall ~~not~~ be displayed **only during the hours the business is open, with a maximum of 12 hours per day**.
- Line 38-45. Temporary Event signs limited to a "maximum term of such a permit shall be **7** ~~60~~ days" and a maximum number of **5** ~~20~~ signs.
- **Amortization:** Phasing these standards in over a three (3) year period. When the sign face is changed; all of the signs on the building must be replaced with a conforming sign(s), or no later than 3 years. January 1st
- **Incentives:** Does the commission want to offer incentives? If so, staff recommends: If a hand painted, carved or sandblasted wooden or metal art sign is used, the sign size maybe increased by 20% of its underlying allowable sign area.

ATTACHMENTS

1. Amortization of Nonconforming Uses
2. Draft ordinance

¹ *Sign Regulation for Small and Midsize Communities*, American Planning Association, 1989, pg 16.

² *A Framework for On-Premise Sign Regulations*, Alan C. Weinstein, Inc. publisher: D.B. Ham, Inc. March 2009

³ *Amortization of Nonconforming Uses*, American Planning Association, by Margaret Collins, April 2001

⁴ *Land Use and the Constitution: Principles for Planning Practice*, American Planning Association, 1989, pg 187

⁵ *Planning and Urban Design Standards*, American Planning Association, 2006, pg 363

32 |
33 Section 1. Homer City Code Title 21 Zoning and Planning 21.60.040 Definitions:
34

35 "Banner." Any sign of lightweight fabric or similar material that is mounted to a pole or a
36 building by a permanent **rigid** frame **on all** ~~at one or more~~ edges. A flag, as defined in HCC §
37 21.60.040, shall not be considered a banner.Section 2. Homer City Code Title 21 Zoning and
38 Planning, 21.60.060 Table 2 Part B Sign Code Maximum Total Sign Area is hereby amended as
39 follows:
40

41 **Table 2 Part B** (MC and MI districts only)

42 In all other districts not described in Table 2 Part A, the maximum combined total area of
43 all signs, in square feet, except incidental, building marker, and flags, shall not exceed the
44 following:

| 45 <u>Square feet of wall frontage (c):</u> | 46 <u>Maximum allowed sign area per lot principal</u> <u>building(s)</u> |
|---|---|
| 47 750 s.f. and over | 150 s.f. |
| 48 650 to 749 | 130 s.f. |
| 49 550 to 649 | 110 s.f. |
| 50 450 to 549 | 90 s.f. |
| 51 350 to 449 | 70 s.f. |
| 52 200 to 349 | 50 s.f. |
| 53 50 to 199 | 30 s.f. |

54
55 Section 3. Homer City Code Title 21 Zoning and Planning 21.60.130 Temporary signs-
56 Private property, is amended to read as follows:

57 21.60.130 Temporary signs-Private property. Temporary signs on private property shall
58 be allowed subject to the following requirements:

59 a. Term. A **commercial** temporary sign shall ~~not~~ be displayed only during the hours the
60 business is open open with a maximum of 12 hours per day. for more than 14 days in any 90-
61 day period. except a sign offering for sale or lease the lot on which the sign is located, which is
62 allowed as long as the property is for sale or lease.

63

64

65 Section 4. Homer City Code Title 21 Zoning and Planning 21.60.140 Temporary signs-
66 Public right-of-way is amended to read as follows:

67 21.60.140 Temporary signs-Public right-of-way. Permits for temporary private signs in
68 the public right-of-way shall be issued in accordance with the following conditions:

69 | a. Term and Number of Permits. The maximum term of such a permit shall be 7 ~~60~~ days. No
70 more than one permit for temporary signs shall be issued to any applicant in any calendar
71 year. For any sign containing the name of a political candidate, the candidate shall be
72 deemed to be the applicant.

73

74 b. The signs must meet the requirements of Table 3 of this chapter.

75

76 c. Number of signs. No more than 5 ~~20~~ signs may be erected under one permit.

77

78 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this _____ day of

MINSCH/BOS MOVED THAT COMMERCIAL TEMPORARY SIGNS SHALL NOT BE ALLOWED.

Sandwich boards and temporary signs for the cruise ship is a big part of what is driving the signs, along with the economy, but the signs are multiplying quickly. We have been trying to deal with them and get them out of the right-of-way without a lot of success. Planning Technician Harness-Foster noted that she is trying to find a bridge by limiting the hours they can be out. There was discussion of possible options to allow sandwich board signs. Other comments included starting with not allowing them at all and see where it goes. The solution to the sandwich board issue is for the business to have a free standing sign.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Planning Technician Harness-Foster noted that according to code temporary signs could include banners.

Banner discussion included comments that they should not be allowed. There were also comments that the banner could be fixed to a permanent rigid frame, attached to a building, included in the allowable square footage for a sign, and not attached to a deck. Staff noted that there are locations of buildings on Pioneer Avenue like the Hillas Building and the Captains Coffee building with a combination of wood signs and banners on railings.

MINSCH/BOS MOVED THAT ANY LIGHT WEIGHT FABRIC OR SIMILAR MATERIAL FOR A BANNER TYPE SIGN MUST BE MOUNTED TO A BUILDING BY A PERMANENT RIGID FRAME ON ALL SIDES AND INCLUDED IN A BUILDINGS SIGNAGE ALLOWANCE.

There was question whether the deck railing is considered part of a building and if they can be affixed to decks. The question wasn't resolved but it was noted they can revisit this when the amendments come back.

**VOTE: YES: BOS, VENUTI, HIGHLAND, DOLMA, MINSCH
NO: DRUHOT**

Motion carried.

DOLMA/VENUTI MOVED THAT BANNERS AND V TYPE SANDWICH BOARD SIGNS BE IN COMPLIANCE IN ONE YEAR AND NOT THREE YEARS.

It was noted that the temporary signs, like sandwich boards and banners are not going to be permitted once Council approves this.

VOTE: NO: BOS, MINSCH, HIGHLAND, DRUHOT, VENUTI, DOLMA

Motion failed.

B. Staff Report PL 11-35, Draft Ordinance 11-xx East End Mixed Use

City Planner Abboud reviewed the staff report.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was brief discussion of election signs.

The Commission engaged in discussion of a sunset clause where everyone should be in compliance and amnesty for buildings on the spit in regard to their other zoning issues when applying for a sign permit. It was argued that the buildings should be brought to code and point was raised that many of the zoning issues out there are not simple fixes. City Planner Abboud added that he has had discussion with the City Attorney who said a sign permit may not be held up because of other violations. Staff will bring something back on how best to deal with amnesty and a sunset clause.

There was also discussion of the issue of responsibility for getting sign permits. Currently the property owner has to do it. It could be something where the owner and tenant both have to apply. Staff will look at verbiage for code.

The next issue addressed was the length of the sunset time to come into compliance. It was recommended that it be date specific. Most Commissioners wavered between 2 and 3 years.

DRUHOT/HIGHLAND MOVED THAT THE TIMEFRAME TO BECOME COMPLIANT WITH SIGN CODE BE THREE YEARS AFTER COUNCIL ADOPTION.

There was no discussion.

VOTE: YES: VENUTI, DRUHOT, MINSCH, HIGHLAND
NO: DOLMA, BOS

Motion carried.

In relation to the recommendation that if the sign face changes all signs on the building have to be in compliance, question was raised if that includes signs for multiple buildings. Chair Minsch was inclined to think it doesn't. Planning Technician Harness-Foster said she would ask for clarification.

MINSCH/BOS MOVED THAT WHEN THE FACE OF A SIGN IS CHANGED ALL THE SIGNS ON THE PARTICULAR BUILDING MUST BE REPLACED WITH A CONFORMING SIGN.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

The Commission discussed the suggested incentives. There were comments that it could help encourage nicer signs and it isn't too much of an increase. Others noted that a nice sign can be put together within the allotted amount and everyone should be held to the same limitations. It was also noted that some people's art may not be another person's art.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
APRIL 6, 2011

- Most of the small buildings are on the spit and it should start off with spit only.
- If we are going to deal with banners, temporary signs, and sandwich boards, they need to be dealt with city wide.
- The notion of incentives sounds good but adding 20% to a sign on a small building is a substantial increase and the criteria should be consistent for everyone.
- The reference to square footage starting on line 47 refers to wall frontage. The square footage of wall that faces the front or the right-of-way.

MINSCH/DRUHOT MOVED THAT THE SIGN ORDINANCE IS APPLICABLE TO EVERYONE IN HOMER INCLUDING THE HOMER SPIT.

There was brief discussion that it keeps it simple if everyone is held to the same code.

VOTE: YES: DRUHOT, MINSCH, VENUTI, DOLMA, BOS
NO: HIGHLAND

Motion carried.

There was discussion about building sizes and amount of signage.

DRUHOT/BOS MOVED TO AMEND LINE 53 TO CHANGE 50 TO 199 SQUARE FEET TO 0 TO 199 SQUARE FEET AND ACCEPT THAT WALL FRONTAGE OF 0 TO 199 SQUARE FEET WILL HAVE A MAXIMUM SIGN AREA OF 30 SQUARE FEET AND WALL FRONTAGE OF 200 TO 349 SQUARE FEET WILL HAVE A MAXIMUM SIGN AREA OF 50 SQUARE FEET.

The comment was made that these allowances are too big. It was noted that this is a start and they can discuss it further after staff updates the changes made tonight.

VOTE: YES: DRUHOT, MINSCH, BOS
NO: DOLMA, HIGHLAND, VENUTI

Motion failed.

There was discussion of supporting a smaller signage.

BOS/DOLMA MOVED TO AMEND LINE 52 TO CHANGE 50 SQUARE FEET TO 40 AND LINE 53 CHANGE 30 SQUARE FEET TO 20.

There was no discussion.

VOTE: YES: MINSCH, DOLMA, VENUTI, BOS, DRUHOT
NO: HIGHLAND

Motion carried.

DOLMA/BOS MOVED TO ACCEPT STAFF RECOMMENDATIONS FOR LINES 38-45 FOR TEMPORARY EVENT SIGNS CHANGING THE MAXIMUM TERM FROM 60 TO 7 AND THE MAXIMUM NUMBER OF DAYS FROM 20 TO 5.

There was no discussion.

PLAT CONSIDERATION

A. Staff Report PL 11-40, Augustine Subdivision No. 5 Preliminary Plat

City Planner Abboud reviewed the staff report.

Roger Imhoff, project surveyor, commented that he is not that converse with the impervious issues, if that is an issue. In response to questions, he clarified that the plat notes are standard notes and easements of record, including driveway easements. He also explained that he does not know the reasoning behind the replat.

Question was raised regarding future development on the lot and City Planner Abboud explained that they can't exceed the 4.2 and this action doesn't qualify the applicants to develop anymore. There was also brief discussion about the graveyard on the property. City Planner Abboud noted it was already there and he isn't aware of any code that says it can't be expanded or that it creates an impervious coverage issue.

There was discussion clarifying where the structures are on the lots and how the new lots would be configured.

There were no public comments.

BOS/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 11-40 AUGUSTINE SUBDIVISION NO. 5 PRELIMINARY PLAT.

Comments were made about the uncertainty of how to respond about impervious issues, and a cemetery. City Planner Abboud noted that these were not issues relevant to the platting process. No one was sure when the cemetery was established.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

A. Staff Report Pl 11-42 Sign Code Amendments

Planning Technician Harness-Foster reviewed the staff report.

HIGHLAND/BOS MOVED TO BRING THIS TO THE FLOOR FOR DISCUSSION AND RECOMMENDATION.

No objection was expressed and discussion

Initial discussion points included-

- A small building would be considered 50 to 199 square feet.
- Some felt these changes would apply to the spit only, others felt they should be city wide.



City of Homer Planning & Zoning

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Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-37 WS

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: March 16, 2011
SUBJECT: Sign ordinance

Based on the March 7th Joint work session with the City Council it seems there is support for sign code amendments that address:

1. Banners
2. Temporary-sandwich boards
3. The amount of signage
4. Enforcement
5. Phase in compliance

Public involvement is key and a draft ordinance is needed before discussions with the public take place. On November 3, 2010 the HAPC reviewed a draft ordinance which addressed the amount of signage per principal building and temporary signs. If this is a direction that the HAPC would like to proceed, staff will expand the draft ordinance to include enforcement and phasing in the new regulations for an April HAPC meeting.

The planning staff is eager to use the summer season to inform the public. The timeline below allows for public workshops this summer followed by public hearings this fall. If an ordinance is to be effective for summer 2012 adoption should be in the winter/spring of 2012.

| | |
|----------------|---|
| May 2011 | Draft ordinance |
| June/July 2011 | Invite business and property owners to workshops that explain the key concepts. Press coverage, flyers and gather public input. |
| August 2011 | Based on the input, if needed, make adjustments to the draft ordinance |
| September 2011 | Schedule public hearing(s) at the HAPC |
| Fall/winter | Send draft ordinance to City Council. |
| Feb. 2012 | Education property owners |

ATTACHED:

1. November 3, 2010 SR 10-105

CITY COUNCIL PLANNING COMMISSION

**MONDAY
MARCH 7, 2011**

**JOINT WORKSESSION
6:00 P.M.**



**CITY HALL COWLES COUNCIL CHAMBERS
491 E. PIONEER AVE.
HOMER, ALASKA**

Produced and distributed by the Clerk's Office ~ 3/03/11 ~ jj



HOMER CITY COUNCIL/WORKSESSION
491 E. PIONEER AVENUE
HOMER, ALASKA

MARCH 7, 2011
MONDAY, AT 6:00 P.M.
COWLES COUNCIL CHAMBERS

**MEETING NOTICE
JOINT WORKSESSION WITH PLANNING COMMISSION
AGENDA**

1. **CALL TO ORDER, 6:00 P.M.**
2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)
3. **Signage Code Enforcement on the Spit**
 - A. Staff Report PL 11-31 from Planning Technician Page 1
 - B. Memorandum 11-030 from Police Chief Page 5
4. **COMMENTS OF THE AUDIENCE**
5. **ADJOURNMENT. NEXT REGULAR MEETING IS SCHEDULED FOR MONDAY, MARCH 14, 2011 AT 6:00 P.M. THE NEXT COMMITTEE OF THE WHOLE IS SCHEDULED FOR MONDAY, MARCH 14, 2011 AT 5:00 P.M.** All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



City of Homer Planning & Zoning

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STAFF REPORT PL 11-31

TO: Homer Advisory Planning Commission
THROUGH: Homer Advisory Planning Commission (HAPC) and Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: March 7, 2011
SUBJECT: Spit signage and enforcement

The objective to this staff report is to help solidify points and questions for discussion with the City Council and the HAPC. This staff report starts with background information, includes Comprehensive Plan statements, code enforcement progress and ends with key questions to discuss.

Background information:

None of the boardwalks are in compliance with the current sign code which allows 150 sf of signage per lot. Gaining compliance would be no easy task and take a great deal of time and effort, perhaps so much that consideration would have to be given to extra staff time and possibly attorney fees.

Legal challenges may have multiple participants. The property owner is responsible for compliance; however ownership on the boardwalks often involve 1) a property owner, 2) a building owner and 3) a business owner. Compliance is based on the entire lot, which requires all the various owners to work together to reduce signage to 150 sf. In the most simplistic form, if one lot has 10 buildings, every building would need to reduce their signage to 15 sf. If one owner doesn't reduce their signage, the entire parcel is in violation.

Currently, Spit businesses on boardwalks view the sign code as unrealistic or unattainable. During the fall of 2010 the HAPC reviewed Homer's sign code and is considering changes to Spit signage on lots with multiple buildings. Signage would be allocated per building versus per lot. Oddly, in many instances this may increase the allowed signage on many lots with multiple structures, but in the end approximately 50% of the businesses will likely need to reduce their signage. If such sign code amendments are adopted the Planning and Zoning Office would take great lengths to educate Spit business owners of the changes. Even so, there is likely to be some resistance.

HAPC concerns:

To date, the Commission has not moved forward on a draft ordinance; so no public hearing has been held, nor have the property and business owners been contacted. If/when a draft ordinance is proposed staff and the commission will make every effort to contact owners.

The HAPC is sensitive to the economic impact of new sign regulations. Phasing in the sign ordinance respects the investment that business owners have in their signage. Phasing might include a timeframe to come into compliance (with regards to permanent signage) when not adding more signs.

The commission is sensitive to the uniqueness of the Spit and the effects of uncontrollable signs. The attached article from *Planning Commissioners Journal* addresses tourism: "The more one community comes to look like every other community, the less reason there is to visit. On the other hand, the more a community does to protect and enhance its distinctive character, whether natural or architectural, the more reason there is to visit."

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March 7 HAPCCC joint session.docxC:\Documents and Settings\JJohnson\Local Settings\Temporary Internet
Files\Content.Outlook\2WRYTPB1\SR 11-31 March 7 HAPCCC joint session.docx

Sign code enforcement is governed by Title 21 which allows violators 30 days to correct violation(s) HCC 21.90.060(c). Within that 30 days, the violator may appeal the enforcement order to the Planning Commission, HCC 21.93.300(a). The appeal hearing must be scheduled within 60 days, HCC 21.93.100(a). The Planning Commission has 60 days to render a decision, HCC 21.93.100(a). So far, 150 days, the summer season is over, the appeal fee is \$250.00 and the appellant may appeal to the Board of Adjustment. This process gets quite drawn out over a subject that is rather definitive. Another possibility is to involve a citation issued by the police and going directly to court (after gentle reminders and opportunities, given by the Planning Office, to come into compliance).

Draft Spit Comprehensive Plan: Statements related to the sign code include:

“Sign size needs to be compatible and in scale with multiple buildings on one parcel.”
Pg 24, Commercial Development.

“Zoning should be adjusted to support Spit business owner’s sense of individuality and unique character.” Pg 23, Land Use & Community Development.

Enforcement progress:

The HAPC, the Port and Harbor Commission, the Lease Committee, and the planning staff have been working together to get Spit properties in compliance. For example, prior to lease renewals the leaseholders may need to get a Conditional Use Permits which verifies that FEMA, DEC and Fire Marshal certifications are current. The business owner may need to provide a survey, replace/remove older structures, and water/sewer connections. When the property owner is resistant the City incurs legal fees. The grid below illustrates the permit progress:

| Permit | Business | On-site | Address |
|-----------------|----------------------------|------------------------------|----------------------|
| CUP 11-09 | Petro Marine | Fuel tanks | 4755 Homer Spit Road |
| CUP 10-05 | The Fish Factory | Seafood processing | 800 Fish Dock Road |
| CUP 10-03 | Alaska Marine Hwy System | Warehouse | 4667 Homer Spit Road |
| CUP 10-01 | The Sports Shed | Retail-hotel | 3815 Homer Spit Road |
| CUP 09-07 | The Auction Block | Seafood processing | 4501 Ice Dock Road |
| CUP 07-14 | Kachemak Shellfish Growers | Retail-seafood processing | 3851 Homer Spit Road |
| CUP 05-05 | Yourkowski | Retail | 4460 Homer Spit Road |
| Upcoming | | | |
| In 2011 | Snug Harbor | Seafood processing | Ice Dock Road |
| In 2011 | B. Faulkner | Wholesale seafood | 4474 Homer Spit Road |
| In 2011 | Central Charters | Retail, restaurants, booking | 4241 Homer Spit Road |

Draft Spit Comprehensive Plan statements that support enforcement:

“A clear policy is needed and appropriate regulations created and enforced to meet public health and safety concerns.” Pg 25, 1.C Resort/Residential Development

“By permitting these activities, the City can better regulate them and ensure facilities meet building, health, and safety codes.” Pg 25, 1.C Resort/Residential Development

The spit has a higher rate of noncompliant signs and structures than other parts of town.

Questions:

As the City Manager's Report mentions (1/10/2011) "many are concerned that the City is not doing enough, or being assertive enough about code enforcement, particularly on the Spit. On the other hand, a sizable portion of the community believes that the City is being too aggressive."

1. Is the City ready to financially support proactive enforcement of the current sign code? (150 sf per parcel)
2. Is the City willing to support changes to the sign code?
3. Should the Spit have different sign regulations than the rest of town?
4. Should there be some sort of time delay, phasing in compliance?
5. Should the City's Police Department be involved in enforcement?



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

MEMORANDUM 11-030

DATE: February 28, 2011
TO: Rick Abboud, City Planner
FROM: Mark Robl, Chief of Police
SUBJECT: Sign Violation Enforcement

Even with the addition of a new police officer this year, the police department will have very little time to engage in sign violation enforcement. We set records with our high numbers of arrests last year. We made more arrests in the last three months, typically slow winter months, than ever before. Our officers have been incurring overtime at unprecedented rates for this time of year and it is not slowing down.

I would expect most of the sign violations to occur in the summer. This is our busiest time and we often have to prioritize calls for service based on severity. There were many days last summer when we were unable to even do basic patrol work while our officers scrambled to keep up with case work demands from the district attorneys office and the court system. We were not able to respond to over one hundred calls for service. I am hoping to minimize overtime, fill in some of the blank schedule spots and reduce our response times and incidents of no response with our new officer. Taking on more work, no matter how trivial it may seem, is not practical.

Our dispatchers provide our secretarial and clerical support in addition to answering phone and radio calls. They have to prepare, log, file and transmit every citation that comes in from patrol. We are down one position in dispatch due to budget cuts and the existing staff will be hard pressed to keep up with summer work loads as it is. I am not interested in adding more work to their current responsibilities. We will also be down to one enforcement aide on the spit this summer, we had two last summer. This person will be very busy with parking enforcement and beach patrol duties.

It seems that there is more and more interest in increasing the enforcement of city ordinances. I suggest a code enforcement position be considered. It would be more cost effective to do code enforcement with a dedicated position and should cost considerably less than a police officer.



City of Homer Planning & Zoning

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Homer, Alaska 99603-7645

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E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-16 WS

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: February 16, 2011
SUBJECT: Goals for March 7, 2011 joint session with City Council

The objective to this staff report is to help solidify points that need to be made and questions that need to be answered in the CC/PC joint work session scheduled on March 7, 2011 at 6pm in City Council Chambers. This is my outline as I understand. It is up to the Planning Commission to refine the items and phrase questions as they like. I just want to make sure that all we need to address is clearly stated and presented to help guide and frame the discussion. Please make notes for discussion and suggestion of how you would like a staff report to look like. We start out with some background information to frame the issue then move on to pointed policy questions.

Background information:

None of the boardwalks are in compliance with the current sign code which allows 150 sf of signage per lot. Gaining compliance would be no easy task and take a great deal of time and effort, perhaps so much that consideration would have to be given to extra staff time and possibly attorney fees.

Legal challenges may have multiple participants. The property owner is responsible for compliance; however ownership on the boardwalks often involve 1) a property owner, 2) a building owner and 3) a business owner. Compliance is based on the entire lot, which requires all the various owners to work together to reduce signage to 150 sf. In the most simplistic form, if one lot has 10 buildings, every building would need to reduce their signage to 15 sf. If one owner doesn't reduce their signage, the entire parcel is in violation.

Currently, Spit businesses on boardwalks view the sign code as unrealistic or unattainable. During the fall of 2010 the HAPC reviewed Homer's sign code and is considering changes to Spit signage on lots with multiple buildings. Signage would be allocated per building versus per lot. Oddly, in many instances this may increase the allowed signage on many lots with multiple structures, but in the end approximately 50% of the businesses will likely need to reduce their signage. If such sign code amendments are adopted the Planning and Zoning Office would take great lengths to educate Spit business owners of the changes. Even so, there is likely to be some resistance.

Draft Spit Comprehensive Plan statements that support changes to the sign code are:

"Sign size needs to be compatible and in scale with multiple buildings on one parcel."
Pg 24, Commercial Development.

"Zoning should be adjusted to support Spit business owner's sense of individuality and unique character." Pg 23, Land Use & Community Development.

The HAPC, the Port and Harbor Commission, the Lease Committee, and the planning staff have been working together to get Spit properties in compliance. For example, prior to lease renewals the leaseholders may need to get a Conditional Use Permits which verifies that FEMA, DEC and Fire Marshal certifications are current. The business owner may need to provide a survey, replace/remove older structures, and water/sewer connections. When the property owner is resistant the City incurs legal fees. The grid below illustrates the permit progress:

| Permit | Business | On-site | Address |
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Draft Spit Comprehensive Plan statements that support enforcement:

“A clear policy is needed and appropriate regulations created and enforced to meet public health and safety concerns.” Pg 25, 1.C Resort/Residential Development

“By permitting these activities, the City can better regulate them and ensure facilities meet building, health, and safety codes.” Pg 25, 1.C Resort/Residential Development
Support of enforcement actions.

Clearly in regards to signs and in some instances zoning permits and/or CUP’s many instances of noncompliance are found on the spit which are disproportionate to those found in other parts of town.

Questions:

As the City Managers Report mentions (1/10/2011) “many are concerned that the City is not doing enough, or being assertive enough about code enforcement, particularly on the Spit. On the other hand, a sizable portion of the community believes that the City is being too aggressive...”

1. What kind of support is there for enforcement of the current sign regulations? Even if the use/structure is in violation?
2. Should the Spit have different sign regulations than the rest of the town?
3. Should there be some sort of delay or time extension given to come into compliance?



City of Homer Planning & Zoning

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STAFF REPORT PL 10-105

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: November 3, 2010

SUBJECT: Proposed Sign code changes

At the August 4th HAPC work session the Commission directed staff to research and present amendments to the existing sign code. Staff focused on lots with multiple buildings both in town and on the Spit and compared measurements of approximately fifty buildings and their signs. This staff report begins with some background on the current sign code and includes excerpts from staff reports presented at the Sept. 15, 2010, October 6, 2010 and October 20, 2010 HAPC meetings:

- A. Background on how the current sign code affects lots with multiple buildings.
- B. Principal Building definition.
- C. Amount of signage allowed per principal building.
- D. Visual examples of small buildings and their sign area.
- E. Freestanding signs (Anchored in the ground and independent from the buildings(s)).
- F. Temporary signs (Not permanently mounted)
- G. Measuring two-sided signs
- H. Compliance

REQUESTED ACTION: Review, modify as needed, and send to public hearing. (If the Commission wants these changes to be effective for the 2011 summer season, this draft ordinance needs to be moved to public hearing.)

The proposed amendments makes sign size compatible and in scale with multiple small buildings on the Spit by:

1. Changing the amount of signs allowed FROM being based on a lot TO being based on a principal building(s). HCC 21.60.060 Table 2 Part B. Line 44-45.
2. Adding a row to Table 2 for small buildings. Line 51-53.
3. Establishing the maximum size of a building complex sign. Line 58.

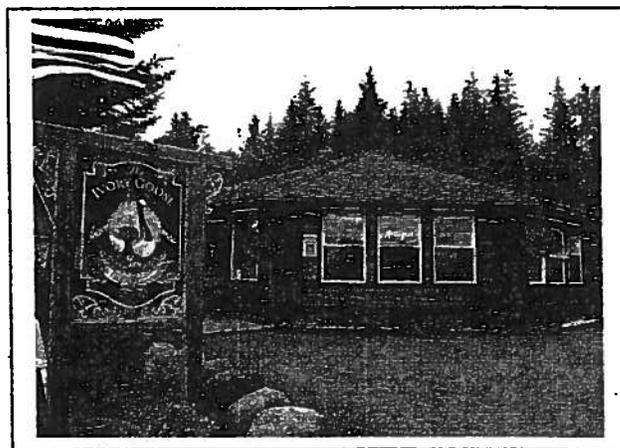
A. Background on how the current sign code affects lots with multiple buildings.

Currently, the amount of signage is based on a lot and by the amount of wall frontage. The more wall frontage a building has the more signage allowed. For example, Safeway is allowed the maximum of 150 square feet in signage, while small buildings are allowed 50 square feet of signage. So far straightforward, one business per lot. HCC 21.60.060 Table 2 Part B.

Belmonte Vista, The Yurt Village and Ivory Goose on Pioneer Avenue, have multiple buildings on one lot. Currently each lot is allowed a maximum of 150 square feet of signage plus a freestanding sign per HCC 21.60.060 Table 2 Part B. Dividing the 150 square feet of signage amongst these units seems workable and provides sufficient and legible signage.

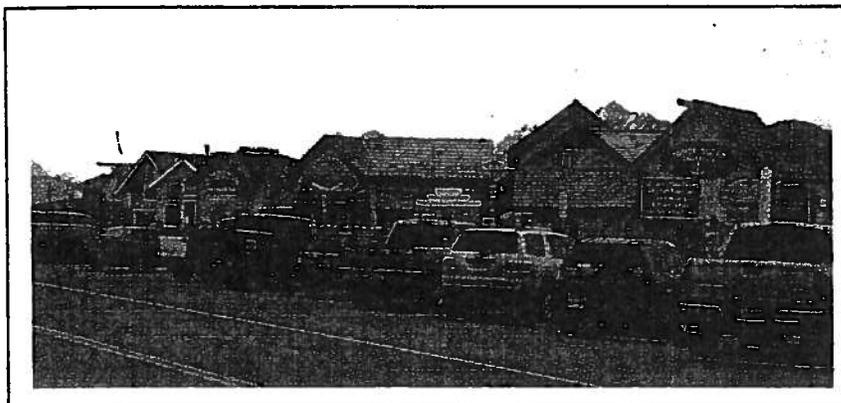


Belmonte Vista with four buildings and a freestanding sign.



Ivory Goose on Pioneer Avenue, four buildings.

However, as the number of buildings increase the amount of signage remains at 150 square feet (per lot). Dividing 150 sf between twelve buildings provides 12.5 sf of signage per building.



Multiple buildings on one foundation, Cannery Row Boardwalk.

B. Staff explored amending the sign code to base the amount of signage on a “principal building”.
 From HCC 21.60.060(c) Table 2 Part B:

| | |
|------------------------------|--|
| Square feet of wall frontage | Maximum allowed sign area per lot principal building. |
|------------------------------|--|

Homer’s Sign Code HCC 21.60.040 defines “Principal building” as “The building in which is conducted the principal use of the lot on which it is located. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other accessory structures shall not be considered principal buildings.” This existing definition accommodates multiple principal buildings, while excluding storage and accessory structures.

C. Amount of signage per “principal building.”

Staff compared the existing per lot code with the proposed per principal building(s) concept. At Belmonte Vista, and the Ivory Goose each building would be allowed 50 square feet per building, for a total of 200 square feet. The Yurt Village would be allowed 50 square feet per building, for a total of 400 square feet.

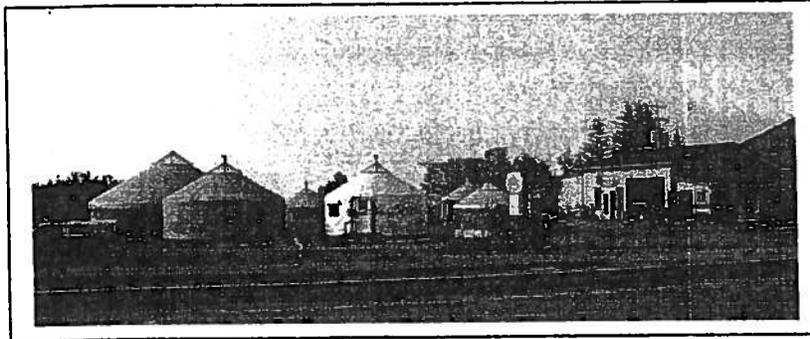
As the number of “principal buildings” increase the amount of signage increases. Since signage is proportional, staff considered adding a row to Table 2 to accommodate the small buildings. Proposed amendment HCC 21.60.060 Table 2 Part B:

| Square feet of wall frontage | Maximum allowed sign area per lot principal building. |
|---|--|
| 750 s.f. and over | 150 s.f. |
| 650 to 749 | 130 s.f. |
| 550 to 649 | 110 s.f. |
| 450 to 549 | 90 s.f. |
| 350 to 449 | 70 s.f. |
| 0 to 349 (existing) | 50 s.f. |
| With wall frontage and sign sf adjusted | |
| 200 to 349 | 50 sf |
| 50 to 199 | 30 s.f. |

Approximately half of the small Spit buildings have less than 200 square feet of wall frontage, likewise the Yurt Village. Therefore, staff considered a more proportional arrangement: adding a row to Table 2 “50 to 199 square feet of wall frontage” to allow “30 square feet of signage”, progressing to “200 to 349 of wall frontage” to allow “50 square feet of signage”.

Note: Starting with 50 sf of wall frontage requires a minimum to be considered a “principal building.”

Below: The Yurt Village has eight (8) permitted principal buildings. The current code allows a maximum of 150 sf of signage for the entire lot, which is workable. Based on the proposed amendment 400 sf of signage would be allowed.



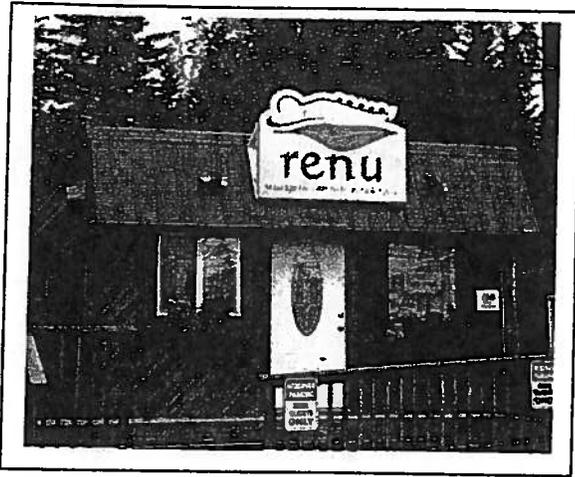
This grid shows the affects of the proposed amendments on lots with multiple small buildings. As the number of buildings increase, so does the signage. Consideration should be given to making the proposed amendments effective for only the Marine Commercial (MC) and Marine Industrial (MI) districts. If so, this amendment would affect eight (8) Spit parcels with multiple buildings.

| | Belmonte Vista | Ivory Goose lot | The Yurt Village | Central Charters BW | Harborview Board walk | Cannery Row |
|---|-----------------------|------------------------|-------------------------|----------------------------|------------------------------|--------------------|
| Number of principal buildings | 4 | 3 | 8 | 5 | 6 | 12 |
| Zoning district | CBD | CBD | CBD | MC | MC | MC |
| Amount of signs allowed with the current code. | 150 sf | 150 sf | 150 sf | 150 sf | 150 sf | 150 sf |
| Proposed: Amount of signs based on Principal Building(s) and small (50 to 199) buildings. | 160 sf | 160 sf | 400 sf | 490 sf | 260 sf | 480 sf |

Rationale for making the Table 2 effective for the MC and MI districts only are:

- In town signage is working on sites with multiple buildings.
- 10+ buildings on one lot is UNIQUE to the Spit.
- Sign codes vary between zoning districts. For example: Homer's Residential Office district allows 50 sf of signage IF the business is along East End Road, Bartlett, Hohe, and Pennock, HCC 21.60.060(c) Table 2 Part B (e).
- The proposed amendments address the MAIN issue on the Spit.
- Small, baby steps rather than city wide.

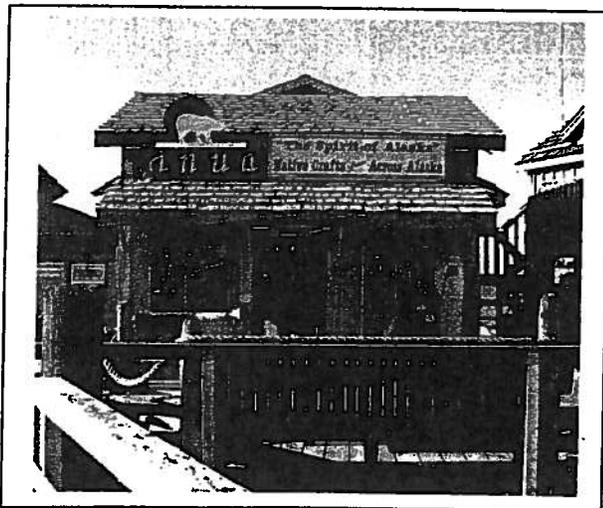
D. The photos might help grasp the wall frontage to sign area concept.



As proposed, the Renu building would be allowed 30 sf of signage. Currently 12 sf is displayed. Complies.



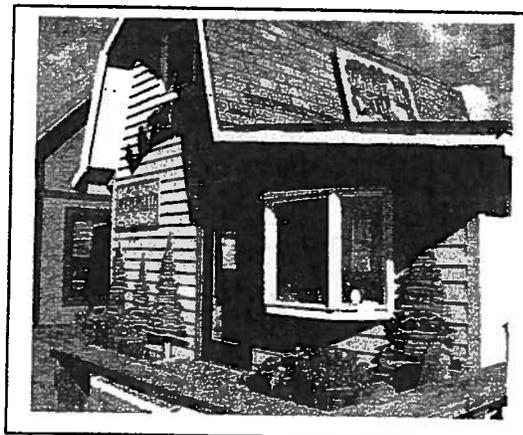
As proposed, All Hopped Up Espresso would be allowed 50 sf of signage. Currently 45 sf is displayed. Complies.

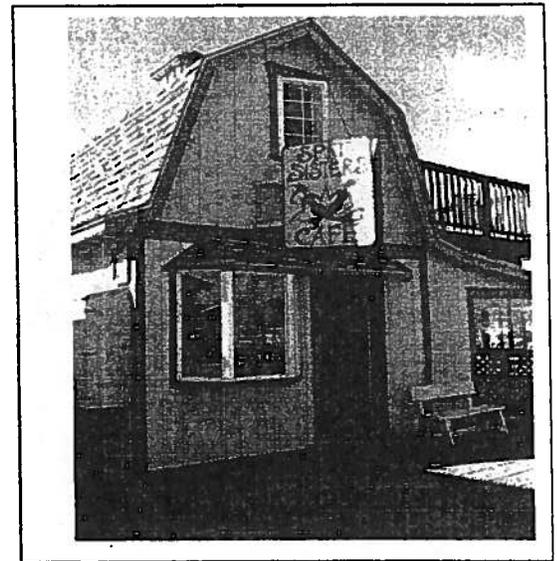


*The Inua Gift Shop has less than 200 sf of wall frontage. As proposed the The Inua Gift Shop would be allowed 30 sf of signs.
 The Inua Gift Shop has approximately 30 sf of signs.*

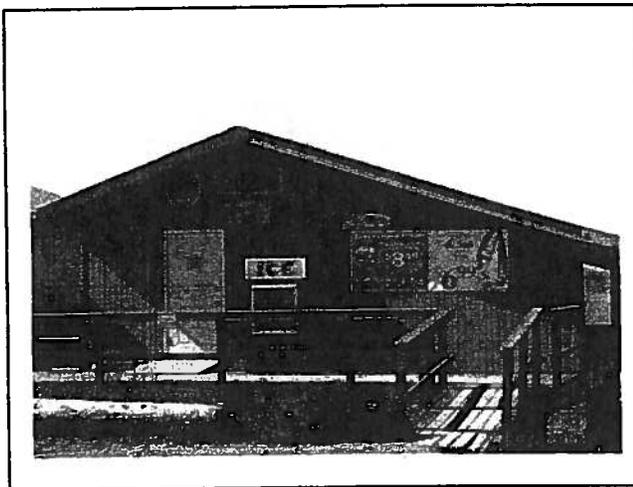
Complies with the proposed amendments.

*White Earth Tile has less than 220 sf of wall frontage. As proposed the White Earth Tile would be allowed 50 sf of signs.
 The building has approximately 42 +/- sf of signage (including deck sign).*





*Spit Sisters has 226+- wall frontage.
As proposed the Spit Sisters buildings would be allowed
50 sf of signs.
The signage including the banners adds up to 82 sf.
To comply, Spit Sisters would have to reduce signage to 50 sf.*



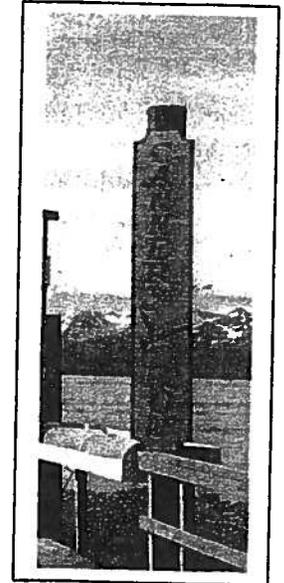
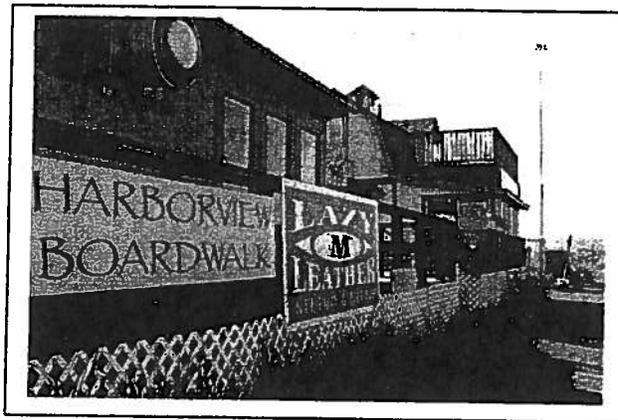
*The liquor store on the Central Charters
boardwalk has approximately
225 sf of wall frontage. As proposed the liquor
store would be allowed 50 sf of signage.
The liquor store has 72 sf of signs (including
banners on side wall).

To comply, the liquor store would have to reduce
signage to 50 sf.*

E. Building complex signs. (Line 58).

Parcels with multiple independent businesses are allowed additional signage to identify the building or complex of buildings. These *building complex* signs may be freestanding or mounted on a wall. Currently, the size of the *building complex* sign is based on 20% of the signs covered by Table 2 Part B. This 20% is in additional signage IF the sign is used to promote the *building complex*. Currently Belmonte Vista, Harborview Boardwalk and Cannery Row have and are allowed one *building complex* sign to identify their boardwalk, maximum of 30 sf.

As the amount of signage increases to accommodate multiple buildings, so does the sign area for *building complex* signs. Rather than a percentage, staff recommends setting the maximum “building complex” sign size at 30 sf. Thirty square feet is based on the existing code, 20% of 150 square feet equals 30 square feet. Without this amendment a parcel like Cannery Row would be allowed a *building complex* sign of 96 sf. Setting a maximum sign size for *building complex* signs is straight forward and easily to understand, regardless of the number of buildings on the lot.



Therefore, staff recommends amending HCC 21.60.060(c) Table 2 Part B (Line 54). “In all districts covered by Table 2 Part B, on any lot with multiple principal buildings or with multiple independent businesses or occupancies in one or more buildings, the total allowed sign area may be increased beyond the maximum allowed signage as shown in Table 2 Part B, by ~~20%~~ **thirty square feet**. This additional sign area can only be used to promote or identify the building or complex of buildings.”

F. Temporary Signs: Portable, A-frame, sandwich boards. City wide. (Line 74-75)

The draft ordinance allows temporary-portable signs to be displayed only when the business is open. Temporary-portable signs are effective for businesses during operating hours, but add visual clutter especially when the business is not open.

HCC 21.60.130(d) **Hours. Temporary signs shall be displayed only during the hours the business is open.**

G. Measuring two-sided signs, HCC 21.60.050(b)

When measuring the sign area on a two-sided sign, one measures “the sign face visible from any one point.”

H. Compliance

None of the Spit boardwalks comply with the existing code which allows 150 sf of sign per lot. For example: dividing 150 sf into 12 or more buildings, each building is allowed 12.5 sf of signs. The property owner is responsible for compliance; however this is layered when the property owner, the building owner and the business owner are different people. In addition, the amount of signage one business can have is **dependent** on the amount of signage already on the lot. Basing sign standards on "per principal building" allows each building to comply **independent of neighboring buildings**.

Sign violations follow the same procedures and timeline as zoning violations, per HCC 21.60.170(b). Once the property owner, building owners and/or business owners receive their certified letter(s), they then have 30 days to comply or file a \$250 appeal. Appeals to the HAPC must be heard within 60 days, HCC 21.93.100.....the summer season is over. HCC 21.60.170(b) Enforcement and remedies directs us to "conviction by a court." Prior to moving this ordinance to public hearing the Planning staff will ask the city attorney to review HCC 21.60.170 Enforcement.

STAFF RECOMMENDATION: Review, modify as needed, and send to public hearing.

The draft ordinance:

1. Changes to Table 2 Part B are effective for Marine Commercial and Marine Industrial districts only.
2. Allocates signs by "principal building." (Line 44-45, Table 2 Part B)
3. Adds a row to Table 2 Part B "50 to 199" square feet of wall frontage to allow "30 square feet" of sign area. (Line 52-53)
4. Change HCC 21.60.060 (c) Table 2 Part B so that the maximum size of a building complex sign is by ~~20%~~ **thirty square feet.** (Line 58)
5. Restricts temporary portable signs to the hours the business is open. City wide. (Line 74-75).

Att: Draft ordinance

CITY OF HOMER, ALASKA

City Manager/Planning

AN ORDINANCE OF THE CITY OF HOMER
CITY COUNCIL TO AMEND HOMER CITY
CODE 21.60.060 TABLE 2 PART B MAXIMUM
TOTAL SIGN AREA AND AMEND HCC
21.60.130 TO RESTRICT THE DISPLAY OF
TEMPORARY SIGNS DURING HOURS THE
BUSINESS IS OPEN AND AMEND 21.60.170
ENFORCEMENT AND REMEDIES TO ALLOW
FINES TO BE ASSESSED
ADMINISTRATIVELY.

WHEREAS, Minimizing the visual sign clutter of excess signs prevents unsafe conditions and contributes to the identity of the Spit and cultivates pride; and

WHEREAS, Currently the sign code allocates sign area per lot; and

WHEREAS, Sign size needs to be compatible and in scale with multiple small principal buildings on one lot; and

WHEREAS, Restricting the display of portable temporary signs to when the business is open will help reduce visual sign clutter; and

WHEREAS, Enforcement and fines for violations of the sign code should be handled administratively per HCC 21.90.080.

WHEREAS, The Homer Advisory Planning Commission held a public hearing on this matter on

_____.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Title 21 Zoning and Planning, 21.60.060 Table 2 Part B Sign Code Maximum Total Sign Area is hereby amended as follows:

38 Table 2 Part B (need to clarify city wide or MC and MI districts only)

39 In all other districts not described in Table 2 Part A, the maximum
40 combined total area of all signs, in square feet, except
41 incidental, building marker, and flags, shall not exceed the
42 following:

| 43 <u>Square feet of wall frontage (c):</u> | 44 <u>Maximum allowed sign area</u> 45 <u>per principal building(s)</u> 46 <u>lot.</u> |
|---|--|
| 47 750 s.f. and over | 150 s.f. |
| 48 650 to 749 | 130 s.f. |
| 49 550 to 649 | 110 s.f. |
| 50 450 to 549 | 90 s.f. |
| 51 350 to 449 | 70 s.f. |
| 52 0 to 349 | 50 s.f. |
| <u>200 to 349</u> | <u>50 s.f.</u> |
| <u>50 to 199</u> | <u>30 s.f.</u> |

54 In all districts covered by Table 2 Part B, on any lot with multiple
55 principal buildings or with multiple independent businesses or
56 occupancies in one or more buildings, the total allowed sign area may
57 be increased beyond the maximum allowed signage as shown in Table 2
58 Part B, by ~~20%~~ thirty square feet. This additional sign area can only
59 be used to promote or identify the building or complex of buildings.
60

61 Section 2. Homer City Code Title 21 Zoning and Planning 21.60.130 Temporary signs-Private
62 property is amended to read as follows:

63 21.60.130 Temporary signs-Private property. Temporary signs on
64 private property shall be allowed subject to the following
65 requirements:

66 a. Term. A temporary sign shall not be displayed for more than 14
67 days in any 90-day period, except a sign offering for sale or
68 lease the lot on which the sign is located, which is allowed as
69 long as the property is for sale or lease.

70 b. Number. Only one temporary sign per lot is allowed.

71 c. Unless a smaller size is required by another provision of this
72 title, the maximum size of a temporary sign is restricted to 16
73 square feet. (Ord. 08-29, 2008).

74 d. Hours. Temporary signs shall be displayed only during the
75 hours the business is open. (City wide)

76 Section 3. Homer City Code Title 21 Zoning and Planning 21.60.170 Enforcement and remedies
77 is amended to read as follows:

78 21.60.170 Enforcement and remedies. a. Any violation or attempted
79 violation of this chapter or of any condition or requirement
80 adopted pursuant hereto may be restrained, corrected, or abated,
81 as the case may be, by injunction or other appropriate
82 proceedings pursuant to law.

83 b. A violation of this chapter shall be considered a violation of
84 the zoning code of the City, subject prosecution and, upon
85 conviction, subject to fines pursuant to HCC § 21.90.~~80100~~.

86 Section 4. This Ordinance is of a permanent and general character and shall be included in the
87 City Code.

88
89 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this _____ day of
90 _____, 2009.

91
92 CITY OF HOMER

93
94
95
96 _____
97 JAMES C. HORNADAY, MAYOR

98 ATTEST:

99
100 _____
101 JO L. JOHNSON, CMC, CITY CLERK

102 YES:

103 NO:

104 ABSTAIN:

105 ABSENT:

106
107 First Reading:

108 Public Hearing:

109 Second Reading:

110 Effective Date:
111

PLAT CONSIDERATION

There were no plats for consideration.

PENDING BUSINESS

A. Staff Report PL 10-107, Draft Steep Slope Ordinance

Chair Minsch called for a break at 8:03 p.m. and resumed at 8:09 p.m.

City Planner Abboud reviewed the amendments.

HIGHLAND/BOS MOVED TO DISCUSS AND MAKE RECOMMENDATIONS.

There was no opposition expressed and discussion ensued.

The Commission briefly discussed that the amendments and agreed that this draft is clearer.

KRANICH/BOS MOVED TO FORWARD THE AMENDED DRAFT STEEP SLOPE ORDINANCE TO CITY COUNCIL FOR PUBLIC HEARING AND APPROVAL.

There was brief discussion that the amendments made after the public hearing were for clarification and not substantive. Another public hearing at the Commission level is not needed.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 10-105, Proposed Sign Code Changes

KRANICH/BOS MOVED TO ADDRESS THE SIGN CODE CHANGES AT A WORKSESSION.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

C. Staff Report PL 10-96, Draft Zoning Enforcement Ordinance (Outdoor Storage)

HIGHLAND/BOS MOVED TO BRING THIS TO THE FLOOR FOR DISCUSSION AND RECOMMENDATION.

There was no objection expressed and discussion ensued.

Commissioner Bos expressed his desire for this to be something that will give property owners an opportunity to succeed in cleaning up their property. He cited some examples that he has seen elsewhere.



City of Homer Planning & Zoning

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E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 10-97

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: October 6, 2010, ~~October 20, 2010~~

SUBJECT: DRAFT Sign Code Amendment

At the September 15, 2010 HAPC Work session staff presented options for amending the sign code to accommodate lots with multiple buildings. Based on that discussion staff has drafted an ordinance that would amend the existing sign code city-wide. The draft ordinance:

1. Allocates signage by "permitted principal building." HCC 21.60.060 Table 2 Part B. (Line 50-51)
2. Adds a row to Table 2 for small building "0 to 199 square feet of wall frontage" to allow "30 square feet" of signs, HCC 21.60.060 Table 2 Part B. (Line 57-59)
3. Restricts temporary portable signs to the hours the business is open, HCC 21.60.130 Temporary signs. (Line 74-75)
- 4.

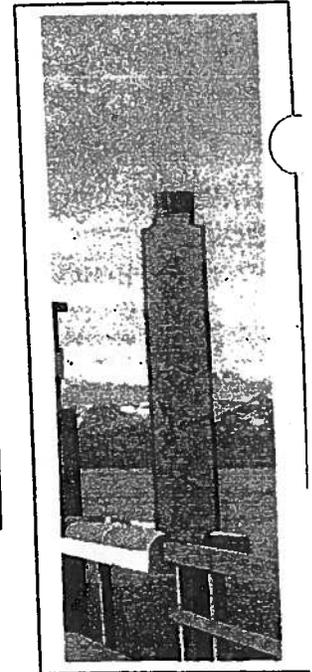
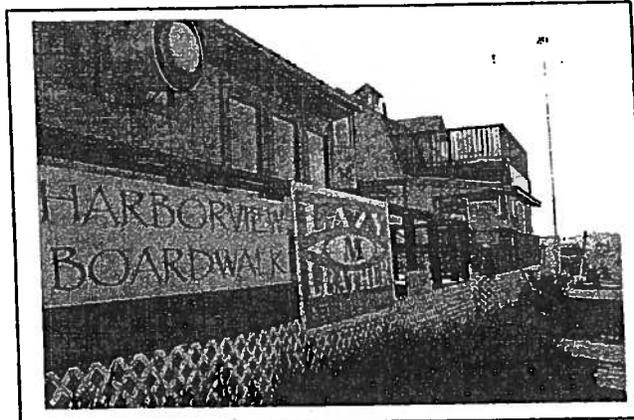
RECOMMENDATION: Review and suggest date for public hearing(s) or schedule time for further review.

Clarification to questions that surfaced during the September 15, 2010 Work Session:

The commission asked how boardwalks could identify themselves with a freestanding sign. Secondly, the commission asked how freestanding signs were sized for lots with multiple businesses.

First, Table 2 Part B allows one freestanding sign per lot. In addition to the sign area per principal building(s), lots with multiple principal buildings are allowed up to thirty (30) square feet of signage that promotes or identifies the "complex of buildings." This could be a freestanding sign like Belmonte Vista, or attached to a wall or railing as does Harborview Boardwalk and Cannery Row Boardwalk. Signs that identify a "complex of buildings" can be up to thirty (30) square feet which represents 20% of 150 square feet. From HCC 21.60.060 Table 2 Part B:

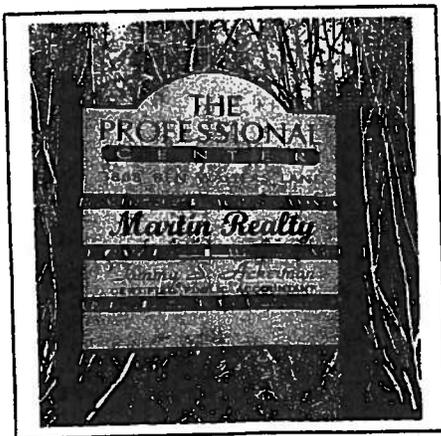
"In all districts covered by Table 2 Part B, on any lot with multiple principal buildings or with multiple independent businesses or occupancies in one or more buildings, the total allowed sign area may be increased beyond the maximum allowed signage as shown in Table 2 Part B, by 20%. This additional sign area can only be used to promote or identify the building or complex of buildings."



Secondly, lots with multiple businesses may share one the freestanding sign. In this case the code states that:

| | |
|----------------------------------|----------------|
| One business is allowed | 36 square feet |
| Two businesses are allowed | 54 square feet |
| Three businesses are allowed | 63 square feet |
| For or more business are allowed | 72 square feet |

The above sign area is included in the allowed signage. The Orca Building and The Professional Center on Ben Walters use a freestanding sign to identify the building(s) while providing signage for the individual businesses.



Att: Draft ordinance

1 CITY OF HOMER, ALASKA

2 City Manager/Planning

3
4 AN ORDINANCE OF THE CITY OF HOMER
5 CITY COUNCIL TO AMEND HOMER CITY
6 CODE 21.60.060 TABLE 2 PART B MAXIMUM
7 TOTAL SIGN AREA AND AMEND HCC
8 21.60.130 TO RESTRICT THE DISPLAY OF
9 TEMPORARY SIGN DURING HOURS THE
10 BUSINESS IS OPEN AND AMEND 21.60.170
11 ENFORCEMENT AND REMEDIES TO ALLOW
12 FINES TO BE ASSESSED
13 ADMINISTRATIVELY.
14
15

16 WHEREAS, Minimizing the visual sign clutter of excess signs prevents unsafe conditions and
17 contributes to the identity of the Spit and cultivates pride; and

18
19 WHEREAS, Currently the sign code allocates sign area per lot; and

20
21 WHEREAS, Sign size needs to be compatible and in scale with multiple small principal buildings on
22 one lot; and

23
24 WHEREAS, The number of principal buildings on a lot is prescribed in the Conditional Use
25 Permit process; and

26
27 WHEREAS, Restricting the display of portable temporary signs to when the business is open
28 will help reduce visual sign clutter; and

29
30 WHEREAS, Enforcement and fines for violations of the sign code should be handled
31 administratively per HCC 21.90.080.

32
33 WHEREAS, The Homer Advisory Planning Commission held a public hearing on this matter on
34 _____

35
36 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

37
38 Section 1. Homer City Code Title 21 Zoning and Planning, 21.60.060 Table 2 Part B Sign Code
39 Maximum Total Sign Area is hereby amended as follows:
40

41
42 | Table 2. Maximum Total Sign Area Per Principal Building(s) Lot By
43 Zoning District

44 Table 2 Part B

45 In all other districts not described in Table 2 Part A, the maximum
46 combined total area of all signs, in square feet, except
47 incidental, building marker, and flags, shall not exceed the
48 following:

| 49 | <u>Square feet of wall frontage (c):</u> | <u>Maximum allowed sign area</u> |
|----|--|----------------------------------|
| 51 | | <u>per principal building(s)</u> |
| | | <u>lot.</u> |
| 52 | 750 s.f. and over | 150 s.f. |
| 53 | 650 to 749 | 130 s.f. |
| 54 | 550 to 649 | 110 s.f. |
| 55 | 450 to 549 | 90 s.f. |
| 56 | 350 to 449 | 70 s.f. |
| 57 | 0 to 349 | 50 s.f. |
| 58 | <u>200 to 349</u> | <u>50 s.f.</u> |
| 59 | <u>0 to 199</u> | <u>30 s.f.</u> |

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61 Section 2. Homer City Code Title 21 Zoning and Planning 21.60.130 Temporary signs-Private
62 property is amended to read as follows:

63 21.60.130 Temporary signs-Private property. Temporary signs on
64 private property shall be allowed subject to the following
65 requirements:

66 a. Term. A temporary sign shall not be displayed for more than 14
67 days in any 90-day period, except a sign offering for sale or
68 lease the lot on which the sign is located, which is allowed as
69 long as the property is for sale or lease.

70 b. Number. Only one temporary sign per lot is allowed.

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72 title, the maximum size of a temporary sign is restricted to 16
73 square feet. (Ord. 08-29, 2008).

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84 the zoning code of the City, subject prosecution and, upon
85 conviction, subject to fines pursuant to HCC § 21.90.~~80100~~.

86 Section 4. This Ordinance is of a permanent and general character and shall be included in the
87 City Code.
88

89 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this _____ day of
90 _____, 2009.

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92 CITY OF HOMER

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97 JAMES C. HORNADAY, MAYOR

98 ATTEST:

99
100
101 JO L. JOHNSON, CMC, CITY CLERK

102 YES:

103 NO:

104 ABSTAIN:

105 ABSENT:

106 First Reading:

107 Public Hearing:

108 Second Reading:

109 Effective Date:

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120

Reviewed and Approved as to form and content:

Walt E. Wrede, City Manager

Thomas F. Klinkner, City Attorney

Date: _____



City of Homer Planning & Zoning

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STAFF REPORT PL 10-88 WS

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: September 15, 2010

SUBJECT: Proposed Sign code changes

At the August 4th HAPC Work session the Commission discussed Spit sign issues. The Commission directed staff to research and bring back a proposal. Options are numerous from no change to limitless signage on the Spit with a few guidelines. Based on the August 4th discussion staff has focused on lots with multiple buildings both in town and on the Spit. Staff has taken measurements of existing signs, their associated buildings. This report focuses on:

1. The amount of signage allowed per building versus per lot, HCC 21.60.060 Table 2 Part B.
2. Displaying temporary signs only when the business is open.
3. Clarifying fines for sign violations.

Our proposed solution includes:

Allocating signage by "principal building."

Adding a row to Table 2 "0 to 199 square feet of wall frontage" to allow "30 square feet."

Restricting temporary portable signs to the hours the business is open.

Streamlining violation procedures.

Background on these three topics:

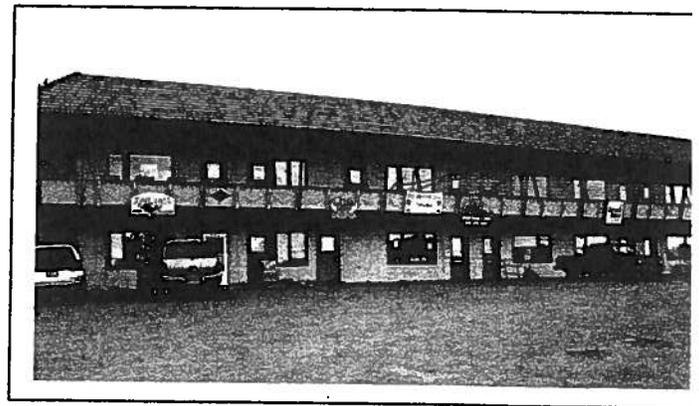
1. Currently, the amount of signage is prescribed per lot and by the amount of wall frontage. The larger the building the more signage allowed. For example, Safeway is allowed the maximum of 150 square feet in signage, while small buildings like the Alibi or Northwind Gallery are allowed 50 square feet of signage. These are straightforward, one business per lot. From HCC 21.60.060 Table 2 Part B:

| Square feet of wall frontage | Maximum allowed sign area per lot. |
|------------------------------|------------------------------------|
| 750 s.f. and over | 150 s.f. |
| 650 to 749 | 130 s.f. |
| 550 to 649 | 110 s.f. |
| 450 to 549 | 90 s.f. |
| 350 to 449 | 70 s.f. |
| 0 to 349 | 50 s.f. |

The Hillas Building on Pioneer Avenue has 12 units. Belmonte Vista on Lake Street and Ivory Goose on Pioneer Avenue, each have four buildings on one lot and have CUP's for "more than one permitted principal use." Based on the existing sign code, each lot is allowed a maximum of 150 square feet of signage plus a freestanding sign per HCC 21.60.060 Table 2 Part B. Dividing the 150 square feet of signage amongst four units seems workable and provides sufficient and legible signage.

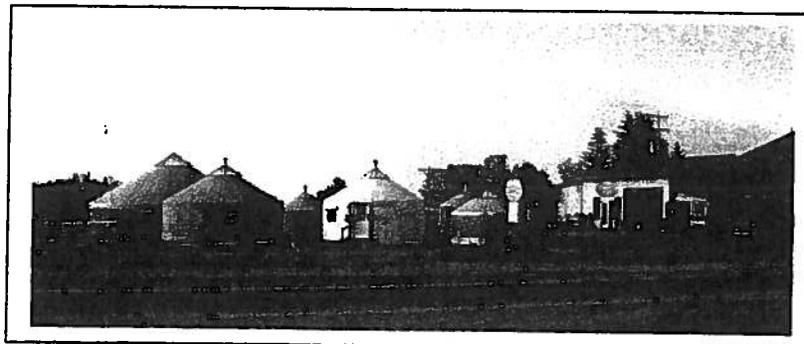


Belmonte Vista with four buildings and a freestanding sign.

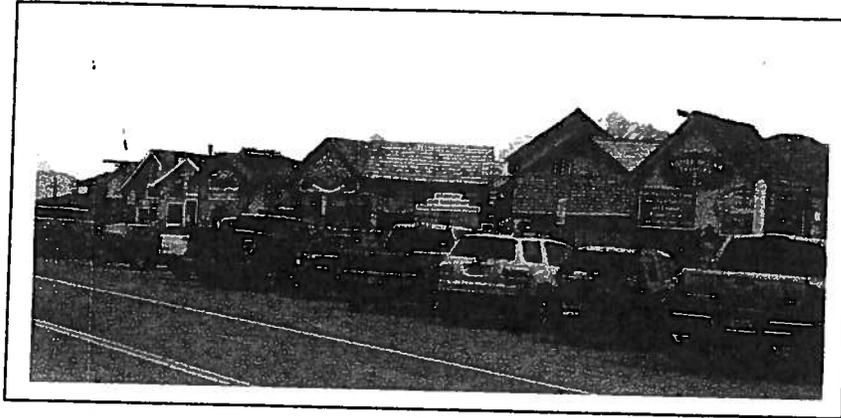


Hillas Building on Pioneer, 12 units.

The Yurt Village has seven (7) permitted principal buildings and is allow 150 square feet of signage for the entire lot.



However, as the number of buildings increase, some buildings permitted, some not, the amount of signage per lot remains at 150 square feet.



Multiple buildings on one foundation, Cannery Row Boardwalk.

Staff explored amending the sign code to base the amount of signage on a "Principal Building(s)".

| Square feet of wall frontage | Maximum allowed sign area per lot <u>principal building</u> . |
|------------------------------|---|
| 750 s.f. and over | 150 s.f. |
| 650 to 749 | 130 s.f. |
| 550 to 649 | 110 s.f. |
| 450 to 549 | 90 s.f. |
| 350 to 449 | 70 s.f. |
| 0 to 349 | 50 s.f. |

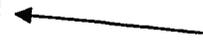
Homer's Sign Code HCC 21.60.040 defines "*Principal building*" is defined as "The building in which is conducted the principal use of the lot on which it is located. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other accessory structures shall not be considered principal buildings." This existing definition accommodates multiple principal buildings, while excluding storage and accessory structures.

Staff compared the existing per lot code with the proposed per principal building(s) concept. For example, the Hillas Building would remain the same, one principal building. At Belmonte Vista, and the Ivory Goose each building would be allowed 50 square feet per building, for a total of 200 square feet for the entire lot. The Yurt Village would be allowed 50 square feet per building, for a total of 350 square feet for the entire lot. Staff felt an adjustment was needed to accommodate the increasing number of small buildings.

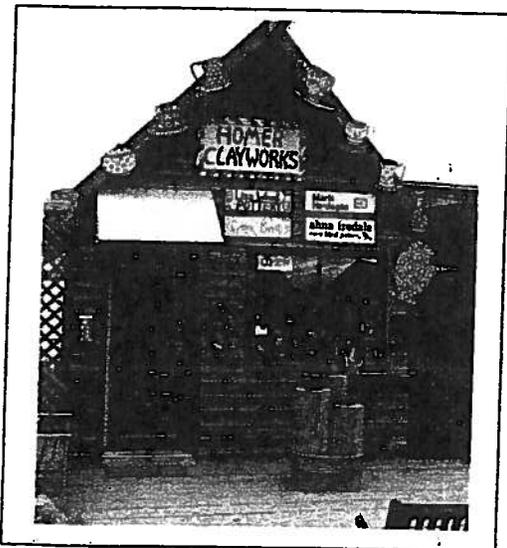
Focusing on small Spit retail buildings, staff measured signs and wall frontage. Approximately half of the small Spit buildings have less than 200 square feet of wall frontage, likewise the Yurt Village. Therefore, staff recommends a more proportional arrangement: adding a row to Table 2 "0 to 199 square feet of wall frontage" to allow "30 square feet of signage", progressing to "200 to 349 of wall frontage" to allow "50 square feet of signage".

Proposed amendment HCC 21.60.060 Table 2 Part B:

| Square feet of wall frontage | Maximum allowed sign area per lot <u>principal building.</u> |
|--|--|
| 750 s.f. and over | 150 s.f. |
| 650 to 749 | 130 s.f. |
| 550 to 649 | 110 s.f. |
| 450 to 549 | 90 s.f. |
| 350 to 449 | 70 s.f. |
| 0 to 349 (existing) | 50 s.f. |
| With wall frontage and sign sf adjusted | |
| 200 to 349 | 50 sf |
| 0 to 199 | 30 s.f. |



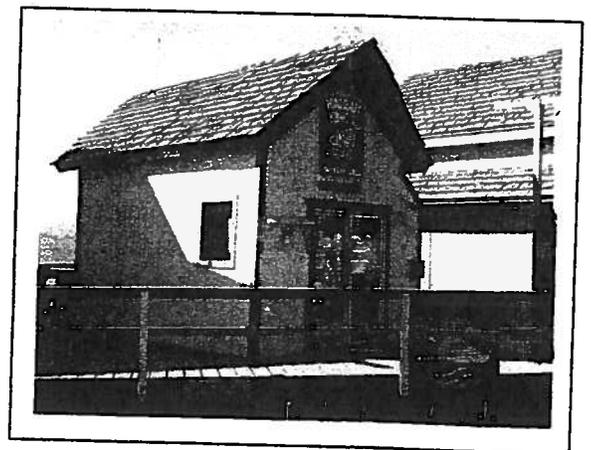
The photos might help grasp the wall frontage to sign area concept.

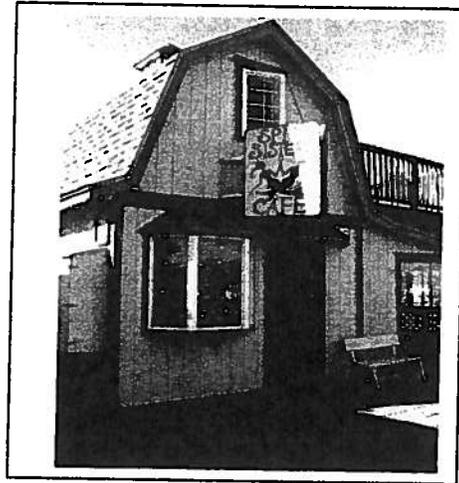
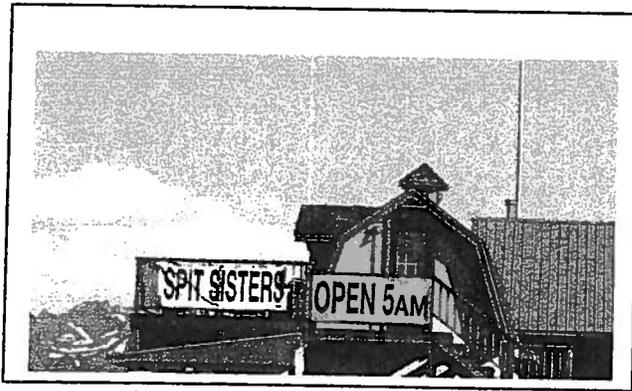


Homer Clayworks has 30 +- sf of signage.

Halibut King has 47+- sf of signage(including deck sign).

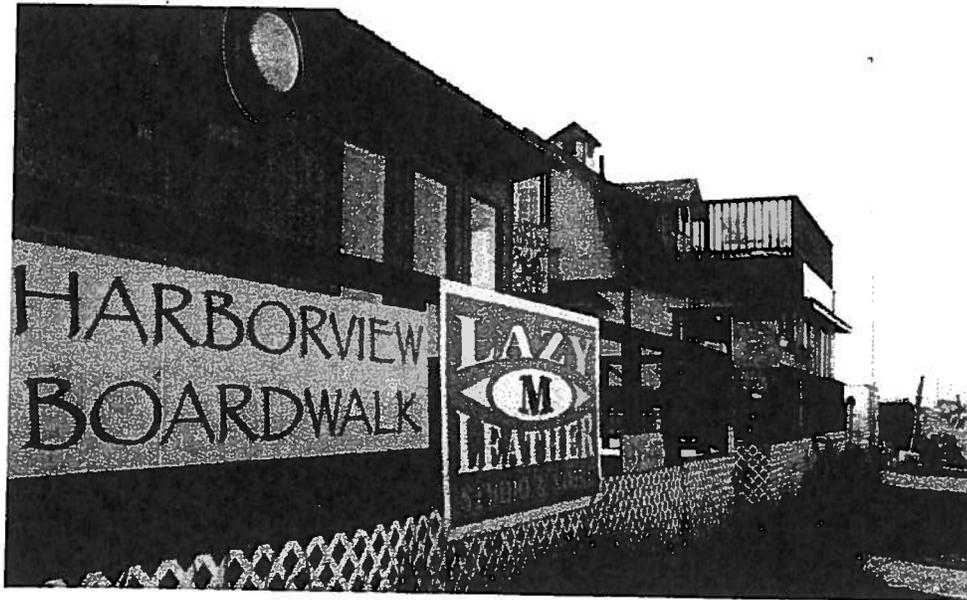
Both buildings have less than 200 sf of wall frontage.





Spit Sisters has 226+- wall frontage. The signage including the banners adds up to 82 sf.

None of the Spit boardwalks comply with the existing code. The proposed amendment reduces visual clutter, and makes sign size compatible and in scale with multiple small buildings.



Harborview Boardwalk (harbor view)

2. Displaying temporary portable signs only when the business is open.

Temporary portable signs are effective for businesses during operating hours, but add visual clutter especially when the business is not open. Staff recommends displaying temporary portable signs only during business hours.

3. Clarifying fines for sign violations.

HCC 21.60.170(b) Enforcement and remedies directs us to "conviction by a court" per HCC 21.90.100 Fines for violations. Slow and costly are appeals to the HAPC, then to the Board of Adjustment followed by Court action to collect fines. This process can take years a while the signs are up. The city attorney may have suggestions for streamlining violation procedures.

RECOMMENDATION: Discuss, provide input and direct staff to write a draft ordinance to amend the sign code to include:

1. Allocating signage by "principal building."
2. Adding a row to Table 2 "0 to 199 square feet of wall frontage" to allow "30 square feet."
3. Restricting temporary portable signs to the hours the business is open.



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STAFF REPORT PL 10-97

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: October 6, 2010, October 20, 2010

SUBJECT: DRAFT Sign Code Amendment

At the September 15, 2010 HAPC Work session staff presented options for amending the sign code to accommodate lots with multiple buildings. Based on that discussion staff has drafted an ordinance that would amend the existing sign code city-wide. The draft ordinance:

1. Allocates signage by "permitted principal building." HCC 21.60.060 Table 2 Part B. (Line 50-51)
2. Adds a row to Table 2 for small building "0 to 199 square feet of wall frontage" to allow "30 square feet" of signs, HCC 21.60.060 Table 2 Part B. (Line 57-59)
3. Restricts temporary portable signs to the hours the business is open, HCC 21.60.130 Temporary signs. (Line 74-75)
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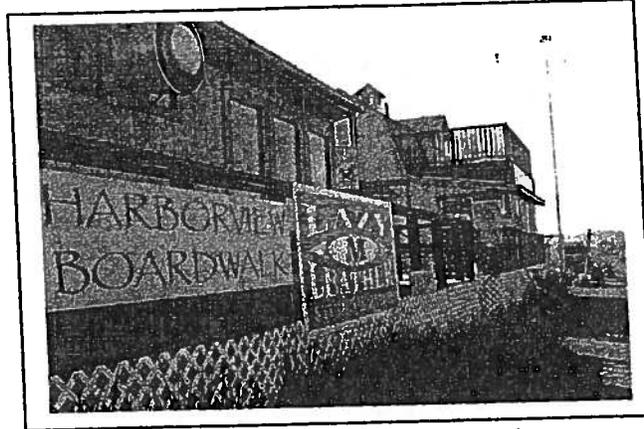
RECOMMENDATION: Review and suggest date for public hearing(s) or schedule time for further review.

Clarification to questions that surfaced during the September 15, 2010 Work Session:

The commission asked how boardwalks could identify themselves with a freestanding sign. Secondly, the commission asked how freestanding signs were sized for lots with multiple businesses.

First, Table 2 Part B allows one freestanding sign per lot. In addition to the sign area per principal building(s), lots with multiple principal buildings are allowed up to thirty (30) square feet of signage that promotes or identifies the "complex of buildings." This could be a freestanding sign like Belmonte Vista, or attached to a wall or railing as does Harborview Boardwalk and Cannery Row Boardwalk. Signs that identify a "complex of buildings" can be up to thirty (30) square feet which represents 20% of 150 square feet. From HCC 21.60.060 Table 2 Part B:

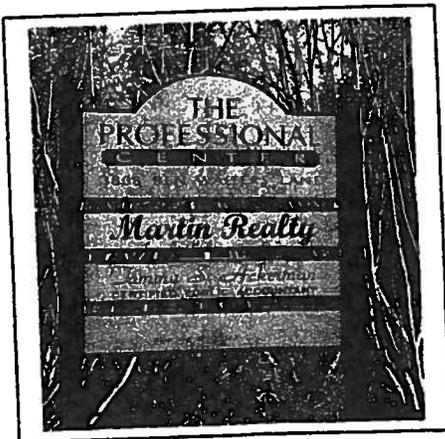
"In all districts covered by Table 2 Part B, on any lot with multiple principal buildings or with multiple independent businesses or occupancies in one or more buildings, the total allowed sign area may be increased beyond the maximum allowed signage as shown in Table 2 Part B, by 20%. This additional sign area can only be used to promote or identify the building or complex of buildings."



Secondly, lots with multiple businesses may share one the freestanding sign. In this case the code states that:

| | |
|----------------------------------|----------------|
| One business is allowed | 36 square feet |
| Two businesses are allowed | 54 square feet |
| Three businesses are allowed | 63 square feet |
| For or more business are allowed | 72 square feet |

The above sign area is included in the allowed signage. The Orca Building and The Professional Center on Ben Walters use a freestanding sign to identify the building(s) while providing signage for the individual businesses.



Att: Draft ordinance

CITY OF HOMER, ALASKA

City Manager/Planning

AN ORDINANCE OF THE CITY OF HOMER
CITY COUNCIL TO AMEND HOMER CITY
CODE 21.60.060 TABLE 2 PART B MAXIMUM
TOTAL SIGN AREA AND AMEND HCC
21.60.130 TO RESTRICT THE DISPLAY OF
TEMPORARY SIGN DURING HOURS THE
BUSINESS IS OPEN AND AMEND 21.60.170
ENFORCEMENT AND REMEDIES TO ALLOW
FINES TO BE ASSESSED
ADMINISTRATIVELY.

WHEREAS, Minimizing the visual sign clutter of excess signs prevents unsafe conditions and contributes to the identity of the Spif and cultivates pride; and

WHEREAS, Currently the sign code allocates sign area per lot; and

WHEREAS, Sign size needs to be compatible and in scale with multiple small principal buildings on one lot; and

WHEREAS, The number of principal buildings on a lot is prescribed in the Conditional Use Permit process; and

WHEREAS, Restricting the display of portable temporary signs to when the business is open will help reduce visual sign clutter; and

WHEREAS, Enforcement and fines for violations of the sign code should be handled administratively per HCC 21.90.080.

WHEREAS, The Homer Advisory Planning Commission held a public hearing on this matter on _____.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Title 21 Zoning and Planning, 21.60.060 Table 2 Part B Sign Code Maximum Total Sign Area is hereby amended as follows:

41
42 | Table 2. Maximum Total Sign Area Per Principal Building(s) Lot By
43 Zoning District

44 Table 2 Part B

45 In all other districts not described in Table 2 Part A, the maximum
46 combined total area of all signs, in square feet, except
47 incidental, building marker, and flags, shall not exceed the
48 following:

| 49 | <u>Square feet of wall frontage (c):</u> | <u>Maximum allowed sign area</u> |
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| 52 | 750 s.f. and over | 150 s.f. |
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| 55 | 450 to 549 | 90 s.f. |
| 56 | 350 to 449 | 70 s.f. |
| 57 | 0 to 349 | 50 s.f. |
| 58 | <u>200 to 349</u> | <u>50 s.f.</u> |
| 59 | <u>0 to 199</u> | <u>30 s.f.</u> |

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61 Section 2. Homer City Code Title 21 Zoning and Planning 21.60.130 Temporary signs-Private
62 property is amended to read as follows:

63 21.60.130 Temporary signs-Private property. Temporary signs on
64 private property shall be allowed subject to the following
65 requirements:

66 a. Term. A temporary sign shall not be displayed for more than 14
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68 lease the lot on which the sign is located, which is allowed as
69 long as the property is for sale or lease.

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84 the zoning code of the City, subject prosecution and, upon
85 conviction, subject to fines pursuant to HCC § 21.90.~~80100.~~

86 Section 4. This Ordinance is of a permanent and general character and shall be included in the
87 City Code.
88

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this _____ day of
_____, 2009.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO L. JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

There were no pending business items on the agenda.

NEW BUSINESS

A. Staff Report PL 10-92, Draft Subdivision Code Amendment

City Planner Abboud reviewed the staff report.

KRANICH/HIGHLAND MOVED TO SCHEDULE THE SUBDIVISION ORDINANCE UNDER STAFF REPORT 101-92 FOR PUBLIC HEARING AT THE NEXT MEETING.

Commissioner Kranich explained that the Commission had good discussion at the worksession. The ordinance clarifies granting utility easements which has been ambiguous to the Commission in the past. There is information regarding the Non Motorized Transportation and Trails Plan he encouraged everyone review this to ensure it is correct. City Planner Abboud said he would distinguish what is the Planning Commissions work and what is the staff and attorneys work.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 10-97, Draft Sign Code Amendment

City Planner Abboud reviewed the staff report.

KRANICH/HIGHLAND MOVED TO POSTPONE ACTION AND SCHEDULE AT THE NEXT WORKSESSION AND NEXT MEETING AS AN ACTION ITEM.

It was noted that the next worksession is Commission training with the City Attorney so the Commission agreed to have it on the next available worksession.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

C. Staff Report PL 10-96, Draft Zoning Enforcement Ordinance (Outdoor Storage)

City Planner Abboud reviewed the staff report.

There was brief discussion about including commercial districts, provision for vehicles used for work, and if items can be concealed. It was suggested that seasonal use vehicles like tractors or snow plows can sit through the off season.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 20, 2010

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

There were no public hearings scheduled.

PLAT CONSIDERATION

There were no plats scheduled for consideration.

PENDING BUSINESS

A. Staff Report PL 10-97, Draft Sign Code Amendment
City Planner Abboud reviewed the staff report.

**DRUHOT/BOS MOVE TO DISCUSS AND MAKE RECOMMENDATIONS ON STAFF REPORT PL 10-97
DRAFT SIGN CODE AMENDMENT.**

Commissioner Druhot said she thinks it is ready to go to public hearing and hear what people have to say.

Commissioner Kranich suggested adding "may be" on line 74 changing it to say Temporary signs may be displayed only during the hours the business is open.

There was brief discussion about political signs and City Planner Abboud explained that political signs are addressed elsewhere in code.

Commissioner Dolma questioned the square footage of signs on flat boards with signage on both sides and sandwich board signs. City Planner Abboud said he thought there shouldn't be a display of more than 16 square feet, but wants to confer with the staff who deal with this more frequently.

Commissioner Highland asked if this revision would keep us in the realm of allowing large unattractive signs. City Planner Abboud commented that the ordinance is more liberal in some instances where there are multiple buildings on a lot or boardwalk.

Chair Minsch would like to discuss it further at a worksession. The Commission has only had staff presentations and hasn't had an opportunity to discuss the ordinance yet.

There was brief discussion that there should be clarification about what would be considered a principle building.

Question was raised whether signs currently in place will be grandfathered when this is enacted. City Planner Abboud responded that this ordinance isn't more restrictive than current code so there wouldn't be an issue.

DRUHOT/HIGHLAND MOVED TO TAKE THIS TO A WORKSESSION.

There was discussion that staff will take care of scheduling.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

MEMORANDUM 12-008

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: THOMAS F. KLINKNER

RE: SUBSTITUTE ORDINANCE AMENDING CITY SIGN CODE

CLIENT: CITY OF HOMER

FILE NO.: 506,742.521

DATE: JANUARY 4, 2012

Presented among ordinances for introduction at the January 9, 2012 Council meeting is an ordinance that makes numerous amendments to HCC 21.60, the City's sign code. The Homer Advisory Planning Commission developed these amendments with the advice and assistance of the Planning Department and the City Attorney. Accompanying this memorandum is a substitute ordinance amending the sign code, which includes the following changes that I recommend to the ordinance recommended by the Commission.

1. Definition of window sign (Section 1, page 4, lines 146-149). This definition is revised to delete language that is redundant with the definition of "sign" in the same code section and to clarify that the definition does not apply to a sign that is visible only within a building.

2. Section 4, table and annotations. This table (page 6) and the annotations to this table are revised as follows:

- Freestanding/Other. The correct annotation reference letter is "i" rather than "j".
- Freestanding/Incidental. The "c" annotation reference under "INS" is redundant and is deleted.
- Building/Marquee and Building/Suspended. The former "g" annotation (page 7, lines 196-200), which imposed a liability insurance requirement for certain marquee and suspended signs, has been deleted, so the "g" annotation reference for these two rows also should be deleted.
- "b" annotation (page 7, lines 188-189). The last part of this annotation conflicts with the definition of "residential sign" in HCC 21.60.040, and should be deleted.
- Former "j" annotation (page 7, lines 207-208). This annotation applied to "portable signs", a category of sign that has been combined with temporary signs in the revised sign code, and should be deleted.

3. Section 7, page 9, lines 234-236. The deletion of the language stricken through was omitted inadvertently from the ordinance.

4. Section 10 (page 11, line 292). As part of my advice to the Commission on the development of this ordinance, I recommended that the Commission eliminate the separate regulation of "electoral signs" in HCC 21.60.095. HCC 21.60.040 defined "electoral sign" as "any sign used for the purpose of advertising or promoting a political party, or the election or defeat of a candidate, initiative, referendum or proposition at an election." The Commission declined to follow this advice, instead proposing an amendment to HCC 21.60.095(d) in Section 10 of the ordinance that would reduce the permitted area of an electoral sign from 32 to 16 square feet.

In the substitute ordinance I have reinstated the repeal of HCC 21.60.095 and the deletion of the definition of "electoral sign" in HCC 21.60.040. As the definition of electoral sign in HCC 21.60.040 demonstrates, this regulation categorizes and regulates signs based on their content, i.e., the category of message that they communicate—promoting a political party, or the election or defeat of a candidate, initiative, referendum or proposition at an election. Courts subject regulations of speech based on the content of the message to extremely stringent scrutiny under the First Amendment to the U.S. Constitution, and rarely approve them.

An additional problem with the regulation of electoral signs in HCC 21.60.095 is that HCC 21.60.095(b) limits the time when an electoral sign may be displayed to within 60 days before an election. Several cases have held that a 60-day time period is too restrictive; the case law does not identify any longer period as being legally sufficient.

Moreover, other content-neutral provisions of the sign code confer the same public benefits that would arise from specifically regulating electoral signs. Most electoral signs are "temporary signs" as that term is defined in HCC 21.60.040. HCC 21.60.130(a)(3) requires that a temporary sign whose message pertains to a specific date, event, or time period shall not be displayed for more than seven days after that date or the conclusion of the event or time period. With very limited exceptions that would not apply to electoral signs, the amended sign code permits only permanent signs on public property, including public rights-of-way. Thus, under the substitute ordinance, electoral signs would be permitted only on private property as non-commercial temporary signs under HCC 21.60.130(c).

5. Section 20, page 14, line 449. The effective date of the ordinance should be March 1, 2012.

I will be available at the January 9, 2012 Council meeting to answer questions about the substitute ordinance and this memorandum.

cc: Jo Johnson
Rick Abboud

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-02

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating \$114,288 from the Sewer Reserve Account for the Polymer Equipment Replacement Project.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting January 9, 2012 Introduction
 - a. Memorandum 12-003 from Public Works Director as backup

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

ORDINANCE 12-02

AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
ALASKA, AMENDING THE FY 2012 OPERATING BUDGET
BY APPROPRIATING \$114,288 FROM THE SEWER
RESERVE ACCOUNT FOR THE POLYMER EQUIPMENT
REPLACEMENT PROJECT.

WHEREAS, Feeding polymer into the wastewater treatment process is critical to protecting Kachemak Bay from pollution. The original polymer feed equipment at the wastewater treatment plant (installed when the plant was constructed in the 1980's) needs to be replaced; and

WHEREAS, The 2011 capital budget contained \$35,000 for the design/replacement of this equipment; and

WHEREAS, The cost to design, purchase and install the equipment is estimated to be \$149,288 (as reflected in Memorandum 12-003 prepared by the Public Works Director).

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The FY 2011 Operating Budget is hereby amended by appropriating \$114,288 from the Sewer Reserve Account for the replacement of polymer feed equipment at the wastewater treatment plant, as follows:

Expenditure:

| <u>Account No.</u> | <u>Description</u> | <u>Amount</u> |
|--------------------|-------------------------------|---------------|
| 256-379 | Polymer Equipment Replacement | \$114,288 |

Section 2. This is a budget amendment ordinance is not permanent in nature, and shall not be codified.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____ 2012.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

47 ATTEST:

48

49

50

51 JO JOHNSON, CMC, CITY CLERK

52

53

54

55 YES:

56 NO:

57 ABSTAIN:

58 ABSENT:

59

60

61

62 First Reading:

63 Public Hearing:

64 Second Reading:

65 Effective Date:

66

67

68 Reviewed and approved as to form:

69

70

71

72 Walt E. Wrede, City Manager

Thomas F. Klinkner, City Attorney

73

74

75 Date: _____

Date: _____



CITY OF HOMER
PUBLIC WORKS
3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170
FACSIMILE (907)235-3145

MEMORANDUM 12-003

TO: Walt Wrede, City Manager
FROM: Carey Meyer, Public Works Director
DATE: December 28, 2011
RE: **Polymer Feed Equipment Replacement
Wastewater Treatment Plant**

Feeding polymer into the wastewater treatment process is critical to protecting Kachemak Bay from pollution. The original polymer feed equipment at the wastewater treatment plant (installed when the plant was constructed in the 1980's) needs to be replaced.

The 2011 capital budget contained \$35,000 for the design/replacement of this equipment. The cost to replace this equipment is considerably higher than originally projected.

Public Works has obtained quotes from three manufacturers. Below are the results:

| | |
|----------------|-----------|
| Siemens | \$118,000 |
| Acrison | \$113,000 |
| Fluid Dynamics | \$101,800 |

Public Works proposes to purchase polymer feed equipment from Fluid Dynamics. Based on the quoted equipment purchase amount; below is the total cost of designing, purchasing and installing the new equipment:

| | | | |
|------------------|-----------------|---------------------|------------------|
| Design | \$ 9,988 | Total Cost | \$ 149,288 |
| Equipment | \$ 101,800 | Previously Budgeted | <u>\$ 35,000</u> |
| Installation | \$ 31,000 | Addn. Funding Reqrd | \$ 114,288 |
| Contingency (5%) | <u>\$ 6,500</u> | | |
| Total Cost | \$ 149,288 | | |

Recommendations: The City Council pass an ordinance amending the 2012 budget authorizing the expenditure of \$114,288 from the Water/Sewer Reserve account and authorizing the City Manager to execute all appropriate documents necessary to complete the replacement of polymer feed equipment at the Homer wastewater treatment plant.

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-03

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating and Transferring \$60,000 from the General Fund Reserves to the Seawall Maintenance Reserve for the Purpose of Repairing and Maintaining the Wall.

Sponsor: City Manager

1. City Council Regular Meeting January 9, 2012 Introduction
 - a. Emergency Ordinance 11-49

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager

4 ORDINANCE 12-03
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
7 ALASKA, AMENDING THE FY 2012 OPERATING BUDGET
8 BY APPROPRIATING AND TRANSFERRING \$60,000 FROM
9 THE GENERAL FUND RESERVES TO THE SEAWALL
10 MAINTENANCE RESERVE FOR THE PURPOSE OF
11 REPAIRING AND MAINTAINING THE WALL.
12

13 WHEREAS, The Homer City Council adopted Emergency Ordinance 11-49 which
14 created the Ocean Drive Loop Special Service District; and

15 WHEREAS, The Special Service District was created to raise tax revenues from
16 benefitted property owners to support maintenance and repair of the seawall they own which is
17 located on their properties; and

18 WHEREAS, Expenditures made by the City in providing this special service can be
19 reimbursed through a mil levy on properties located within the service area; and

20 WHEREAS, There is an immediate need to conduct maintenance and repair activities on
21 the seawall in order to prevent further damage and remain in compliance with the Army Corps of
22 Engineers Permit.

23 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

24 Section 1. The Homer City Council hereby amends the FY 2012 Operating Budget by
25 appropriating and transferring \$60,000 from the General Fund Reserves to the Seawall
26 Maintenance Reserve for the purpose of repairing and maintaining the seawall as follows:

27 Appropriation / Transfer From:

| 28 | <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|----|----------------|-------------------------------------|---------------|
| 29 | 156-375 | General Fund Reserve / Fund Balance | \$60,000 |

30 Transfer To:

| 31 | <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|----|----------------|-----------------------------|---------------|
| 32 | 156-369 | Seawall Maintenance Reserve | \$60,000 |

33 Section 2. The City Manager is hereby authorized to execute the appropriate documents,
34 conduct the necessary repair and maintenance activities, and keep an accounting of expenditures
35 for reimbursement through the Special Service District property tax levy.

36 Section 3. This ordinance is a budget amendment ordinance only, is not permanent in
37 nature, and shall not be codified.

38 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
39 _____, 2012.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

46 ATTEST:

49 _____
50 JO JOHNSON, CMC, CITY CLERK

52 YES:

53 NO:

54 ABSTAIN:

55 ABSENT:

57 First Reading:

58 Public Hearing:

59 Second Reading:

60 Effective Date:

62 Reviewed and approved as to form:

64 _____
65 Walt E. Wrede, City Manager

Thomas F. Klinkner, City Attorney

67 Date: _____

Date: _____

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Manager/City Attorney

4 **ORDINANCE 11-49**

5
6 AN EMERGENCY ORDINANCE OF THE HOMER CITY COUNCIL
7 ADOPTING HOMER CITY CODE CHAPTER 15.10, OCEAN DRIVE LOOP
8 SPECIAL SERVICE DISTRICT, TO CREATE A DIFFERENTIAL PROPERTY
9 TAX ZONE TO LEVY PROPERTY TAXES TO FUND SPECIAL SERVICES
10 PROVIDED IN THE DISTRICT.

11
12 WHEREAS, The City may by ordinance establish, alter, and abolish differential tax
13 zones to provide and levy property taxes for services not provided generally in the City, or a
14 different level of service than that provided generally in the City; and

15
16 WHEREAS, The City by Ordinance 06-53(S) established a differential tax zone known
17 as the Ocean Drive Loop Special Service District ("District") for the purpose of providing
18 special services to the properties in the Ocean Drive Loop Bluff Erosion Control Improvement
19 District that are not provided elsewhere in the City; and

20
21 WHEREAS, Ordinance 06-53(S) provided for the formation of an association of property
22 owners to receive and expend taxes levied in the District for the purpose of operating and
23 maintaining the seawall that had been constructed in the Ocean Drive Loop Bluff Erosion
24 Control Improvement District; and

25
26 WHEREAS, When no association of property owners formed as contemplated by
27 Ordinance 06-53(S), the Council enacted Ordinance 10-19, finding that it would be in the best
28 interest of the City to allow the owners of property in the District to determine among themselves
29 what collective arrangements, if any, to make for funding the operation of the seawall, and
30 abolishing the District; and

31
32 WHEREAS, Some property owners in the Ocean Drive Loop Bluff Erosion Control
33 Improvement District continue to assert that the City is responsible for maintaining the seawall,
34 and have induced the Army Corps of Engineers to require the City to repair damage to the
35 seawall under the terms of the permit the Corps issued to the City for the seawall; and

36
37 WHEREAS, Until the issue of the City's obligations under the Corps permit can be
38 resolved, it is necessary for the City to have a source of funds to pay costs of repairing the
39 seawall; and

40
41 WHEREAS, For the purpose of providing funds required to pay the cost of repairs to the
42 seawall, it is in the best interest of the City to immediately establish a new differential tax zone
43 known as the Ocean Drive Loop Special Service District for the purpose of providing special
44 services to the properties in the Ocean Drive Loop Bluff Erosion Control Improvement District
45 of a special kind and greater level of service than those provided generally in the City.
46

47 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
48

49 Section 1. The Homer City Council finds that an emergency ordinance is appropriate in
50 order to meet an immediate need for funding to pay the cost of repairs to the seawall during the
51 current winter storm season, and that providing that funding through the establishment of a
52 differential tax zone that includes only the properties that are benefited by this service is in the
53 public interest.
54

55 Section 2. Homer City Code Chapter 15.10, Ocean Drive Loop Special Service District,
56 is adopted to read as follows:

57 Chapter 15.10

58 OCEAN DRIVE LOOP SPECIAL SERVICE DISTRICT
59

60 Sections:

- 61 15.10.005 Definitions
62 15.10.010 Ocean Drive Loop Special Service District established
63 15.10.020 Property tax levy
64 15.10.030 Payment in lieu of taxes
65 15.10.040 Administration
66 15.10.050 Services authorized
67 15.10.060 Excess tax revenue
68
69

70 15.10.005 Definitions. As used in this chapter:

71
72
73 "*Improvement District*" means the Ocean Drive Loop Bluff Erosion Control
74 Improvement District previously established by the City as a local improvement district to
75 construct an erosion control seawall.
76

77 "*Operate*" and "*Operation*" with respect to the Seawall includes operation, maintenance,
78 repair, reconstruction, improvement, insurance, administration and other related or similar
79 activities conducted in the course of making and keeping the Seawall operational for its intended
80 erosion control purpose for the benefit of the properties in the Improvement District.
81

82 "*Seawall*" means the erosion control seawall constructed in the Improvement District.
83

84 "*Special Service District*" means the Ocean Drive Loop Special Service District
85 established under this chapter.
86

87 15.10.010 Ocean Drive Loop Special Service District established. a. There is established
88 a special service district within the City designated as the "Ocean Drive Loop Special Service
89 District" for the purpose of providing special services to the properties in the Ocean Drive Loop

90 Bluff Erosion Control Improvement/Assessment District that are not provided elsewhere in the
91 City.

92 b. The Special Service District consists of the properties in the Homer Recording
93 District that are described as follows:

94
95 Oscar Munson Subdivision Lot 34

96
97 Oscar Munson Subdivision Lot 35

98
99 Oscar Munson Subdivision Lot 36

100
101 Oscar Munson Subdivision Lot 37

102
103 Oscar Munson Subdivision Lot 38

104
105 Oscar Munson Subdivision Lot 39

106
107 Oscar Munson Subdivision Lot 40

108
109 Oscar Munson Subdivision Lot 41

110
111 Oscar Munson Subdivision Lot 42

112
113 Oscar Munson Subdivision Lot 43

114
115 Oscar Munson Subdivision Lot 44

116
117 Oscar Munson Subdivision No. 18 Lot 45B

118
119 Oscar Munson Subdivision No. 18 Lot 45A

120
121 Tamian Subdivision Lot 1

122
123 A portion of T6S R13W Section 21, Beginning at corner of Sections 20, 21, 28,
124 and 29; thence N 64 degrees 10 minutes E a distance of 50.00 feet; thence S 64
125 degrees 10 minutes E a distance of 50.00 feet; thence E a distance of 35.00 feet;
126 thence N 0 degrees 05 minutes W a distance of 450.00 feet; thence W a distance
127 of 125.00 feet; thence S 0 degrees 05 minutes E a distance of 450.00 feet to the
128 point of beginning.

129
130 Seabreeze Subdivision Lot 5

131
132 Lake St ROW south of Ocean Drive Loop

133

134 Pedestrian Easement south of Ocean Drive Loop between Lots 37 and 38, Oscar
135 Munson Subdivision

136
137 15.10.020 Property tax levy. a. The Special Service District shall be funded by a property
138 tax levied on the properties in the Special Service District. The City Council shall annually set
139 the mill levy pursuant to Section 9.04.040. The tax shall be assessed and collected as other real
140 property taxes levied by the City.

141 b. Any property tax levied for the purpose of funding the Special Service District
142 shall be excluded from the calculation of the mill rate contingency set forth in Section 9.16.020
143 for purpose of determining whether the City's sales tax levy shall remain in effect.

144
145 15.10.030 Payment in lieu of taxes. In lieu of paying taxes on tax exempt property owned
146 by the City in the Special Service District, the City will annually appropriate money to the
147 district or perform in-kind services for the district equivalent in value to the amount of taxes that
148 would be levied on the City property if it were taxable.

149
150 15.10.040 Administration. The administration of this chapter is a function of the
151 Department of Administration.

152
153 15.10.050 Services Authorized. Revenue collected by the City under this chapter may be
154 appropriated and expended for the limited purpose of funding Operation of the Seawall for the
155 benefit of all properties in the Improvement District.

156
157 15.10.060 Excess tax revenue. If at any time the City Council determines Special Service
158 District tax revenues exceed the needs of the Special Service District, the City Council may
159 authorize a refund of the excess tax revenues collected under this chapter to the taxpayers in
160 proportion to amounts paid in by such taxpayers.

161
162 Section 3. This Ordinance is of a permanent and general character and shall be included
163 in the City Code.

164
165 Section 4. This ordinance shall become effective on December 19, 2011.
166

167 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 19th day of
168 December, 2011.

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179



Jo Johnson
JO JOHNSON, CMC, CITY CLERK

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182

183

YES: 5

184

NO: 1

185

ABSTAIN: 0

186

ABSENT: 0

187

188

189

First Reading: 12/19/11

190

Public Hearing:

191

Second Reading:

192

Effective Date: 12/19/11

193

194

Reviewed and approved as to form:

195

196

197

Walt E. Wrede
Walt E. Wrede, City Manager

198

199

200

Date: 12/21/11

201

202

CITY OF HOMER

James C. Hornaday
JAMES C. HORNADAY, MAYOR

Thomas F. Klinkner
Thomas F. Klinkner, City Attorney

Date: _____

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-04

An Ordinance of the City Council of Homer, Alaska, Amending the Deep Water Dock Security Gates and Video Surveillance Equipment Project Budget by Appropriating an Additional \$9,623.41 from the Port and Harbor Reserves for the Purpose of Addressing Unanticipated Conditions Encountered During Construction.

Sponsor: City Manager/Port and Harbor Director

1. City Council Regular Meeting January 9, 2012 Introduction
 - a. Memorandum 12-004 from Port and Harbor Director as backup
 - b. Ordinance 09-56

1
2
3 **CITY OF HOMER**
4 **HOMER, ALASKA**

5 City Manager/
6 Port and Harbor Director

7 **ORDINANCE 12-04**
8

9 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
10 ALASKA, AMENDING THE DEEP WATER DOCK SECURITY
11 GATES AND VIDEO SURVEILLANCE EQUIPMENT
12 PROJECT BUDGET BY APPROPRIATING AN ADDITIONAL
13 \$9,623.41 FROM THE PORT AND HARBOR RESERVES FOR
14 THE PURPOSE OF ADDRESSING UNANTICIPATED
15 CONDITIONS ENCOUNTERED DURING CONSTRUCTION.
16

17 WHEREAS, Ordinance 09-56 accepted and appropriated a Homeland Security Grant in
18 the amount of \$107,252.00 for security gates and video surveillance equipment at the Deep
19 Water Dock, appropriated a local match in the amount of \$35,748, and established a project
20 budget of \$143,000; and
21

22 WHEREAS, The project is nearly complete but during construction, the contractor
23 encountered unanticipated conditions in the field which necessitates the appropriation of
24 additional funds; and
25

26 WHEREAS, It is necessary to appropriate an additional \$9,623.41 from the Port and
27 Harbor Reserves and amend the project budget to \$152,623.41 in order to repair damaged
28 electrical equipment at the dock.
29

30 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
31

32 Section 1. The Homer City Council hereby amends the Deep Water Dock Security Gates
33 and Video Surveillance Project Budget by appropriating an additional \$9,623.41 from the Port
34 and Harbor Reserves for the purpose of addressing unanticipated conditions encountered during
35 construction and making repairs to electrical equipment and infrastructure at the dock as follows:
36

37 Appropriation / Transfer From:

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|----------------|--------------------------|---------------|
| 456-380 | Port and Harbor Reserves | \$9,623.41 |

40
41 Transfer To:

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|----------------|-------------------------------|---------------|
| 415-923 | Security Gates Project Budget | \$9,623.41 |



City of Homer

Port / Harbor

4350 Homer Spit Road
Homer, Alaska 99603-8005

Telephone (907) 235-3160
Fax (907) 235-3152
E-mail port@ci.homer.ak.us
Web Site <http://port.ci.homer.ak.us>

MEMORANDUM 12-004

TO: HOMER CITY COUNCIL & WALT WREDE, CITY MANAGER

FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER

DATE: JANUARY 3, 2012

SUBJECT: AMENDING ORDINANCE 09-56 TO INCLUDE A CHANGE ORDER TO PUFFIN ELECTRIC AND ADDITIONAL DESIGN ENGINEERING TO NELSON ENGINEERING

Background:

The installation of the Deep Water Dock Security System is 75% complete. Due to unforeseen onsite conditions there has been cost overrun for this project that has required additional funding for completion.

Conflict/Resolution:

The Deep Water Dock power line was damaged during excavation for the light/security camera pole foundation. These power lines were not drawn accurately on the as-built plans and their actual location was not accurately determined in the utilities locate. We also found a concrete junction box that was not accounted for on the drawings, which further complicated the repair project. Due to the age of the existing power line and that it was originally installed in metal conduit, a simple repair was not possible. Thus the power line from the Deep Water Dock trestle to the vault was replaced and the concrete junction box was repaired.

This amendment also includes an allocation of \$3,602.00 to Nelson Engineering for additional required design engineering.

Recommendation:

Approve the amendment to Ordinance 09-56 allocating \$5,821.41 to Puffin Electric, \$3,602.00 to Nelson Engineering, and \$500.00 as a contingency reserve for this project from the Port and Harbor Enterprise Reserves.

Fiscal Note: \$5,821.41 to Puffin Electric
\$3,602.00 to Nelson Engineering
\$ 500.00 Contingency
\$9,623.41 from account #456-380

CITY OF HOMER
HOMER, ALASKA

City Manager/
Port and Harbor Director

ORDINANCE 09-56

AN ORDINANCE OF THE HOMER CITY COUNCIL ACCEPTING AND APPROPRIATING A HOMELAND SECURITY GRANT FOR SECURITY GATES AND VIDEO SURVEILLANCE EQUIPMENT AT THE DEEP WATER DOCK IN THE AMOUNT OF \$107,252, PROVIDING FOR 25% LOCAL MATCH, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, A Homeland Security Grant in the amount of \$107,252 was awarded to the Port of Homer; and

WHEREAS, This grant is to be used for security gates and video surveillance equipment at the Deep Water Dock to aid in the protection of the harbor; and

WHEREAS, Total project costs amount to \$143,000 and the City's 25% match amounts to \$35,748.

NOW, THEREFORE, BE IT ORDAINED by the City of Homer:

Section 1. The Homer City Council hereby accepts and appropriates a grant of \$107,252 from Homeland Security as follows:

Revenue:

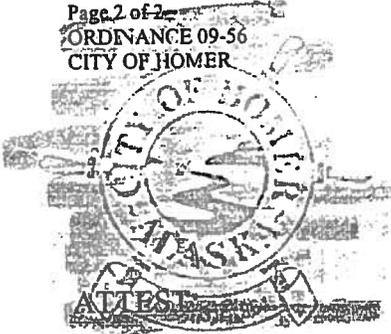
| <u>Account No.</u> | <u>Description</u> | <u>Amount</u> |
|--------------------|-------------------------|---------------|
| 415-923 | Homeland Security Grant | \$107,252 |

Expenditure:

| <u>Account No.</u> | <u>Description</u> | <u>Amount</u> |
|--------------------|---|---------------|
| 456-380 | Security Gates and Video Surveillance Equipment (25% Match of Total Project Cost) | \$35,748 |

Section 2. This ordinance is a budget amendment only, is not of a permanent nature and is a non code ordinance.

PASSED AND ENACTED by the Homer City Council this 23 day of November, 2009.



CITY OF HOMER

James C. Hornaday
JAMES C. HORNADAY, MAYOR

[Signature]
JO JOHNSON, CMC, CITY CLERK

Introduction: 10/26/09
Public Hearing: 11/23/09
Second Reading: 11/23/09
Effective Date: 11/24/09

Ayes: 4
Noes: 2
Abstain: 0
Absent: 0

Reviewed and approved as to form:

[Signature]
Walt E. Wrede City Manager

Date: 12/1/09

[Signature]
Thomas F. Klinkner, City Attorney

Date: 12-2-09

Fiscal Note: Fiscal information included in body of Ordinance.

CITY MANAGER'S REPORT

MANAGERS REPORT
January 9, 2012

TO: MAYOR HORNADAY / HOMER CITY COUNCIL

FROM: WALT WREDE

W. Wrede

UPDATES / FOLLOW-UP

1. Revolving Energy Fund: A good portion of the Committee of the Whole meeting is devoted to a general discussion regarding the Revolving Energy Fund. Your packet contains a memorandum from the Finance Director which outlines some of the issues and concerns about the Fund and its full implementation that we referred to in prior reports. No action is scheduled for this meeting but the memorandum contains recommendations for action at future meeting. The primary author of the memorandum is Regina but Carey and I both had input and made contributions.
2. Legislative Priorities: The Legislature is getting ready to convene in Juneau toward the middle of this month. We have been thinking about what the legislative lobbying priorities should be this year. Katie and I have been talking about it and we had a meeting with Linda and Yuri on the phone this past week. I am planning to send Katie to Juneau in early February to get some early face time with key legislators. Some of the key strategy issues revolve around how to move ahead on the fish tax issue, what to do about the gas line now that the Governor has not included it in his budget but has hinted about what it would take to avoid another veto, other projects that have a chance this year that we should put energy into, and how to get some of Homer's projects included in potential statewide transportation and harbor GO Bond sales. Please let me know how the Council would like to be involved in helping to establish this year's priorities and strategy. I will try to set up a teleconference report for you with Linda for the next meeting on the 23rd.
3. Fishing Hole Funds: The FY 2011 Operating Budget contained \$7,000 as a contribution to fish stocking at the Nick Dudiak Fishing Lagoon. As we were reviewing year-end expenditure reports in December, we noticed that this money had not been spent and found that no invoice had ever been received. We checked with both ADF&G and the Cook Inlet Acquaculture Corporation. It turns out that the City's contribution is usually used to purchase fry from Cook Inlet Acquaculture. ADF&G supplies the early run Kings and the Acquaculture Corp. hatchery supplied the late run Silvers. No late run Silvers were purchased this year. ADF&G said that they had no use for the money so we allowed the funds to lapse back into the G.F. Fund balance. Further, with the new ADF&G hatchery on line at Elmendorf AFB, ADF&G believes that it can supply fish within its own budget and it is questionable whether the FY 2012 appropriation will be needed either.
4. City Hall Expansion and Renovation Update: Attached is a progress report from Public Works Director Carey Meyer.
5. Cost Estimating / Harbor Revenue Bond Projects: The Port and Harbor Revenue Bond Committee has requested that the City contract with qualified engineers and/or other professionals to obtain current and more precise cost estimating for the harbor

projects which may be part of a revenue bond sale. The Council added money for this purpose to the FY 2012 Budget. The purpose for doing this is so that Council will have better and more reliable information on how much it would have to borrow and how much it would have to raise fees in order to make bond payments.

Representative Seaton has also requested better cost estimates so that he can work on getting some of these projects into the Capital Budget, perhaps as part of a statewide G.O. Bond sale. The City has obtained a proposal from PN&D, a qualified marine engineering firm to perform this work. The work product will be Rough Order of Magnitude (ROM) estimates and it can be delivered in less than 30 days. The cost is \$7,500, less than one half of the appropriation. The City has issued a Notice to Proceed. This will allow us to obtain the numbers quickly, as requested by the Committee.

6. ISO Workshop: Councilmember Hogan recently contacted me with some questions about the City's ISO rating. He wanted to know what the City could do to improve the rating. I asked Chief Painter to place a copy of the last ISO report in your boxes. This report outlines the scoring criteria and discusses where the City is weak and what it can do to improve its rating. Kevin asked if we could have a workshop to discuss the rating. Council can certainly do that if it wishes; especially if the ISO Report does not answer any questions you may have about how the rating is determined and what the City can do to improve it.
7. Gasline Task Force: Kachemak City Mayor Phil Morris called last week to let me know that a Task Force is being created to keep the pressure up on the gas line. The purpose of the Task Force is to raise public awareness and to strategize about a lobbying strategy for this year. The group wants to work with the business community to make sure their voice is heard by the Governor and the Legislature. The group is looking for members who have good contacts in the community and are willing to do a little work. The folks starting the Task Force are all from Kachemak City including the Mayor and at least one Councilmember. They would like to have at least one Councilmember from Homer as a member. Please let me know if you are interested or you can contact Phil directly.
8. Proposed Deep Water Dock CIP Project: Funding for additional feasibility work on the proposed Deep Water Dock Expansion is on the Top 15 CIP Priority List. Representative Seaton has suggested that it would be a good idea to change this project to one that specifically targeted improvements to the dock that benefitted oil and gas drilling rigs, whether that be feasibility studies or capital construction. The idea is that it would demonstrate that Homer is indeed open for business that supports the oil and gas industry. He believes this would change the image of Homer and perhaps some attitudes. It might make it easier to get funding and smooth the way for gasline funding as well. He may come and talk to you about this. If Council wanted to do this, it would require a new project description and a resolution amending the CIP Priority List. This is something I would not recommend doing without a public hearing and some opportunity for the public to weigh in. All of the other projects on the CIP List have been vetted over a series of months and last minute changes like this have the potential to trivialize the process if not handled carefully.
9. Personnel Policies: We are presently looking at changes to the Personnel Policies that affect part time employee benefits and how holiday pay is calculated. There are other

changes contemplated as well including the changes to the PERS benefit discussed during the budget hearings. Once we have these proposed changes ready, we will bring them to the Council for consideration.

10. Procurement Policies: The City's procurement policies have not been revised for many years and are outdated. The Finance Department has initiated a revision of those policies which will then be reviewed by the department heads. We anticipate have this to Council for consideration within the next few months.
11. Karen Hornaday Park: One of Katie's first assignments is to try and bring all of the various interest groups together and decide on a strategic plan for how to spend the money we have for implementation of Phase I of the Park Plan. Several things are driving the need to get on top of this. First, the HoPP organization is preparing to apply for a Rasmussen Grant. They would like to see a \$50,000 contribution from the City in order to provide a match and show strong local support. Some of the other interest Groups have expressed concern that the money will be spent before they get a chance at it and the broader spending plan is agreed to. Park and playground advocates have approached Representative Seaton about additional funding. He has stated that he cannot consider more funding until the existing grant money is expended. There is also confusion about the money set aside for engineering, contingency, and as a possible match for a future Land and Water Conservation Fund Grant. In short, there are lots of ideas and lots of people who care about the park. We need to get everyone on the same page and move this project ahead. This topic will be discussed at the Parks and Recreation Commission meeting on the 5th and perhaps one of the members will report on it during Commission reports.
12. Training Opportunity? Holly Wells is coming to Homer to conduct a 3 or 4 hour training session for the Planning Commission the afternoon of January 24. This is the day after the Council meeting. Rick inquired as to whether the Council would like to participate. If so, topics could be selected that are important to both bodies, like the open meetings act and ex-parte contact, for example. Let us know what you think. I think it would be beneficial for all of us to sit in on a Planning Commission training even if it is tailored specifically for them.

ATTACHMENTS

1. December Employee Anniversaries
2. Memorandum from Public Works Director re: City Hall Project Update
3. Department of Energy Website Article re: City of Homer Energy Efficiency Project
4. City of Homer Buildings and Facilities / Commissioning Report / Final report on Energy Efficiency Project
5. Petroleum News Article: Homer Area Natural Gas Line



City of Homer

Memorandum

To: Mayor Hornaday and Homer City Council
From: Walt Wrede, City Manager
Date: January 3, 2012
Re: December Employee Anniversaries

I want to thank the following employees for the dedication, commitment and service they have provided the City and taxpayers of Homer over the years. Each of these employees will have an anniversary this month.

| | | |
|----------------|---------------|----------|
| Mark Robl, | Police | 27 Years |
| Will Hutt, | Police | 17 Years |
| Bryan Hawkins, | Port & Harbor | 12 Years |
| Todd Cook, | Public Works | 2 Years |
| Chris Cushman, | Fire | 2 Years |
| Angie Otteson, | Public Works | 2 Year |



CITY OF HOMER
PUBLIC WORKS
3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170
FACSIMILE (907)235-3145

MEMORANDUM 12-005

TO: Walt Wrede, City Manager
FROM: Carey Meyer, Public Works Director
DATE: January 3, 2012
RE: **City Hall Expansion and Renovation
Progress Update**

This project will be substantially complete by January 15, 2012. At that time the City Clerk and Finance personnel will be able to move back into their normal space and Administration, IT and Planning can move from their temporary quarters at the old middle school into their new office space.

The project will reach substantial completion a month earlier than expected; although the contract will remain open through the Spring to allow the final interior details to be completed, exterior site work to be finished, and art work to be installed.

The project has generally remained in budget. The expansion has proceeded pretty much as anticipated; the costs of unexpected problems were covered by the contingency. The renovation has also generally remained within budget, but there have been issues that arose that the contingency is having difficulty absorbing. These issues include:

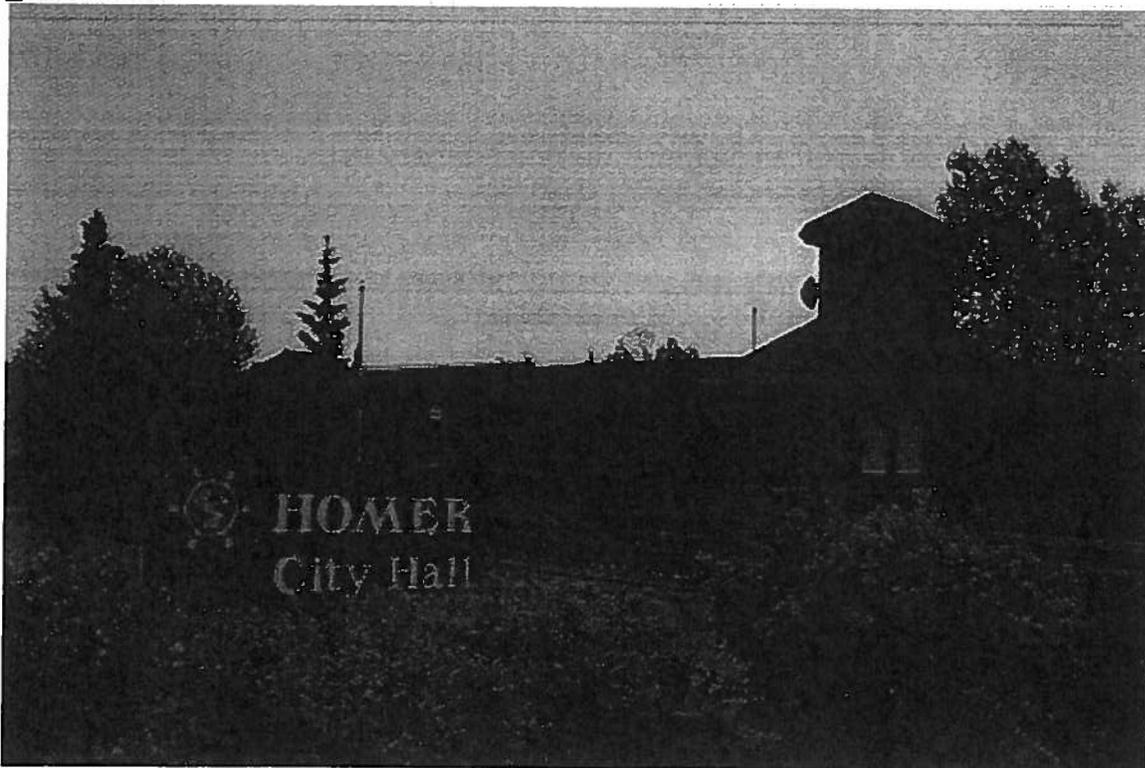
- Temporary City Hall – The project is trying to absorb the cost of maintaining the temporary City Hall at the old middle school. The cost of providing internet access has been more expensive than originally anticipated. The cost of moving personnel and furniture during the project has also been more substantial than originally anticipated. (\$13,500)
- Energy Efficiency Improvements – The renovation portion of the project required additional effort to provide lighting upgrades consistent with the expansion space and ventilation improvements in the Finance and new public areas (none existed). (\$20,000)
- Civil Site Improvements – additional work at the entrance to the building to correct drainage problems, replace front entrance sidewalks, improve handicapped access, and provide minimal landscaping were more expensive than originally anticipated. (\$9,500)
- Other Additional Work – The project now includes video conferencing equipment in the Council Chambers, external security video cameras (at each entrance), backflow prevention device on the water service, window blinds, and network/telephone service upgrades. (\$25,000)

The exact costs of the above items will not be known until the project is completed and all invoices for work have been received, but an additional \$60-\$70,000 will be needed to complete the project as envisioned. (Current Budget - \$2,359,980; Anticipated Budget Required - \$2,430,000)

This article was posted on Energy.gov (a U.S. Department of Energy website) by Alaska Energy Authority personnel.

Saving Clams in the Halibut Capital of the World

December 20, 2011 - 10:44am



Homer, population 5,364, known far and wide for its importance to Alaska's commercial fishing industry, spent \$847,000 to conduct an initial energy audit and implement energy efficiency improvements that will drop the city's energy bill by \$100,000 annually -- a reduction of approximately 14 percent. | Photo courtesy of Wikimedia Commons.

Alaska probably has more well-known small cities than any other state due to its awe inspiring scenery and rising popularity as a tourist destination. Nome, Sitka, Kodiak, and Ketchikan are all towns with fewer than 10,000 residents that are known the world over.

The same is true for the city of Homer, population 5,364, known far and wide for its importance to the commercial fishing industry and the outright "Halibut Capital of the World." Homer is also the homeport of the *F/V Time Bandit*, one of the boats featured in the popular Discovery Channel show *Deadliest Catch*.

In Homer, where commercial and sport fishing constitute a major segment of the local economy, the concepts of energy efficiency and sustainability are easy to understand. A sustainably managed marine environment is necessary to maintain a healthy supply of fish and seafood year after year and decade after decade. Likewise, any local efficiency effort help ensure a healthy environment that will not be contaminated by pollutants.

In 2010, Homer was awarded a sub-grant for \$227,000 from the Alaska Energy Authority using funds from the state's Energy Efficiency and Conservation Block Grant made possible by the American Recovery and Reinvestment Act. In total, Homer officials spent \$847,000 to conduct an initial energy audit and implement energy efficiency improvements.

The city selected Siemens Industry, Inc., to complete an energy audit and set upon fulfilling the recommendations with local contractors.

As of November 2011, the city has completed a variety of energy efficiency improvements, including: lighting upgrades in the harbor, airport terminal, police station, and sewer treatment plant. The energy cost savings from the lighting upgrades are estimated to surpass the cost of their installation in 10 years compared to eight years for the rest of the Homer upgrades.

Other improvements include equipment motor replacements at the raw water pump station and sewer treatment plant, as well as heating system control modifications at the city public works facility. The Fish Dock cranes, which are vital to local fishing boats, are also being made more cost effective with energy efficient electrical transformers.

Carey S. Meyer, the Homer Public Works Director, said the audit made possible by the grant identified many more energy conservation opportunities than they had expected, motivating the city to establish additional sources of funding.

From August 2009 to July 2010, the city spent \$759,535 on electricity and fuel for the facilities undergoing energy efficiency improvements. After the planned energy efficiency improvements are completed by the end of 2011, the city estimates that their energy bill for the facilities will be reduced by approximately \$100,000 annually, a reduction of approximately 14 percent.

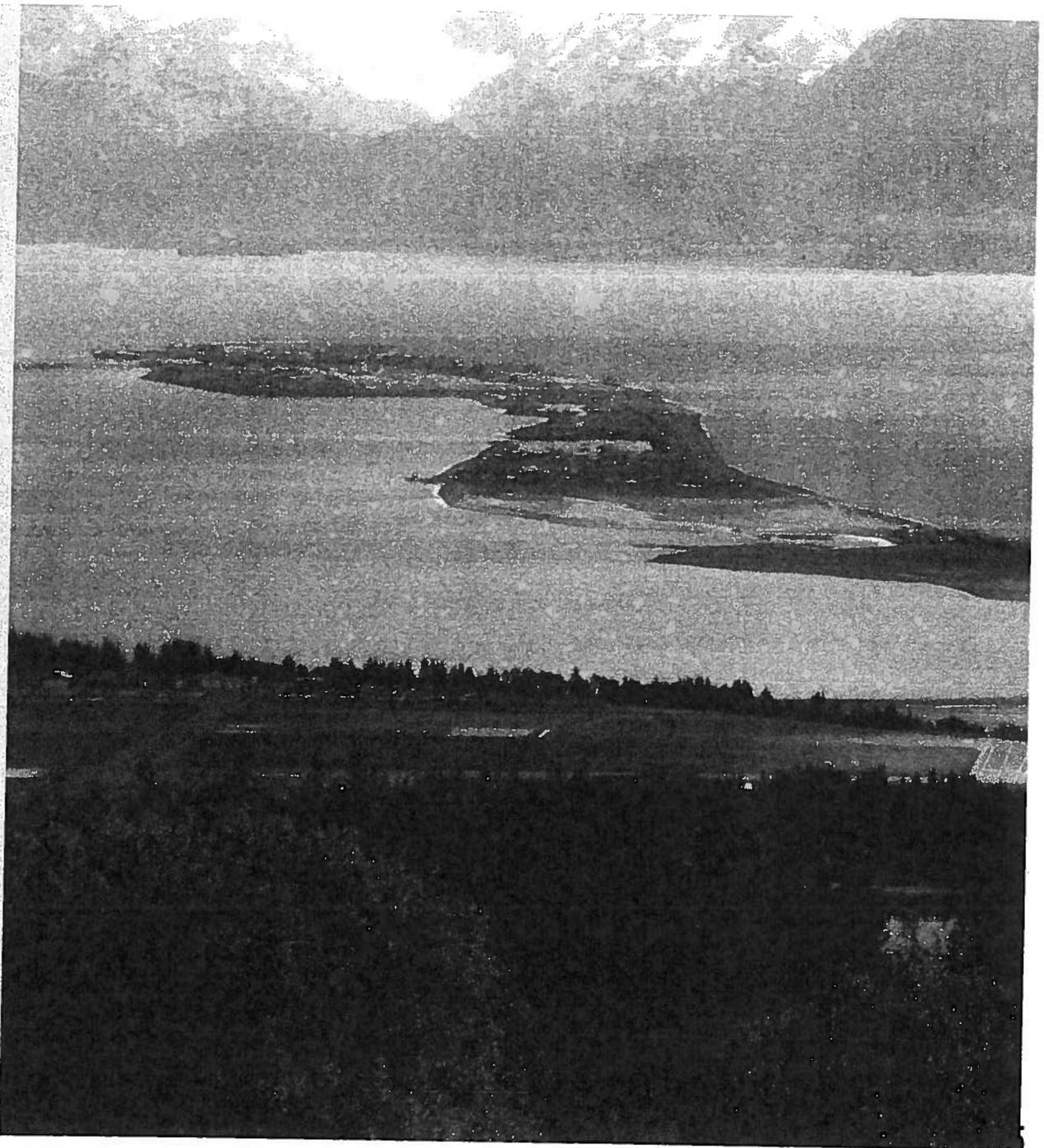
“Without the grant, the city would not have seen the full range of opportunities that were available to reduce energy costs and make our community more sustainable,” Meyer said.

City of Homer Public Buildings & Facilities

Commissioning Report

Prepared for
City of Homer, Alaska
December 2011

SIEMENS





Commissioning Report

PREPARED FOR:

Mr. Carey S. Meyer, P.E.
Public Works Director
City of Homer, Alaska
3575 Heath Street
Homer, Alaska 99603

DEVELOPED BY:

Siemens Industry, Inc.
Building Technologies Division
5333 Fairbanks Street, Suite B
Anchorage, AK 99518
(907) 563-2242

PRIMARY CONTACT:

Mrs. Amber M. McDonough, P.E.
Energy & Environmental Solutions
Siemens Industry, Inc.
amber.mcdonough@siemens.com



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ANNUAL SAVINGS SUMMARY BY FIM

The table below displays the expected annual cost savings for each FIM along with the proposed annual cost avoidance. Overall, it is expected that the cost avoidance for the first year will be \$105,961. The associated utility savings for each FIM are also shown in the table on the following page.

TABLE 1: PROPOSED VS. EXPECTED COST AVOIDANCE

| FIM_ID: | Proposed Energy Savings | Expected Annual Savings | Operational Savings | Expected Excess Savings |
|---|-------------------------|-------------------------|---------------------|-------------------------|
| FIM 4.01 Replace Existing Motors with Higher Efficiency Motors | \$ 12,429 | \$ 12,514 | | \$ 85 |
| FIM 4.02 Replace Existing Motors with Higher Efficiency Motors and Install VFDs | \$ 12,405 | \$ 13,783 | | \$ 1,378 |
| FIM 5.02 Install Control Panel to Provide Unoccupied Shutdown/Optimization of AHU | \$ 6,615 | \$ 7,350 | | \$ 735 |
| FIM 7.01 Insulate Approximately 400' of Exposed Heating Water Piping | \$ 1,693 | \$ 1,881 | | \$ 188 |
| FIM 7.04 Install Electrical Switches to Control Electric Heat Inside of the 4 Cells | \$ 1,420 | \$ 1,578 | | \$ 158 |
| FIM 8.01 e Lighting Upgrade and Occupancy Controls | \$ 10,362 | \$ 10,404 | \$ 478 | \$ 42 |
| FIM 8.01 f Lighting Upgrade and Occupancy Controls | \$ 28,209 | \$ 28,494 | \$ 1,915 | \$ 285 |
| FIM 8.01 g Lighting Upgrade and Occupancy Controls | \$ 8,454 | \$ 8,627 | \$ 216 | \$ 173 |
| FIM 8.01 i Lighting Upgrade and Occupancy Controls | \$ 7,428 | \$ 7,435 | | \$ 7 |
| FIM 11.01 Solar Aerations System | \$ 12,506 | \$ 13,896 | \$ 426 | \$ 1,390 |
| Totals: | \$ 101,521 | \$ 105,961 | \$ 3,035 | \$ 4,440 |

Proposed Energy Savings are the values determined for the audit prior to commissioning. They have a reducing percentage factor applied to compensate for unforeseen issues that may arise during the commissioning process. Expected Annual Savings are the values determined after the commissioning that do not have the reducing percentage factor applied.



Table 2: Associated Utility Savings

| FIM ID: | Projected or Expected | Electricity Savings (kWh/Yr) | Fuel Savings (Gallons/Yr) |
|---|-----------------------|------------------------------|---------------------------|
| FIM 4.01 Replace Existing Motors with Higher Efficiency Motors | Projected | 85,658 | - |
| | Expected | 93,899 | - |
| FIM 4.02 Replace Existing Motors with Higher Efficiency Motors and Install VFDs | Projected | 86,542 | - |
| | Expected | 96,158 | - |
| FIM 5.02 Install Control Panel to Provide Unoccupied Shutdown/Optimization of AHU | Projected | 13,027 | 1,933 |
| | Expected | 14,474 | 2,148 |
| FIM 7.01 Insulate Approximately 400' of Exposed Heating Water Piping | Projected | - | 634 |
| | Expected | - | 704 |
| FIM 7.04 Install Electrical Switches to Control Electric Heat Inside of the 4 Cells | Projected | 9,785 | - |
| | Expected | 10,872 | - |
| FIM 8.01 e Lighting Upgrade and Occupancy Controls | Projected | 71,695 | (16) |
| | Expected | 71,983 | (16) |
| FIM 8.01 f Lighting Upgrade and Occupancy Controls | Projected | 189,167 | (55) |
| | Expected | 191,078 | (56) |
| FIM 8.01 g Lighting Upgrade and Occupancy Controls | Projected | 58,760 | (11) |
| | Expected | 59,959 | (11) |
| FIM 8.01 i Lighting Upgrade and Occupancy Controls | Projected | 51,003 | (15) |
| | Expected | 51,054 | (15) |
| FIM 11.01 Solar Aerations System | Projected | 108,302 | - |
| | Expected | 120,336 | - |



OPERATING PARAMETERS OF INSTALLED EQUIPMENT

In order to achieve the savings it is expected that the City of Homer will maintain and operate the installed equipment as listed below for each FIM.

Control Panel to Provide Unoccupied Shutdown/Optimization of AHU

City of Homer will be required to maintain the newly modified control strategies. In addition it will be the responsibility of City of Homer to report to contractor any changes made to the existing controls, setpoints, or modifications performed on the system.

Insulate Exposed Heating Water Piping

City of Homer will be required to maintain the newly installed insulation.

Electrical Switches to control Electric Heat

City of Homer will be required to maintain the newly installed electrical switches and only run the units while occupied.

Solar Aerations System

City of Homer will be required to maintain the newly installed solar aerations system and not to replace system with electric powered pumps or motors.

Lighting Retrofits

City of Homer will be required to maintain the newly installed lighting system through the replacement of failed equipment with like originally installed equipment. Compact fluorescent lamps will not be removed or replaced with incandescent lamps.

Motor Replacements

City of Homer will be required to maintain the newly installed motors and associated equipment per the manufacturer's suggested practices or through the replacement of failed/modified equipment with like equipment.

Motor Replacements with VFD

City of Homer will be required to maintain the newly installed motors and associated equipment per the manufacturer's suggested practices or through the replacement of failed/modified equipment with like equipment.



FIM 4.01: Replace Existing Motors with Higher Efficiency Motors

FIM SUMMARY

Install premium efficiency motors in place of existing standard efficiency on the pump and process equipment listed below for the Sewer Treatment Plant. New motors shall have minimum nominal NEMA efficiency as shown in the table below.

| FACILITY | EQUIPMENT NAME | EQUIPMENT TAG | QUANTITY | NAMEPLATE HP | NAMEPLATE VOLTS | NAMEPLATE RPM | EXISTING MOTOR NEMA EFF. (%) | NEW MOTOR NEMA EFF. (%) |
|-----------------------|--------------------------------|------------------|----------|--------------|-----------------|---------------|------------------------------|-------------------------|
| SEWER TREATMENT PLANT | Digester Blower # 1, #2 and #3 | M318, M319, M320 | 3 | 30 | 460 | 1765 | 91.0% | 94.1% |
| SEWER TREATMENT PLANT | Aeration Compressor #1 | M330 | 1 | 40 | 460 | 1765 | 90.2% | 94.5% |
| SEWER TREATMENT PLANT | Aeration Compressor #2 | M331 | 1 | 60 | 460 | 1775 | 91.7% | 95.0% |



Inspection found that all of the new motors have been installed correctly. However the New Motor NEMA Efficiencies were less than intended; Digester Blower #1, #2, and #3 motor efficiencies of 93.6%, Aeration Compressor #1 motor efficiency of 94.1%, and Aeration Compressor #2 motor efficiency of 95%. While the efficiency for some of the motors were less than intended the safety factor applied for the original savings number more than makes up for the difference in the percentage efficiency. Each motor was inspected for alignment problems or lack of grease and discovered each motor was aligned properly with enough grease. Assuming that all five motors remain installed for the duration of the first year, the expected annual savings of \$12,429 will be exceeded. If current utility rates remain unchanged, the City will realize an annual savings of \$12,514, which would amount to an \$85 surplus after the first year.

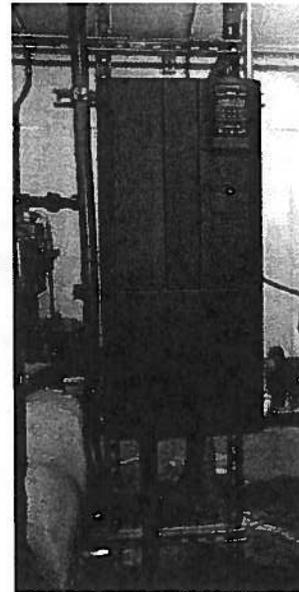
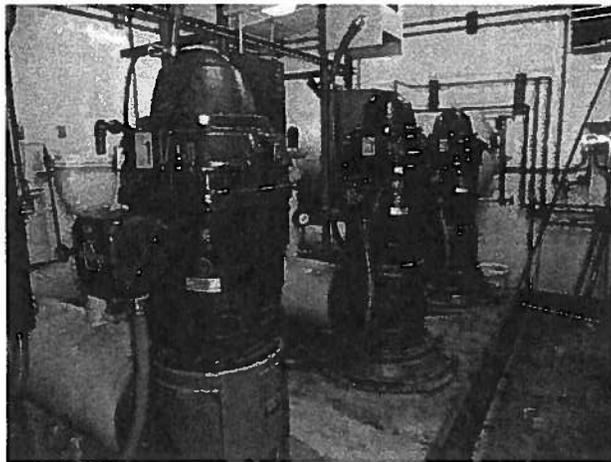


FIM 4.02: Replace Existing Motors with Higher Efficiency Motors and Install VFDs

FIM SUMMARY

Replace standard efficiency motors with premium efficiency motors on the three, 75-hp raw water pumps. In addition, install a variable frequency drive for each motor. Pumps shall be controlled to operate continuously 24/7 based on daily flow requirements, in a lead-lag configuration. This will lower overall demand costs, as well as allow more efficient operation of the GE-Xenon filtration system which prefers constant flow as opposed to an intermittent flow.

This measure will also include full control of the new drives and motors from the City's existing Siemens SCADA control system that serves the raw water system. Profibus will be used for communication between the new drives and the SCADA system. Siemens will provide all SCADA design, software programming and equipment start-up and testing required for a complete installation.



Inspection found that all of the new motors and VFDs have been installed correctly with the correct new efficiencies. Assuming that all three motors with VFDs remain installed for the duration of the first year, the expected annual savings of \$12,405 will be exceeded. If current utility rates remain unchanged, the City will realize an annual savings of \$13,783, which would amount to a \$1,378 surplus after the first year.



FIM 5.02: Install Control Panel to Provide Unoccupied Shutdown/Optimization of AHU

FIM SUMMARY

Shut the AHU off during unoccupied time periods. Zone temperature overrides were implemented to allow the AHU to become operational if the space temperature falls too low during unoccupied times. This generates electrical savings by turning off the fan and fuel oil savings since the air will not need to be heated.

Inspection of the existing controls front end found the keyboard was broken. Given the age of the existing control system it might not be possible to replace the broken keyboard. This could cause for issues in maintaining the system. Having the keyboard broken we were not able to verify the AHU runtimes through trending of the system however based on conversations with the facility staff the equipment was verified to be operating as the scheduled changes intended. Assuming the AHU remains to turn off during unoccupied times for the duration of the first year the expected annual savings of \$6,615 will be exceeded. If current utility rates remain unchanged, the City will realize an annual savings of \$7,350, which would amount to a \$735 surplus after the first year.



FIM 7.01: Insulate Approximately 400' of Exposed Heating Water Piping

FIM SUMMARY

Areas of exposed heating water piping from the boiler room to heating units have been identified for insulating. For pipe with a diameter of 1-1/2" and above, 1" thick Fiberglass Insulation with ASJ is to be installed. For pipe with a diameter of 1/2", 1/2" thick Fiberglass insulation with ASJ is to be installed.

Approximate lengths of pipe as follows: 2" pipe = 40' 1-1/2" pipe = 450' 1/2" pipe = 20'

Inspection of the installed insulation found to be installed correctly with good workmanship. Assuming that all 510 feet of insulation remain undamaged with no tearing or water damage for the duration of the first year, the expected annual savings of \$1,693 will be exceeded. If current utility rates remain unchanged, the City will realize an annual savings of \$1,881, which would amount to a \$188 surplus after the first year.



FIM 7.04: Install Electrical Switches to Control Electric Heat Inside of the 4 Cells

FIM SUMMARY

It was recommended to install individual switches for each heater at the exterior of the cell. This will allow for only the occupied cells to have the heat turned on as well as add a level of convenience when enabling or disabling the heat. Installation utilized surface mounted conduit where needed.

Inspection found that all of the switches for each heater have been installed and operating as expected. Assuming that all 4 electrical switches remain connected to the 4 electric heaters and only operate during occupied times for the duration of the first year; the expected annual savings of \$1,420 will be exceeded. If current utility rates remain unchanged, the City will realize an annual savings of \$1,578, which would amount to a \$158 surplus after the first year.



FIM 8.01: Lighting Upgrade and Occupancy Controls

FIM SUMMARY

In most cases we chose to retrofit or convert existing fixtures rather than replace them. In some cases though, new fixtures are required and /or preferred. The majority of the original lighting fixtures used standard T12 fluorescent technology. These fixtures received new super efficient T8 lamps and high efficiency electronic ballasts which use about 30-50% less energy than the current systems. In some cases the number of lamps in use were reduced as well as increased in efficiency of the fixture to recover the lost light of the removed lamps. All existing incandescent were replaced with compact fluorescent and LED retrofits designed to provide adequate light and last much longer than the original lights. All exit signs were replaced with new LED long life models. On the outside existing light sources included incandescent, metal halide and high pressure sodium. Due to the cold weather in Homer it was recommend that both LED and Induction be the best choices for exterior illumination upgrades. In addition to their performance in cold weather, they have a very long life, reducing City maintenance for years to come. Furthermore, exterior lighting was retrofitted or replaced with down-directional units to reduce light pollution where practical.

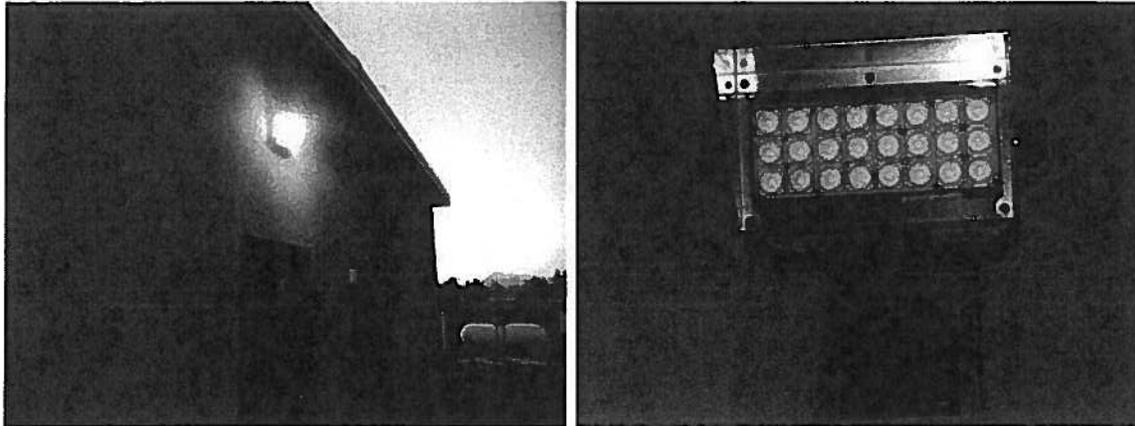
The following descriptions are brief outlines of the measures that were proposed by facility. A detailed room by room survey of the original audit and the commissioning findings is provided in the appendix.

8.01e: Airport Terminal – This site has many old T12 lamps. All the cargo and baggage areas are schedule to get new vapor tight fixtures using super T8 technology. This site also has many exterior induction lights and will receive LED replacements for all signage illumination. This site also has a small quantity of sensors.

8.01f: Fish Dock (including all Restrooms, Harbormaster, Ice Plant, and Port Maintenance Shop) – This site has the most exterior lighting of any location. Due to exterior conditions and weather we propose the use of LED fixtures. Low wattage floodlights with new fixtures are planned for the Harbor. There are also induction retrofits as well on the exterior. Inside T8 fluorescents, compact fluorescents (CFLs) and occupancy sensors will be used.

8.01g: Police Station – The Police Station is primarily T12 fluorescent technology, but does have a lot of incandescent lamps. Due to the long operating hours of the Station we recommend LED replacements. This site also has incandescent exit signs that will be replaced with new LED ones. All exterior lighting will be converted to induction and occupancy sensors will be installed in most office areas.

8.01i: Sewer Treatment Plant –The bulk of the lighting at this site is T12 fluorescent to be changed to Super T8 lamps and incandescent. Exterior recessed incandescent lamps will be replaced with LED Reflector lamps and the interior incandescent sockets will get CFL's. There are some T5HO fixtures that will replace interior High Pressure Sodium fixtures. All the exit signs will be changed to LED. Exterior lighting will be converted to induction and LED.



Visual inspection of the lighting retrofits found them to be functioning well with appropriate lumen levels. With very few exceptions the number and type of lighting found to be installed was consistent with the as-builts received from the lighting contractor. Adjustments were made to the savings calculations to reflect the minor variations found between the as-builts and Siemens commissioning inspection. Based on the commissioning findings the expected annual savings of \$54,453 will be exceeded. If current utility rates remain unchanged, the City will realize an annual savings of \$54,960, which would amount to a \$507 surplus after the first year.

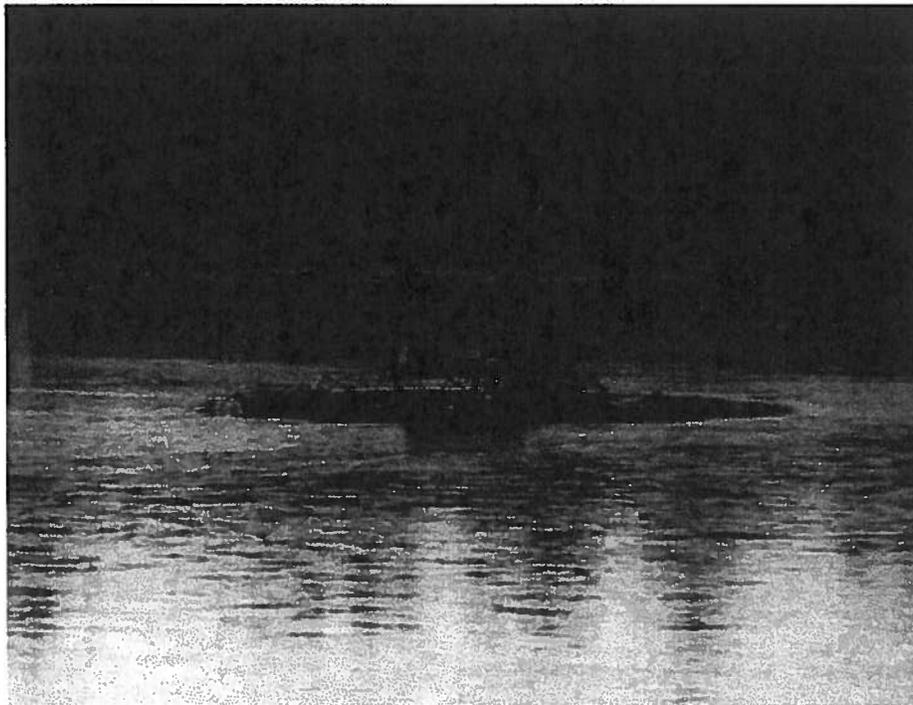


FIM 11.01: Sewer Treatment Plant – Solar Aeration System

FIM SUMMARY

A solar powered aeration device was installed in the aeration pond. The solar aeration system device will run exclusively on solar energy whenever possible. On days with adequate sun, its batteries will store a 3-4 day reserve, and on the other days it may run on shore power with a supplemental power kit requiring an 115VAC, 2A circuit. This technology will reduce the horsepower required to aerate the pond and therefore it will result in considerable electrical savings even if it is intermittently connected to a traditional power source.

The system is designed to be used in cold climates. The existing aerators shall remain as backup to prevent the lagoon from freezing. Four hours of operator training are included with this FIM.



Inspection of the solar aeration system found to have been installed properly with the removal of the existing pump aeration system. Assuming that the solar aeration system remains without the addition of any new pumps for the duration of the first year, the expected annual savings of \$12,506 will be exceeded. If current utility rates remain unchanged, the City will realize an annual savings of \$133,896, which would amount to a \$426 surplus after the first year.

Walt Wrede

From: Katie Koester
Sent: Friday, December 30, 2011 2:21 PM
To: Walt Wrede
Subject: FW: Share latest article

FYI – industry article on our gas line the fine Rep. shared with us.

From: Paul Seaton [mailto:pkseaton@gmail.com]
Sent: Friday, December 30, 2011 2:05 PM
To: Katie Koester
Subject: Share latest article

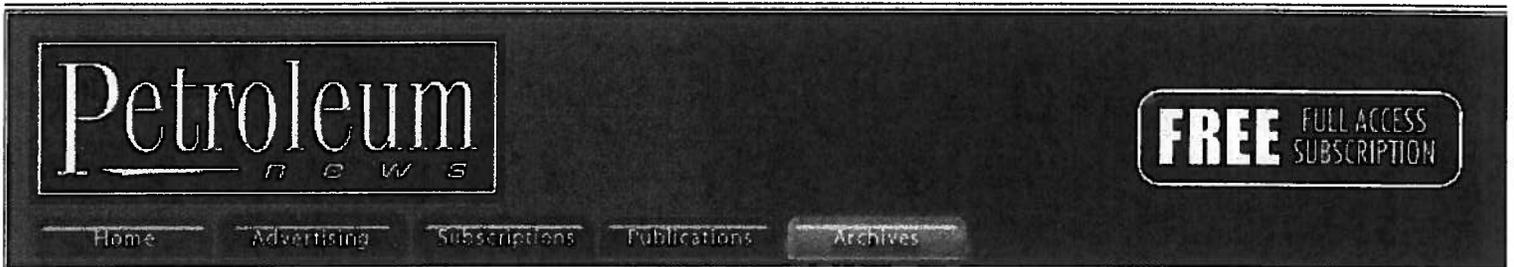
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Vol. 17, No. 1

Week of January 01, 2012

Providing coverage of Alaska and northern Canada's oil and gas industry

Southern Kenai ready for round 3

 [Click here to read the PDF version of this story.](#)

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After two budget cycles without state support for a gas pipeline, Homer and Kachemak hope the third time will be a charm



Mouseover to stop clickable ads

Eric Lidji

For Petroleum News

With the legislative session just a few weeks away, the southern Kenai Peninsula is gearing up for its third pitch in as many years for state support for a natural gas transmission line.

The Alaska Legislature approved a \$4.8 million line item to build a gas pipeline to Homer in early 2010, but placed four conditions on the grant. Those included: requiring that gas from a pipeline to Homer be priced equal to gas in other parts of the Cook Inlet basin; that a Homer pipeline not harm other customers across the region; that state funding for the pipeline help offset rates throughout the region; and that the city of Homer plan a distribution system to bring as many locals as possible onto the grid.

Gov. Sean Parnell vetoed all but \$525,000, saying the rest could come in a future funding cycle once the communities addressed the concerns. He didn't include the project in his fiscal year 2012 budget, though, and vetoed a \$10 million appropriation approved by the Legislature that year. The project is not in his fiscal year 2013 capital budget, either.

Homer believed it satisfied the legislative concerns years ago. It pointed to the postage-stamp rates required in the Enstar Natural Gas Co. service area, and to recent municipal moves to fund distribution systems in Homer and the smaller city of Kachemak to the east.

The communities ultimately used the reduced funding to build a pressure reduction station outside Anchor Point and a short pipeline, less than a mile, down the Sterling Highway. That allows some institutions, such as Chapman Elementary School, to begin converting to natural gas, and sets the stage to quickly continue the line to the south.

The region has been trying to get natural gas for decades, but those efforts became more realistic once Armstrong Cook Inlet developed the North Fork field just to the north.

But the nearly 6,000 people living in Homer and Kachemak cannot get natural gas without a transmission line extending down from the current terminus in Anchor Point.

The communities currently use diesel fuel for home heating, and want the price advantage of natural gas, but shouldering the entire cost of the pipeline would negate that advantage, according to Rep. Paul Seaton, R-Homer, the longtime legislator for the region.

The project needs about \$10 million, he said, although the exact amount the region will request from the state won't become available until the budget

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FEBRUARY 5-7, 2012
ANCHORAGE, ALASKA

[www.nace.org/
northernareawestern](http://www.nace.org/northernareawestern)

**Petroleum Equipment
& Services, Inc.**



Meeting the needs of
Alaska's petroleum industries.

negotiations begin in earnest. A failed attempt to bring gas to the southern Kenai in 2003 left a \$1 per thousand cubic foot "Homer Extension Surcharge" on the books as a way to help pay for a transmission line, shifting some of the cost of the project back to the ratepayers.

"This was a tariff that we didn't even know was there," Seaton said.

The local communities are ready to fund distribution systems, Seaton said. Kachemak approved an increase to its mill rate to fund a grid covering the entire town, while Homer approved an improvement district to fund the first phase of a distribution build out.

Seaton points to provisions in the statewide energy policy passed in early 2010, specifically those guiding the state to support natural gas transportation projects and help develop "the most cost-effective, long-term sources of energy for each community." He also notes the efforts to bring natural gas to Fairbanks, the largest population center in Alaska still tied to fuel oil, saying, "Our fuel prices are higher than Fairbanks."

Did you find this article interesting?

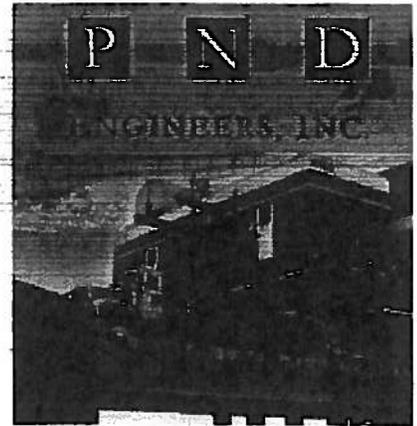


Submit it to another favorite Social Site or Article Directory.



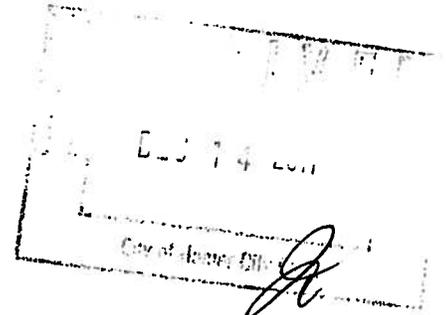
Email it to an associate.

Print this story



12/7/11

To: City of Homer
491 East Pioneer Ave
Homer, AK 99603



To whom it may concern,

As required by state gaming regulations, enclosed please find a copy of our 2012 Gaming permit renewal application and 2 Pull Tab Vendor Registration forms for The Alibi and AJ's Steakhouse.

If you have any questions about our 2012 gaming application, please contact us at your convenience.

Sincerely,
Jenny Martin
Treasurer, Board of Directors
Kachemak Bay Family Planning Clinic
3959 Ben Walters Lane
Homer, AK 99603

2012 Alaska Gaming Permit Application

| | |
|---------------------|--|
| DEPARTMENT USE ONLY | |
| Validation # | |
| Date Stamp | |

826

Organization Information

| | | | |
|--|--|---|------------------------------|
| Federal EIN 92-0106486 | If renewing, enter gaming permit # 1829 | Phone Number (907) 235-3436 | Fax Number (907) 235-8346 |
| Organization Name Kachemak Bay Family Planning Clinic | | Website Address www.kbfpc.org | |
| Mailing Address 3959 Ben Walters Lane | | City Homer | State AK |
| | | Zip + 4 99603-2742 | |
| Entity Type (check one) | | Organization Type (check one) for definitions see AS 05.15.690 and 15 AAC 160.995. | |
| <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Association | | <input checked="" type="checkbox"/> Charitable <input type="checkbox"/> Civic or service <input type="checkbox"/> Dog mushers' association <input type="checkbox"/> Educational <input type="checkbox"/> Fishing derby association <input type="checkbox"/> Fraternal <input type="checkbox"/> Labor <input type="checkbox"/> Municipality <input type="checkbox"/> Nonprofit trade association <input type="checkbox"/> Outboard motor association <input type="checkbox"/> Police or fire department <input type="checkbox"/> Political <input type="checkbox"/> Religious <input type="checkbox"/> Veterans <input type="checkbox"/> IRANative Village | |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Does the organization have 25 or more members who are Alaska residents as defined in your articles of incorporation or bylaws? | | | |

Members in Charge of Games

Members in charge must be natural persons and active members of the organization or employees of the municipality and designated by the organization. Members in charge may not be licensed as an operator, be a registered pull-tab vendor or an employee of a vendor for this organization. If more than one alternate, attach a separate sheet.

| | | |
|--|----------------------------------|---|
| Primary Member First Name Jenny | M.I. L | Primary Member Last Name Martin |
| Social Security Number | Email jenny.martin@bbbsak.org | |
| Daytime Phone Number (907) 235-8391 | Mobile Number (907) 435-7101 | |
| Home Mailing Address PO Box 2816 | | |
| City Homer | State AK | Zip + 4 99603-2816 |
| Has the primary member passed the test? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | Permit # under which test was taken: 1829 |

| | | |
|--|---------------------------------|---|
| Alternate Member First Name Mary Ellen | M.I. | Alternate Member Last Name Purcell |
| Social Security Number | Email melonp0@gmail.com | |
| Daytime Phone Number (907) 235-8181 | Mobile Number (907) 299-2519 | |
| Home Mailing Address PO Box 15006 | | |
| City Fritz Creek | State AK | Zip + 4 99603-5006 |
| Has the alternate member passed the test? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | Permit # under which test was taken: 1829 |

Legal Questions These questions must be answered. If you answer Yes to either question, see instructions.

Yes No Does any member of management or any person who is responsible for gaming activities have a prohibited conflict of interest as defined by 15 AAC 160.954?

Yes No Has any member of management or any person who is responsible for gaming activities ever been convicted of a felony, extortion, or a violation of a law or ordinance of this state, or another jurisdiction, that is a crime involving theft or dishonesty, or a violation of gambling laws?

We declare, under penalty of unsworn falsification, that I have examined this application, including any attachments, and that, to the best of our knowledge and belief, it is true and complete. We understand that any false statement made on the application or any attachments is punishable by law. By our signatures below we, the primary member, the alternate member, and if applicable, the manager of games, agree to allow the Department of Revenue to review any criminal history we may have, in accordance with 15 AAC 160.934.

| | | |
|---|------------------------------------|------------------|
| Primary Member in Charge's Signature | Printed Name Jenny Martin | Date 11/21/11 |
| President or Other Officer's Signature (see instructions) | Printed Name Morgan Sicilia | Date 11/21/11 |
| Alternate Member in Charge's Signature | Printed Name Mary Ellen Purcell | Date 11/21/11 |
| Manager of Games Signature | Printed Name Jenny Martin | Date 11/21/11 |

Mail to: ALASKA DEPARTMENT OF REVENUE
TAX DIVISION - GAMING GROUP
PO BOX 110420
JUNEAU AK 99811-0420
Phone 907-465-2320 • Fax 907-465-3098

One copy of the completed application must be sent to the nearest municipality or borough. See instructions for mandatory attachments.

Pay online with OTIS at www.tax.alaska.gov or make check payable to State of Alaska. New applicants must pay by check.

Permit Fee

The permit fee is based on the 2011 estimated gross receipts. Check the appropriate box.

| | |
|--|-------|
| <input type="checkbox"/> New applicant | \$20 |
| <input checked="" type="checkbox"/> \$0 - \$20,000 | \$20 |
| <input type="checkbox"/> \$20,001 - \$100,000 | \$50 |
| <input type="checkbox"/> \$100,001 or more | \$100 |

26

Retain a copy for your records

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2012 Alaska Gaming Permit Application

826

| | |
|-------------------------|--|
| Gaming Permit # 1829 | Organization Name Kachemak Bay Family Planning Clinic |
|-------------------------|--|

Facility-Based Games (self-directed) If more than two facilities, attach a separate sheet.

| | | | | |
|--|---|------|-------------|---------|
| Facility Name | Physical Address | City | State AK | Zip + 4 |
| Facility Type (check one) <input type="checkbox"/> Owned <input type="checkbox"/> Leased <input type="checkbox"/> Donated | Game Type (check all that apply) <input type="checkbox"/> Bingo <input type="checkbox"/> Raffle <input type="checkbox"/> Pull-tabs <input type="checkbox"/> Animal classic (chicken)* <input type="checkbox"/> Animal classic (rat race)* <input type="checkbox"/> Special draw raffle ** <input type="checkbox"/> Calcutta pool** | | | |
| Facility Name | Physical Address | City | State AK | Zip + 4 |
| Facility Type (check one) <input type="checkbox"/> Owned <input type="checkbox"/> Leased <input type="checkbox"/> Donated | Game Type (check all that apply) <input type="checkbox"/> Bingo <input type="checkbox"/> Raffle <input type="checkbox"/> Pull-tabs <input type="checkbox"/> Animal classic (chicken)* <input type="checkbox"/> Animal classic (rat race)* <input type="checkbox"/> Special draw raffle ** <input type="checkbox"/> Calcutta pool** | | | |

Area-Based Games If more than two areas, attach a separate sheet. *restricted game type **see instructions for mandatory attachments

| | |
|------|---|
| Area | Game type (check all that apply) <input type="checkbox"/> Raffle <input type="checkbox"/> Contest of skill <input type="checkbox"/> Fish derby <input type="checkbox"/> Dog musher' contest <input type="checkbox"/> Classic (specify) _____ |
| Area | Game type (check all that apply) <input type="checkbox"/> Raffle <input type="checkbox"/> Contest of skill <input type="checkbox"/> Fish derby <input type="checkbox"/> Dog musher' contest <input type="checkbox"/> Classic (specify) _____ |

Manager of Games Required only for self-directed pull-tabs and bingo.

| | | | | |
|-------------------------------------|-------------|----------------------------------|---|---|
| Manager First Name Jenny | MI L | Manager Last Name Martin | Social Security Number | Daytime Phone Number (907) 235-8391 |
| Home Mailing Address PO Box 2816 | | Email jenny.martin@bbbsak.org | | Mobile Phone (907) 435-7101 |
| City Homer | State AK | Zip + 4 99603-2816 | Has the manager of games passed the test? <input type="checkbox"/> Yes <input type="checkbox"/> No TCST | Permit # under which test taken 1829 |

Vendor Information Attach 2012 vendor registration form(s) and fee(s) for each vendor listed below. *Martin 11/28/11*

| | | | | |
|---|---|---------------|-------------|------------------|
| Bar or Liquor Store Name Alibi | Physical Address 453 E. Pioneer Ave | City Homer | State AK | Zip + 4 99603 |
| Bar or Liquor Store Name AJ's Steakhouse | Physical Address 120 W. Bunnell Ave. | City Homer | State AK | Zip + 4 99603 |
| Bar or Liquor Store Name | Physical Address | City | State AK | Zip + 4 |
| Bar or Liquor Store Name | Physical Address | City | State AK | Zip + 4 |
| Bar or Liquor Store Name | Physical Address | City | State AK | Zip + 4 |

Operator Information

Designate operator who will conduct activities on the organization's behalf. Attach signed operating contract(s). If more than one operator, attach a separate sheet.

| | | | | |
|--------------------|----------|---------------|--------------|---------|
| Operator License # | Operator | Facility Name | Game Type(s) | |
| Physical Address | | City | State | Zip + 4 |

Multiple-Beneficiary Permittee Information (MBP)

Designate the MBP with which the organization has signed a partnership or joint venture agreement.

| | | | | |
|------------------|----------|---------------|--------------|---------|
| MBP Permit # | MBP Name | Facility Name | Game Type(s) | |
| Physical Address | | City | State | Zip + 4 |

Dedication of Net Proceeds Describe in detail how the organization will use the net proceeds from gaming activities.

KBFC provides no-cost, low-cost reproductive health care for women and men. We offer HIV testing, and outreach programs to provide information concerning health care.

26

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2012 Alaska Pull-Tab Vendor Registration

854

A registration is required for each vendor location. A permittee may not contract with more than five vendors at one time.

Permittee Information

| | | |
|------------------------------|----------------------------------|---|
| Federal EIN 92-0106486 | Gaming permit # 1829 | Permittee Name Kachemak Bay Family Planning Clinic |
| Phone Number 907-235-3436 | Member in Charge Jenny Martin | Member in Charge Phone Number 907-235-8391 |

Vendor Information

| | | | | |
|--|-------------|----------------|---|--------------------------------|
| Federal EIN or Social Security Number* | | | Beverage Dispensary License # 98 | Package Store License # N/A |
| Owner Name Mix Rocks LLC | | | Business License 959619 | |
| Business Name The Alibi | | | Phone Number 907-235-9199 | Fax Number |
| Mailing Address 435 E. Pioneer Ave | | | Physical Address of Vendor Location 435 E. Pioneer Ave, Homer AK | |
| City Homer | State AK | Zip+4 99603 | City of Vendor Location Homer | State AK |
| | | | | Zip+4 99603 |

Legal Questions

*If your business has not been issued a federal EIN, you are required to provide your social security number.

These questions must be answered, if you answer Yes to any question, please submit the person's name, date of birth, social security number and position of responsibility.

- Yes No Has any member of management or any person who is responsible for gaming activities ever been convicted of a felony, extortion, or a violation of law or ordinance of this state, or another jurisdiction, that is a crime involving theft or dishonesty, or a violation of gambling laws?
- Yes No Do you employ or have a contract with the primary or alternate member in charge, officer, board member or manager of gaming for the above organization?
- Yes No Do you have a contract other than a vendor contract with the organization listed above?

Vendor Contract to Sell Pull-Tab

Pursuant to AS 05.15.188, the vendor listed above hereby agrees to sell pull-tabs as a vendor on behalf of the permittee listed above.

The vendor further agrees that, as compensation for expenses incurred in selling pull-tabs on behalf of the permittee, 30% of the ideal net of each game may be retained by the vendor as compensation. Permittee must receive at least 70% of the ideal net from each game. AS 05.188(h).

The vendor further agrees that an amount equal to the ideal net, less the compensation owed to the vendor, shall be paid by check by the vendor to the permittee upon delivery of a pull-tab series. AS 05.15.188(i).

It is further agreed that the vendor will ensure pull-tab winners of \$50 or more will complete prize receipt forms; that a prize winner summary form will be completed for each pull-tab game and retained with those winning pull-tabs AS 05.15.187(f); and these records of pull-tab winners will be given to the permittee to retain for the required two or three years. AS 05.15.187(f).

It is further agreed that it is the vendor's responsibility to ensure gaming activity at this vendor location is conducted in accordance with all applicable state statutes and regulations.

It is further agreed that, if the vendor is no longer eligible to sell pull-tabs, then all unopened and opened pull-tab games shall be returned to the permittee within 10 days. If the permittee loses the privilege to conduct gaming activities, then all unopened and opened pull-tab games must be treated in accordance with 15 AAC 160.490.

We declare, under penalty of unsworn falsification, that we have examined this application, including any attachments, and that, to the best of our knowledge and belief, it is true and complete. We understand that any false statement made on the application or any attachments is punishable by law.

| | | |
|--------------------------------|------------------------------|-----------------|
| Vendor Signature | Printed Name NELSON PALMA | Date 12/6/11 |
| Member in Charge Signature | Printed Name Jenny Martin | Date 12-6-11 |

Registration Fee is \$50

Pay online using (OTIS) at www.tax.alaska.gov or make your check payable to the State of Alaska.

This completed registration form must be attached to a permit application form and will not be processed until the fee is received.

Mail to: ALASKA DEPARTMENT OF REVENUE
TAX DIVISION - GAMING GROUP
PO BOX 110420
JUNEAU AK 99811-0420
Phone 907-465-2320 • Fax 907-465-3098

| | |
|---------------------|--|
| DEPARTMENT USE ONLY | |
| Validation # | |
| Date Stamp | |

854

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2012 Alaska Pull-Tab Vendor Registration

854

A registration is required for each vendor location. A permittee may not contract with more than five vendors at one time.

Permittee Information

| | | |
|------------------------------|----------------------------------|---|
| Federal EIN 92-006486 | Gaming permit # 1829 | Permittee Name Kachemak Bay Family Planning Clinic |
| Phone Number 907-235-3436 | Member in Charge Jenny Martin | Member in Charge Phone Number 907-235-8391 |

Vendor Information

| | | |
|--|---|-------------------------------|
| Federal EIN or Social Security Number* | Beverage Dispensary License # 1252 | Package Store License # NA |
| Owner Name APS Investment LLC | Business License 957503 | |
| Business Name AJ's STEAKHOUSE | Phone Number 907 235-9949 | Fax Number |
| Mailing Address 135 W. Bunnell Ave | Physical Address of Vendor Location 120 W. Bunnell Ave | |
| City Homer | State AK | Zip +4 99603 |
| | City of Vendor Location Homer | State AK |
| | | Zip +4 99603 |

Legal Questions

*If your business has not been issued a federal EIN, you are required to provide your social security number.

These questions must be answered. If you answer Yes to any question, please submit the person's name, date of birth, social security number and position of responsibility.

- Yes No Has any member of management or any person who is responsible for gaming activities ever been convicted of a felony, extortion, or a violation of law or ordinance of this state, or another jurisdiction, that is a crime involving theft or dishonesty, or a violation of gambling laws?
- Yes No Do you employ or have a contract with the primary or alternate member in charge, officer, board member or manager of gaming for the above organization?
- Yes No Do you have a contract other than a vendor contract with the organization listed above?

Vendor Contract to Sell Pull-Tab

Pursuant to AS 05.15.188, the vendor listed above hereby agrees to sell pull-tabs as a vendor on behalf of the permittee listed above.

The vendor further agrees that, as compensation for expenses incurred in selling pull-tabs on behalf of the permittee, 30% ^X of the ideal net of each game may be retained by the vendor as compensation. Permittee must receive at least 70% of the ideal net from each game. AS 05.188(h).

The vendor further agrees that an amount equal to the ideal net, less the compensation owed to the vendor, shall be paid by check by the vendor to the permittee upon delivery of a pull-tab series. AS 05.15.188(i).

It is further agreed that the vendor will ensure pull-tab winners of \$50 or more will complete prize receipt forms; that a prize winner summary form will be completed for each pull-tab game and retained with those winning pull-tabs AS 05.15.187(i); and these records of pull-tab winners will be given to the permittee to retain for the required two or three years. AS 05.15.187(f).

It is further agreed that it is the vendor's responsibility to ensure gaming activity at this vendor location is conducted in accordance with all applicable state statutes and regulations.

It is further agreed that, if the vendor is no longer eligible to sell pull-tabs, then all unopened and opened pull-tab games shall be returned to the permittee within 10 days. If the permittee loses the privilege to conduct gaming activities, then all unopened and opened pull-tab games must be treated in accordance with 15 AAC 160.490.

We declare, under penalty of unsworn falsification, that we have examined this application, including any attachments, and that, to the best of our knowledge and belief, it is true and complete. We understand that any false statement made on the application or any attachments is punishable by law.

| | | |
|--------------------------------|----------------------------------|-----------------|
| Vendor Signature | Printed Name Adrienne Sweeney | Date 12/1/11 |
| Member in Charge Signature | Printed Name Jenny Martin | Date 12-1-11 |

Registration Fee is \$50

Mail to: ALASKA DEPARTMENT OF REVENUE
TAX DIVISION - GAMING GROUP
PO BOX 110420
JUNEAU AK 99811-0420
Phone 907-465-2320 • Fax 907-465-3098

| | |
|---------------------|--|
| DEPARTMENT USE ONLY | |
| Validation # | |
| Date Stamp | |

Pay online using (OTIS) at www.tax.alaska.gov or make your check payable to the State of Alaska. This completed registration form must be attached to a permit application form and will not be processed until the fee is received.

854

Retain a copy for your records

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CITY ATTORNEY REPORT

COMMITTEE REPORT(S)



PENDING BUSINESS

NEW BUSINESS

RESOLUTION(S)

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 12-001

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, CONFIRMING THE CITY MANAGER'S
APPOINTMENT OF ROBERT PAINTER AS THE
ACTING CITY MANAGER FOR CALENDAR YEAR
2012.

WHEREAS, Homer City Code 1.20.010(b) states that the City Manager shall annually appoint an Acting City Manager, subject to the City Council confirmation which is revocable at any time, by the Council; and

WHEREAS, Pursuant to Homer City Code Section 1.20.010(b) the Acting City Manager shall assume the duties and powers of the City Manager in his absence.

NOW, THEREFORE, BE IT RESOLVED by the Homer City Council that Robert Painter is hereby appointed by City Manager Walt Wrede and confirmed by the Homer City Council as Acting City Manager for the Calendar Year 2012.

PASSED and ADOPTED by the City Council of Homer, Alaska, this 9th day of January, 2012.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

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**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 12-002

A RESOLUTION OF THE HOMER CITY COUNCIL
CONFIRMING THE APPOINTMENTS OF REGINA
MAURAS AS TREASURER AND LAURIE MOORE AS
DEPUTY TREASURER FOR CALENDAR YEAR 2012.

WHEREAS, Homer City Code §1.34.010 states that the Treasurer and Deputy
Treasurer shall be appointed by and serve at the pleasure of the City Manager, that the
Treasurer and Deputy Treasurer shall be confirmed by the Council annually during the
first meeting in January and whenever the appointment becomes vacant or whenever the
City Manager deems it appropriate to change the appointment; and

WHEREAS, Pursuant to HCC §1.34.010, City Manager Walt Wrede hereby
provides notice of the appointment of Regina Mauras as Treasurer and Laurie Moore as
Deputy Treasurer for Calendar Year 2012.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer,
Alaska, confirms the appointments of Regina Mauras as Treasurer and Laurie Moore as
Deputy Treasurer for the Calendar Year 2012.

PASSED AND ADOPTED by the Homer City Council this 9th day of January,
2012.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

1
2
3 **CITY OF HOMER**
4 **HOMER, ALASKA**

City Clerk

5
6 **RESOLUTION 12-003**

7
8 A RESOLUTION OF THE CITY COUNCIL OF HOMER,
9 ALASKA, DESIGNATING SIGNATORIES OF CITY
10 ACCOUNTS AND SUPERSEDING ANY PREVIOUS
11 RESOLUTION SO DESIGNATING.

12
13 WHEREAS, City Council confirmed the selection of Beth Wythe as Mayor Pro Tempore
14 at their October 17, 2011 meeting; and

15
16 WHEREAS, Robert Painter has been appointed, via Resolution 12-001, as the Acting
17 City Manager for Calendar Year 2012; and

18
19 NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska, that
20 the designated signatories, effective on January 9, 2012 are as follows, with the number of
21 signatories defined:

22
23 On the regular Wells Fargo Bank Alaska checking account #016030109 that the following are
24 the designated signatories for this account, with dual signatures required for checks over \$5,000;
25 on the investment accounts with Alaska Municipal League, First National Bank, Raymond James
26 Investment, Wells Fargo Bank Alaska, and other institutions, and for Department of
27 Administration Grants and other grants, one of the following authorized signatories or the dual
28 electronic authorization system is required for all transactions:

29
30 **JAMES C. HORNADAY, MAYOR**
31 **MARY E. WYTHER, MAYOR PRO TEMPORE**
32 **WALT E. WREDE, CITY MANAGER**
33 **ROBERT PAINTER, ACTING CITY MANAGER**
34 **REGINA MAURAS, FINANCE DIRECTOR/TREASURER**
35 **JO JOHNSON, CITY CLERK**

36
37 PASSED AND ADOPTED by the Homer City Council this 9th day of January, 2012.

38
39 CITY OF HOMER

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42
43 JAMES C. HORNADAY, MAYOR

44 ATTEST:

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48 JO JOHNSON, CMC, CITY CLERK

49
50 Fiscal Note: N/A

**CITY OF HOMER
HOMER, ALASKA**

Planning

RESOLUTION 12-004

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, AMENDING THE HOMER ADVISORY PLANNING
COMMISSION POLICY AND PROCEDURES MANUAL.

WHEREAS, The Homer Advisory Planning Commission has reviewed the Policies and
Procedures Manual; and

WHEREAS, The Homer Advisory Planning Commission recommended amendment of
the Policies and Procedures Manual at their Regular Meeting of November 16, 2011.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby amends the
Homer Advisory Planning Commission Policies and Procedures Manual as shown in Attachment
A.

ADOPTED BY THE CITY COUNCIL of Homer, Alaska, this 9th day of January, 2012.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

Policies and Procedures Homer Advisory Planning Commission



2012 Resolution 12-004

QUALIFICATION STATEMENT

Nothing in this chapter should be considered in lieu of any applicable laws and procedures found in the Alaska State Statutes, the Kenai Peninsula Borough Code of Ordinances, where applicable, or the Homer City Code.

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INTRODUCTION

The purpose of this policy manual is to clarify the role of the Homer Advisory Planning Commission ("Commission") in administration of the Homer Zoning Ordinance, Title 21, and Subdivisions, Title 22. Further, this manual describes policies for the Commission that are supplementary or explanatory to the requirements of Homer City Code.

This manual is divided into sections, which explain the policies for administering and implementing the land use permitting ordinances and the zoning ordinance.

The policy and procedure manual will be endorsed by resolution of the City Council and may be amended at any meeting of the Commission by a majority plus one of the members, provided that notice of the proposed amendment is given to each member in writing. Proposed amendments to the procedure manual shall be introduced at one meeting and action shall be taken at a subsequent Commission meeting.

PUBLIC TESTIMONY AND COMMENT

The Commission invites citizen participation regarding matters brought before it for consideration.

For any public participation before the Commission, the citizen should walk to the microphone located at the rostrum directly in front of the Commission podium, sign in, and after receiving recognition from the Chair, state his/her name and address and purpose for appearing. Comments are limited to three minutes. In special circumstances, this time limit may be extended by two minutes by the Chair with concurrence of the body. Items that generate a large amount of citizen interest may be taken out of their regular position on the agenda at the discretion of the Commission as an accommodation to the public. Moving these items on a published agenda will be done at the beginning of the meeting, during the adoption of the agenda.

Comment time limits

Comments and testimony are limited to three minutes. In special circumstances, this time limit may be adjusted by two minutes up or down by the Chair with concurrence of the body.

Public Comment

Any citizen desiring to speak on any matter other than public hearing items or preliminary plats on the agenda may do so under "Public Comments." After the public comment period is introduced, the Chair may recognize any member of the public who wishes to address the Commission. No official action will be taken by the Commission under this item.

Public Hearings and Plats

The public may comment on public hearing items and preliminary plats when those agenda items are addressed by the commission. These are generally items eight and nine on the regular agenda.

Comments on topics not on the agenda

Any citizen desiring to speak on a matter not on the agenda may do so under "Comments of the Audience," item number thirteen on the regular agenda.

DELIBERATION of QUASI-JUDICIAL DECISIONS

When making a quasi judicial decision, the Commission may choose to deliberate at an open meeting, or may choose to meet at a time, date and location set by the Commission. Such a meeting for deliberations only is not subject to the Open Meetings Act and is not required to be open to the public.

APPEALS (Quasi Judicial)

PURPOSE

The purpose of review of appeals before the Commission is to ascertain that errors of fact or interpretation have not been made pertaining to zoning matters. Generally, appeals to the Commission will be appeals of a determination, decision, or permitting matter decided upon by the City Planner.

The City Council, sitting as the Board of Adjustment, hears appeals of decisions made by the Commission. For example, conditional use permits, variance, etc, can be appealed to the Board of Adjustment, or a matter that was appealed to the Commission can be further appealed to the Board of Adjustment.

Public Hearing

Appeals before the Commission require a public hearing. Notice of the public hearing will be in accordance with HCC 21.93 and HCC 21.94.

Review Standards

In reviewing an appeal request, the Commission will consider:

1. Documentation of evidence;
2. The Record of Appeal; and
3. Controlling sections of Chapter 21 Homer City Code;
4. Any new evidence or testimony presented during the public hearing.

Once the public hearing is closed, the Commission cannot hear additional comments on the topic.

Determination

All decisions will be in writing. The officially adopted minutes shall be made part of the decision. A specific statement of findings and reasons supporting the decision shall be made. Copies of the decision will be promptly mailed to the persons participating in the appeal.

An appeal from an action or determination of the Commission is to be filed with the city clerk within thirty days of the distribution of the decision document.

REVIEW OF BRIDGE CREEK WATERSHED PROTECTION DISTRICT

PURPOSE

The Commission may approve development within the Bridge Creek Watershed Protection District (BCWPD) subject to the standards provided in the zoning ordinance and in compliance with the Comprehensive Plan, for those uses or structures specified within the Bridge Creek Watershed Protection District ordinance. The purpose is to prevent the degradation of the water quality and protect the Bridge Creek Watershed to ensure its continuing suitability as a water supply source for the City's public water

utility. These provisions benefit the public health, safety, and welfare of the residents of the City of Homer and other customers of the city's water system by restricting land use activities that would impair the water quality, or increase the cost for treatment.

Conditional Use

A conditional use permit may be issued in accordance with Chapter 21.61 and subject to the requirements of the Bridge Creek Watershed Protection District Chapter 21.40.060 Conditional uses and structures, and/or Chapter 21.40.080 Erosion sediment control, Chapter 21.40.090 Agricultural activity, Chapter 21.40.100 Timber growing and harvesting operations, Chapter 21.40.110 Stream buffers, and Chapter 21.40.130 Exceptions to buffers.

Preliminary Plats

The Commission will review and comment on all subdivision proposals within the Bridge Creek Watershed Protection District.

REVIEW POLICIES FOR CONDITIONAL USE PERMITS (Quasi -Judicial)

PURPOSE

It is recognized that there are certain uses which are generally considered appropriate in a district, provided that controls and safeguards are applied to ensure their compatibility with permitted principal uses. The conditional use permit procedure is intended to allow Commission consideration of the impact of the proposed conditional use on surrounding property and the application of controls and safeguards. This procedure assures that the conditional use will be compatible with the surrounding area and in keeping with the character and integrity of the neighborhood.

Public Hearing

A public hearing before the Commission is required before a conditional use permit may be granted. Notice of the public hearing will be in accordance with HCC 21.94.

Review Standards

The Commission has 45 days from the close of the public hearing to make a decision on a conditional use permit application. The applicant may agree, in writing, to the extension of the 45 day time period for Commission action.

The Commission may approve, approve with conditions, or disapprove an application. The Commission must prepare written findings and reasons supporting its decision. Approval of a conditional use permit requires five yes votes. If a conditional use permit is denied, the written findings and reasons for that decision will be approved by those who voted against the permit, even if the number against is less than a majority of the Commission.

Specific conditions may be required. Such conditions will be part of the terms under which the conditional use permit is granted and violations of such terms shall be deemed a violation of this ordinance. Failure to meet any time limitations imposed by the conditional use permit shall void the permit. An extension may be granted following a public hearing on the matter. Extensions will be granted for good cause only.

The development of the conditional use project or site, following issuance of the permit, will be in accordance with the conditions of the permit, standards of the zoning regulations and/or the approved site plan. Failure to observe any conditions or standards will be deemed a violation.

Determination

The Commission must make findings of fact sufficient to support its decision. Upon determination the Commission will document the decision and the basis for decision. The petitioner will be notified by mail by a copy of the meeting minutes and the decision documentation.

Appeals

The Commission Chair will alert the petitioner and other interested parties in attendance that an appeal of the Commission's decision is possible and that the appeal must be filed within thirty days of the distribution of the decision document.

NONCONFORMITY REVIEW POLICIES (Quasi -Judicial)

PURPOSE

The Commission shall review and determine the nonconformity of certain structures and uses. The purpose of review is to establish the commencement date of use, establish the effective date of applicable regulations, and formally accept the nonconformity ~~and/or establish a reasonable schedule for termination of a nonconformity which significantly impairs the public health, safety and general welfare.~~

City code states which nonconformities are reviewed by the City Planner and which are reviewed by the Commission. Generally, the Commission will be reviewing nonconforming uses within the city, excluding the areas annexed on March 20, 2002.

Public Hearing

The Commission shall conduct a public hearing per HCC 21.94.

Review Standards

It shall be the responsibility of the owner to show proof of continuing nonconformity of any property, use or structure.

Prior to determining the nonconformity of a use or structure, the Commission will determine:

1. The commencement date of use;
2. The effective date of applicable regulations.

There may exist uses, or structures which were legal before the effective date of the controlling regulation, but which are now prohibited under the terms of the existing ordinance. See HCC 21.61.040.

To avoid undue hardships, actual construction lawfully begun prior to the effective date of the zoning ordinance will be allowed to continue provided the work will be carried on diligently. Actual construction is defined as the placement of materials in a permanent position and fastened to produce a product.

Nonconforming Uses of Land/Structures

When a lawful structure exists prior to September 28, 1982, or March 20 2002 for annexed areas, but does not meet the district or ordinance requirements, it shall be considered nonconforming. Nonconforming structures may be continued and/or expanded only on the legal lot if the nonconformity of the structure does not increase.

Legally existing structures are those that:

1. Exist prior to effective date of Ordinance 4-300-2 (Interim Zoning Ordinance) dated June 13, 1966.
2. Exist prior to effective date of Ordinance No. 33 (Kenai Peninsula Borough) dated May 2, 1967 and are in compliance with Ordinance 4-300-2.
3. Exist prior to effective date of Ordinance 78-13 (Kenai Peninsula Borough) dated May 16, 1978 and are in compliance with Kenai Peninsula Borough Ordinance No. 33 and Homer Ordinance 4-300-2.
4. Exist prior to effective date of Ordinance 82-15 (Homer Zoning Ordinance) dated September 28, 1982 and are in compliance with previous zoning ordinance requirements.

Once a structure made nonconforming by this title is abandoned or brought into conformity with this title, the structure shall thereafter conform to the regulations of the zone in which it is located, and the nonconformity shall not be allowed to continue.

The A lawful nonconforming use may continue so long as it remains lawful. No nonconforming use may be enlarged to occupy a greater area of land than was occupied as of the date it became nonconforming, or August 12, 2008, whichever is later. It may expand in accordance with 21.61.040. Once a use made nonconforming by this title is abandoned, changed, discontinued, or ceases to be the primary use of a lot, the use of that lot shall thereafter conform to the regulations of the zone which the lot is located, and the nonconformity shall not thereafter be resumed or allowed to continue.

~~A reasonable schedule for the termination of a nonconforming land use/structure which specifically impairs the public health, safety and general welfare will be established by amendment to the zoning ordinance. (See Zoning Amendment procedure.)~~

Determination

Upon presentation of such proof that establishes the continuing nonconformity of any use or structure, the Commission shall formally accept the nonconformity, as a valid use or structure until such time as the use ceases. Upon determination by the Planning Commission staff will document the decision and basis for decision. The petitioner will be notified by mail by a copy of the relevant meeting minutes and the decision documentation.

Appeals

The Commission Chair will alert the petitioner and other interested parties that an appeal of the Commission's decision is possible. The appeal must be filed within thirty days of the distribution of the decision document. The City Clerk will process all appeals.

PRELIMINARY PLAT REVIEW POLICIES

PURPOSE

The purpose of this policy statement is to clarify the position of the Commission with regard to their recommendations of acceptance or denial of preliminary plats. This review provides the opportunity for the City to make comments and recommendations to the Kenai Peninsula Borough Planning Commission. The Kenai Peninsula Borough holds platting powers for the entire borough, both inside and outside the city limits. The Homer Advisory Planning Commission acts as an advisory body to the Borough Planning Commission on plat matters inside city limits and within the Bridge Creek Watershed Protection District.

The preliminary plat process allows an exchange of information between the subdivider, the Planning and Zoning Office, and the Commission. Proper utilization of the preliminary process should result in a recommendation of approval for the majority of the plats.

Procedures

General. Kenai Peninsula Borough Code 20.12.050 governs subdivisions in first class cities. A surveyor will submit one full size copy and a 11" x 17" reduced copy of the preliminary plat to the Planning Director when subdividing land in the City of Homer or the Bridge Creek Watershed Protection District. The Commission shall review the plat and take action within forty-nine days of the date of receipt unless the applicant agrees to an extension. Recommendations of the Commission based upon lawful ordinances shall be incorporated in the final plat.

The Commission will consider plats and make recommendations. The staff report and minutes are then forwarded to the borough planning department.

The borough planning commission makes the final determination. Once the preliminary plat has been accepted, the final plat is submitted to the borough for either administrative approval or approval by the borough planning commission.

ZONING ORDINANCE AMENDMENTS

PURPOSE

The Commission will review all proposals to amend the zoning ordinance or zoning map and make recommendations to the City Council per HCC 21.95. ~~Neither the Commission nor City Council may consider a zoning map amendment that establishes a new zone within an area of less than one acre, excluding streets and rights of way, except for the extension of existing district boundaries. Neither the Commission nor City Council may consider a zoning ordinance request which is substantially the same as any other amendment submitted within the previous nine months and which was rejected.~~

Initiation/Application

Amendments to the zoning ordinance will be made in accordance with HCC 21.95. When the amendment request is accepted as complete by the Planning Department, the matter will be scheduled presented within 30 days to the ~~for the next~~ Planning Commission, ~~meeting~~ according to the Commission meeting schedule and due dates.

Public Hearing

A public hearing before the Commission is required. Notice of the public hearing will be in accordance with HCC 21.94. In the case of a zoning ordinance amendment or major district boundary change, no notification of neighboring property will be required, but notices will be posted in at least three public places.

Review Standards

Zoning text and zoning map amendments shall be reviewed according to HCC 21.95.

~~The Commission will generally review the zoning amendment to determine:~~

- ~~1. The public need and justification for the proposed change;~~
- ~~2. The effect on the public health, safety and welfare;~~
- ~~3. The effect of the change on the district and surrounding property; and~~
- ~~4. The relationship to the Comprehensive Plan and purposes of the zoning regulations.~~

~~A balanced decision on a rezone request is one that is not arbitrary, has legitimate public purpose and is consistent with the comprehensive plan.~~

Determination

The Planning Commission shall submit to the City Council its written recommendations per 21.95.060(d) regarding the amendment proposal along with the Planning Department's report on the proposal, all written comments on the proposal, and an excerpt from its minutes showing its consideration of the proposal and all public testimony on the proposal. The Commission will make findings and send its written recommendations to the City Council along with meeting minutes and public records relating to the proposed amendment. Such recommendations of the Commission shall be advisory only and shall not be binding on the City Council.

POLICY FOR REVIEW OF ZONING VARIANCES (Quasi-Judicial)

PURPOSE

The Commission may grant a variance to provide relief when a literal enforcement of the regulations and standards of the zoning ordinance, Chapter 21, would deprive a property owner of the reasonable use of his real property.

The purpose of review is to ascertain that those conditions specified as necessary to granting a variance shall be satisfied; that the variance will be the minimum necessary to permit the reasonable use of land or structure, and that the variance will not be granted which will permit a land use in a district in which that use is otherwise prohibited.

Public Hearing

A public hearing before the Commission is required before a variance may be granted. Notice of the public hearing will be in accordance with HCC 21.94.

Review Standards

In reviewing a variance request and prior to granting a variance, the Commission must consider the standards of review as established in HCC 21.72. All of the conditions must exist before a variance can be granted.

Determination

The Commission must prepare written findings and reasons supporting its decision. Approval of a variance requires five yes votes. If a variance is denied, the written findings and reasons for that decision will be approved by those who voted against the permit, even if the number against is less than a majority of the Commission. Upon determination, staff will document the decision and the basis for decision. The petitioner will be notified by mail with a copy of the meeting minutes (those portions that apply to the petition) and the decision documentation.

The Commission Chair will alert the petitioner and other interested parties that an appeal of the Commission's decision is possible. The appeal must be filed within thirty days of the distribution of the decision document. The City Clerk will process all appeals.



City of Homer
Planning & Zoning
491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Web Site www.ci.homer.ak.us
E-mail Planning@ci.homer.ak.us

STAFF REPORT PL 11-115

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: November 16, 2011
SUBJECT: HAPC Policies and Procedures

Requested Action: Review the amendments to the policies and procedures documents, and make any other changes.

GENERAL INFORMATION

The Policies and Procedures document is adopted by the City Council by Resolution. They are guidelines for how the HAPC conducts business. This document is reviewed every year or so, to keep it current with city code changes.

Please review the document and make any amendments. Amendments are introduced at one meeting, and adopted at the next meeting. If there are no new amendments, the Commission may recommend approval to the City Council.

STAFF COMMENTS/RECOMMENDATIONS:

- A. If the Commission makes any new amendments, postpone adoption until the next meeting.
- B. If there are no new amendments, recommend adoption to the City Council.

ATTACHMENTS

- 1. Draft Policies and Procedures
- 2. Draft Resolution

HIGHLAND/SONNEBORN MOVED TO ADOPT STAFF REPORT PL 11-118, A REQUEST TO AMEND VARIANCE 10-01 TO ALLOW THE CONSTRUCTION OF A 96 FT TOWER IN THE 20' BUILDING SETBACK AT 1033 SKYLINE DRIVE, LOT 5 SKYLINE VIEW SUBDIVISION LYING SOUTH OF SKYLINE DRIVE WITH STAFF RECOMMENDATIONS AND FINDINGS.

There was discussion whether to deliberate this issue after the first one or whether to postpone to a future meeting.

HIGHLAND/SONNEBORN MOVED TO DELIBERATE AFTER THE MEETING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

No plats were scheduled.

PENDING BUSINESS

A. Staff Report PL 11-115, HAPC Policies and Procedures Manual Amendments

HIGHLAND/SONNEBORN MOVED TO APPROVE THE AMENDED HAPC POLICIES AND PROCEDURES MANUAL AND FORWARD IT TO COUNCIL FOR ADOPTION.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. Staff Report PL 11-118, 2012 HAPC Meeting Schedule

HIGHLAND/VENUTI MOVED TO APPROVE THE 2012 HAPC MEETING SCHEDULE.

There was brief discussion.

SONNEBORN/HIGHLAND MOVED TO DELETE THE NOVEMBER 21 MEETING.

There was no discussion.

VOTE (Primary Amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VOTE (Main Motion as Amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Web Site www.ci.homer.ak.us
E-mail Planning@ci.homer.ak.us

STAFF REPORT PL 11-110

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: October 19, 2011
SUBJECT: HAPC policies and procedures

Requested Action: Review the amendments to the policies and procedures documents, and make any other changes. Postpone action until the next meeting.

GENERAL INFORMATION

The Policies and Procedures document is adopted by the City Council by Resolution. They are guidelines for how the HAPC conducts business. This document is reviewed every year or so, to keep it current with city code changes. Amendments are introduced at one meeting, and adopted at the next meeting.

In January the Council adopted Ordinance 10-58, concerning rezones. Also, the nonconforming code section of the manual needs modifications to match current code.

No action is needed at the October 19 meeting. Planning Commission can consider the revisions and postpone to the regular meeting on November 2nd.

STAFF COMMENTS/RECOMMENDATIONS:

The Commission previously worked on the policies and procedures in March, but never adopted the changes.

1. Planning Commission consider the revisions and postpone to the work session and regular meeting on February 16th.

ATTACHMENTS

1. Draft Policies and Procedures

- B. Staff Report PL 11-109, Draft Ordinance allowing accessory dwelling units as a permitted use

City Planner Abboud reviewed the staff report.

Chair Minsch opened the public hearing. There were no comments and the hearing was closed.

VENUTI/BOS MOVED TO DISCUSS AND MAKE RECOMMENDATIONS REGARDING THE DRAFT ORDINANCE ALLOWING DWELLING UNITS AS A PERMITTED USE.

There was no objection expressed and discussion ensued.

Commissioners commented in favor of the ordinance and the way it would streamline the process.

Question was raised about how the allowance will relate to lot coverage and building size. City Planner Abboud explained the way it is now the accessory structure is one that is not as prominent as the primary structure on the lot. If the property owner wants a bigger one, they will have to come in and ask. It is also dependant the services given to the lot as one without water and sewer will have a larger lot size requirement per dwelling. If he doesn't feel it will qualify for an accessory structure or the applicant feels it should be permitted they will come to the Commission through a CUP process.

There was brief discussion about water and sewer meters, rates, and that those are issues for Council.

There was also discussion about in-fill and what could be considered in-fill.

There was no more discussion and no objection to sending this draft ordinance to City Council for public hearing.

PLAT CONSIDERATION

No plats were scheduled for consideration.

PENDING BUSINESS

- A. Staff Report PL 11-110, Policies and Procedures

BOS/DOLMA MOVED TO DISCUSS STAFF REPORT PL 11-110.

There was brief discussion regarding the recommendation of the staff report.

BOS/SONNEBORN MOVED TO POSTPONE TO THE WORKSESSION AND REGULAR MEETING ON NOVEMBER 16.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.
Motion carried.

1 CITY OF HOMER
2 HOMER, ALASKA

Roberts

3
4 RESOLUTION 12-005

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER,
7 ALASKA, EXPRESSING SUPPORT FOR THE PRATT
8 MUSEUM'S LEGISLATIVE GRANT REQUEST IN THE
9 AMOUNT OF \$650,000 FOR THE DESIGN PHASE OF ITS
10 NEW FACILITY AND SITE REDESIGN PROJECT.

11
12 WHEREAS, The Pratt Museum is a national award-winning museum that serves more
13 than 35,000 visitors and engages more than 4,000 education program participants annually; and
14

15 WHEREAS, The Pratt is consistently recognized as one of Alaska's leading cultural
16 institutions and a model among community museums across the nation; and
17

18 WHEREAS, The Pratt is the recipient of the Governor's Award for the Humanities and
19 the National Award for Museum Service, the country's highest honor for museums; and
20

21 WHEREAS, The Pratt is a regional economic engine, generating about \$1 million in
22 annual economic activity and drawing visitors to our community from across the state, nation,
23 and world; and
24

25 WHEREAS, The Pratt is embarking on a construction project to better serve its visitors
26 and the community long into the future by providing new exhibits; full handicap accessibility;
27 expanded research capacity to serve students and scholars; and improved ability to expand and
28 preserve the largest collections in the sciences, arts, and humanities on the Kenai Peninsula; and
29

30 WHEREAS, The Pratt was awarded a Challenge Grant of \$750,000 from the National
31 Endowment for the Humanities, which must be matched three to one with non-federal dollars to
32 leverage these funds; and
33

34 WHEREAS, A capital grant of \$650,000 from the State of Alaska will provide necessary
35 funding for the Design Phase of the Pratt Museum's \$8.5 million new facility and site redesign
36 project, enabling the Museum to maintain project momentum at this crucial stage; and
37

38 WHEREAS, The Pratt Museum's construction project is included in the City of Homer
39 2011 – 2016 Capital Improvement Plan and the City supports the Pratt Museum with operational
40 and capital project funding.
41

42 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby expresses
43 support for the Pratt Museum's legislative grant request in the amount of \$650,000 for the
44 Design Phase of the Museum's New Facility and Site Redesign Project.

45 PASSED AND ADOPTED by the Homer City Council this 9th day of January, 2012.

CITY OF HOMER

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JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

Additional charges may be assessed and mailing costs may exceed these amounts.

Replacement/Repair of items

Lost or damaged items: Replacement cost plus \$7.00 processing fee per item to
~~Damaged items, \$7.00 processing fee to~~
Lost or damaged cases, hang-up bags, etc.: Replacement cost or \$2.00, whichever is greater

Lost map or inserts - \$10/item
Lost out-of print items - \$50/Alaskana
\$40/non fiction
\$35/fiction

Damaged Item - \$1.00/page
\$2.50/cover
Damaged beyond repair - Full bindery cost or full replacement cost plus \$7.00 processing charge.

Improper Return of Digital Devices- \$25 fee if not returned to Front Desk staff

Please Note: To receive a refund on a lost item, patrons must return the item within sixty days of lost status. Refunds of payment for items deemed valuable to the collection and returned after the 60-day period may be made at the discretion of the Director. No refunds will be given for digital devices.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 9th day of January, 2012.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Revenue amounts not defined in CY2012 budget.

MEMORANDUM 12-010

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL
THRU: WALT WREDE, CITY MANAGER
FROM: ANN DIXON, LIBRARY DIRECTOR
DATE: JANUARY 4, 2012
SUBJ: REVISIONS TO LIBRARY FEES SCHEDULE

Updates are needed to the Library Fees Schedule to reflect changes in services, procedures and equipment. The Library Advisory Board recommended the following changes at its meeting on January 3, 2012.

LIBRARY FEES

(Amended: Ordinance 05-08, 03/15/05; Resolution 04-98(S)(A), 12/13/04; 03-87, 06/23/03; 99-19(A), 3/22/99; 98-86, 9/28/98; 97-87, 10/13/97)

235-3180 Closed - Sundays. Open - Mon, Wed, Fri and Sat from 10 a.m. to 6 p.m. Tues and Thurs from 10 a.m. - 8 p.m.

Library Cards Replacement cards \$5/issue
Temporary card \$10 non refundable
Temporary Family card \$50, \$40 refundable; limit of twelve items. Refunds are issued the second check run of each month via check from the City of Homer. Apply for refund through Library staff and provide forwarding address. If the refund is not claimed within six months the refund becomes a donation to the Library.

Overdue Items - 14 day circulation (except digital devices) \$0.15/day
(except digital devices) Maximum charge \$6.00
Admin. Fee of \$25

3 7 day and 1 day circulation - \$1.00/day
Digital Devices \$5.00/day
Interlibrary Loans- \$1.00/day
2nd overdue notice - \$1.00/notice

Bill notice - \$1.00/notice
Admin. Fee for Bills Sent to Collection Agency \$25.00

Photo copy \$.15/ea (letter size) and (legal size) per side
\$.25/ea (11"x17") per side
\$1 .00/ea color copies (letter size) and (legal size) per side
\$2.00/ea color copies (11"x17") per side

Interlibrary loan fee \$2 standard size books
\$.32 \$.15 per page for photo copy

Priority Mail \$4.00
Microfilm/videos/CDS/Audios
Additional charges may be assessed and mailing costs may exceed these amounts.

Replacement/Repair of items

Lost or damaged items: Replacement cost plus \$7.00 processing fee per item to
~~Damaged items \$7.00 processing fee to~~
Lost or damaged cases, hang-up bags, etc.: Replacement cost or \$2.00, whichever is greater

Lost map or inserts - \$10/item
Lost out-of print items - \$50/Alaskana
\$40/non fiction
\$35/fiction

Damaged Item - \$1.00/page
\$2.50/cover
Damaged beyond repair - Full bindery cost or full replacement cost plus \$7.00 processing charge.

Improper Return of Digital Devices- \$25 fee if not returned to Front Desk staff

Please Note: To receive a refund on a lost item, patrons must return the item within sixty days of lost status. Refunds of payment for items deemed valuable to the collection and returned after the 60-day period may be made at the discretion of the Director. **No refunds will be given for digital devices.**

RECOMMENDATION:

Approve the revisions to the Fee Schedule as reflected in Resolution 12-006.

COMMENTS OF THE AUDIENCE
COMMENTS OF THE CITY ATTORNEY
COMMENTS OF THE CITY CLERK
COMMENTS OF THE CITY MANAGER
COMMENTS OF THE MAYOR
COMMENTS OF THE CITY COUNCIL
ADJOURNMENT

