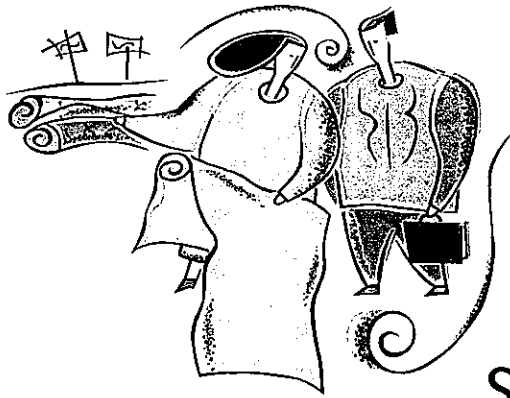


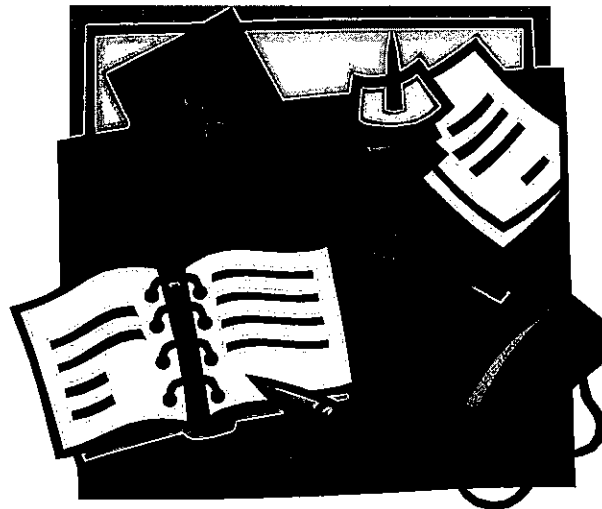
City Council
April 9, 2012
Monday



Special Meeting 4:00 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



Produced and
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April 2012

Monday 9th	CITY COUNCIL Special Meeting 4:00 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. PARKS AND RECREATION ADVISORY COMMISSION Special Meeting 5:30 p.m.
Wednesday 11th	KAREN HORNADAY PARK COMMITTEE Meeting 5:30 p.m.
Thursday 12th	PORT AND HARBOR IMPROVEMENT COMMITTEE Meeting 5:30 p.m.
Monday 16th	CITY COUNCIL Worksession 5:00 to 7:00 p.m.
Tuesday 17th	LEASE COMMITTEE Special Meeting 3:00 p.m.
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 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 p.m.

Library Advisory Board 1st Tuesday 6 p.m.

Economic Development Advisory Commission 2nd Tuesday 6 p.m.

Parks and Recreation Advisory Commission 3rd Thursday of the months of January, March, May, June, July, August, September and November 5:30 p.m.

Planning Commission 1st and 3rd Wednesday 7 p.m.

Port and Harbor Advisory Commission 4th Wednesday 5 p.m.

Transportation Advisory Committee Quarterly 3rd Tuesday 5:30 p.m.

Public Arts Committee Quarterly 3rd Thursday 5:00 p.m.

Lease Committee Quarterly 2nd Thursday 3 p.m.

Permanent Fund Committee Quarterly 2nd Thursday 5:15 p.m.

MAYOR AND CITY COUNCILMEMBERS AND TERMS

JAMES C. HORNADAY, MAYOR – 12

VACANT, COUNCILMEMBER – 12

BARBARA HOWARD, COUNCILMEMBER – 11

DAVID LEWIS, COUNCILMEMBER – 11

FRANCIE ROBERTS, COUNCILMEMBER – 12

MARY E. (BETH) WYTHER, COUNCILMEMBER – 13

BRYAN ZAK, COUNCILMEMBER – 13

City Manager, Walt Wrede

City Attorney, Thomas Klinkner

<http://www.cityofhomer-ak.gov/cityclerk> 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
APRIL 9, 2012

MAYOR JAMES C. HORNADAY
COUNCIL MEMBER BETH WYTHE
COUNCIL MEMBER FRANCIE ROBERTS
COUNCIL MEMBER BARBARA HOWARD
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
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. NEW BUSINESS**
 - A. Memorandum 12-053**, From City Clerk, Re: Request for Executive Session Pursuant to AS 44.62.310 (a-c)(1) & (3) Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Public Entity; and Matters Which by Law, Municipal Charter, or Ordinance are Required to be Confidential. (Kazan Property)(Seawall)(Personnel Staffing). Page 7
- 4. COMMENTS OF THE AUDIENCE**
- 5. ADJOURNMENT NO LATER THAN 4:50 P.M.**

Next Regular Meeting is Monday, April 23, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. Worksessions are scheduled for Monday, March 16 and 30, 2012 from 5:00 to 7:00 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 12-053

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK 

DATE: APRIL 3, 2012

SUBJECT: FROM CITY CLERK, RE: REQUEST FOR EXECUTIVE SESSION
PURSUANT TO AS 44.62.310 (A-C)(1) & (3) MATTERS, THE
IMMEDIATE KNOWLEDGE OF WHICH WOULD CLEARLY HAVE
AN ADVERSE EFFECT UPON THE FINANCES OF THE PUBLIC
ENTITY; AND MATTERS WHICH BY LAW, MUNICIPAL
CHARTER, OR ORDINANCE ARE REQUIRED TO BE
CONFIDENTIAL. (KAZAN PROPERTY)(SEAWALL)(PERSONNEL
STAFFING).

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/Seawall/Personnel Staffing" for the Special Meeting of April 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 Conference Room.

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



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

MAYOR JAMES C. HORNADAY
COUNCIL MEMBER BETH WYTHE
COUNCIL MEMBER FRANCIE ROBERTS
COUNCIL MEMBER BARBARA HOWARD
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
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. City Council Applicants, 5 minutes each.
 - Sharon Minsch Page 437
 - Don Stead Page 441
 - Beauregard Burgess Page 443
4. Presentation by Port and Harbor Improvement Committee, Port and Harbor Revenue Bond Project Plan, 15 minutes.
5. **REGULAR MEETING AGENDA**
6. **COMMENTS OF THE AUDIENCE**
7. **ADJOURNMENT NO LATER THAN 5:50 P.M.**
Next Regular Meeting is Monday, April 23 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. Worksessions are scheduled for April 16 and 30, 2012 from 5:00 to 7:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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
APRIL 9, 2012

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

REGULAR MEETING AGENDA

Special Meeting 4:00 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 Regular Meeting minutes of March 27, 2012. City Clerk. Recommend adoption. Page 17
- B. **Memorandum 12-054**, from Deputy City Clerk, Re: Liquor License Renewal for Harbor Grill and Fresh Sourdough Express. Page 35

- C. **Memorandum 12-055**, from Mayor, Re: Appointments of Michael Stockburger to the Port and Harbor Advisory Commission, Lars Bell to the Parks and Recreation Advisory Commission, and Reappointment of Monica Cogger to the Library Advisory Board.

Page 45

- D. **Memorandum 12-056**, from Mayor, Re: Appointments of Ken Castner, Bob Howard, Sharon Minsch, Lloyd Moore, Terry Yager, and Councilmember Mary E. (Beth) Wythe to the Water and Sewer Rate Task Force.

Page 55

6. VISITORS

- A. **Representative Seaton**, Legislative update, 10 minutes via Skype.
- B. **Joy Steward**, The Homer Foundation, City of Homer Grants Program, 10 minutes.
- C. **Kevin Smith**, Executive Director, and **Sean Dewalt**, Risk Control Specialist, Alaska Municipal League/Joint Insurance Association, and **Greg Russell**, Russell Consulting - Safety Measures and Insurance Issues on the Homer Playground Project (HoPP), 10 minutes.

Memorandum 12-057 from AML/JIA, re: Proposed Risk Management Plan for the Homer Playground Project.

Page 71

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. **Mayor's Proclamation** – National Library Week – April 8 – 14, 2012 Page 73
- 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 12-01(S)(A)**, 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 21.60.095, 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. Planning/City Attorney. Recommended dates: Public Hearing and Second Reading April 9, 2012.

Page 77

Memorandum 12-007 and 12-051 from City Planner as backup.

Page 95

Memorandum 12-008 from City Attorney as backup.

Page 93

Memorandum 12-048 from Economic Development Advisory Commission as backup.

Page 295

- B. **Ordinance 12-15**, An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting HCC Chapter 17.04 Regarding Special Assessment Districts. Lewis/City Manager. Introduction March 27, 2012, Public Hearing and Second Reading April 9, 2012.

Page 365

- C. **Resolution 12-023**, A Resolution of the City Council of Homer, Alaska, Amending the Fee Schedule for Port and Harbor Long Term Parking Fees. City Clerk/Port and Harbor Advisory Commission. Public Hearing April 9, 2012.

Page 413

Memorandum 12-050 from Port and Harbor Director as backup.

Page 415

- D. **Resolution 12-024**, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 to Provide for Long Term Parking Fees. City Clerk/Port and Harbor Advisory Commission. Public Hearing April 9, 2012.

Page 421

Memorandum 12-050 from Port and Harbor Director as backup.

Page 423

9. ORDINANCE(S)

10. CITY MANAGER'S REPORT

- A. City Manager's Report Page 429
- B. Bid Report Page 433
- C. Games Report
- D. Records Inventory Report
- E. Other

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

- A. **Memorandum 12-058**, from City Clerk, re: Selection/Appointment of Councilmember to Fill Vacancy. Page 435
- B. **Oath of Office to New Councilmember**

Memorandum 12-059 from City Clerk as backup. Page 445

15. RESOLUTIONS

- A. **Resolution 12-029**, A Resolution of the City Council Approving the City of Homer 2012 Land Allocation Plan. Mayor/City Council. Page 447

Memorandum 12-041 from Economic Development Advisory Commission as backup. Page 583

Memorandum 12-042 from Parks and Recreation Advisory Commission as backup. Page 585

Memorandum 12-043 from Library Advisory Board as backup. Page 589

Memorandum 12-044 from Lease Committee as backup. Page 591

Memorandum 12-045 from Port and Harbor Advisory Commission as backup. Page 593

Memorandum 12-046 from Planning Commission as backup. Page 595

- B. **Resolution 12-030**, A Resolution of the City Council of Homer, Alaska, Authorizing the Formation of the Crittenden Drive Road Reconstruction and Paving Improvement Assessment District and Authorizing the City Manager to Proceed With the Preparation and Construction of the Reconstruction and Paving Project. City Clerk. Page 597

- C. **Resolution 12-031**, A Resolution of the City Council of Homer, Alaska, Awarding a Term Contract for Road, Trail, and Drainage Professional Engineering Services to the Firms of Kenney Engineering, LLC of Anchorage, Alaska, and Nelson Engineering of Kenai, Alaska, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Page 605

Memorandum 12-060 from Public Works Director as backup. Page 607

- D. **Resolution 12-032**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for Water and Sewer Projects Engineering Design Services Term Contracts to the Firms of _____ of _____, _____, and _____ of _____, _____, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Page 617

Memorandum 12-061 from Public Works Director as backup. Page 619

- 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, April 23, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. Worksessions are scheduled for April 16 and 30, 2012 from 5:00 to 7:00 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 12-09 a Regular Meeting of the Homer City Council was called to order on March 27, 2012 at 6:00 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: HOWARD, LEWIS, ROBERTS, WYTHE, ZAK

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
ACTING FINANCE DIRECTOR MOORE
CITY PLANNER ABOUD
COMMUNITY AND ECONOMIC
DEVELOPMENT COORDINATOR KOESTER
LIBRARY DIRECTOR DIXON
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

Council met for a Joint Worksession with Advisory Bodies from 4:02 p.m. to 4:50 p.m. to discuss the 2012 Land Allocation Plan. From 5:04 p.m. to 5:49 p.m. Council met as a Committee of the Whole to hear a report from Anderson Group, Lobbyists, discuss Memorandum 12-049 and Regular Meeting Agenda items.

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: **VISITORS** - **Representative Seaton**, Legislative Update, 10 minutes; **ORDINANCES** - **Ordinance 12-16**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating and Transferring \$86,000 from the General Fund Balance to the Utility Fund, Water Operating Account, and Appropriating and Transferring \$86,000 from the General Fund Balance to the Utility Fund, Sewer Operating Account, to Compensate for the Reduction of Water and Sewer Customer Charges by Resolution 12-025. Mayor. Written public comment; **CITY MANAGER'S REPORT** - Kachemak City written comments on natural gas pipeline; Memorandum from Employee Committee, re: Worksession on Employee Health Benefits; Letter from employee, re: Artwork within City Hall; and Memorandum from Personnel Director, re: Kenai Peninsula Borough Health Care Meetings; **PENDING BUSINESS** - **Ordinance 12-01(S)(A)**, 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 21.60.095, 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. Planning/City Attorney. HAPC minutes of March 7, 2012 as backup and Attorney Klinkner comments on Ordinance 12-01(S)(A).

By unanimous consent Council suspended the rules and heard Representative Seaton's report via Skype.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Larry Sloan, city resident, commented on the water and sewer rate schedules and the holes in it. He agrees with the creation of a task force and asked Council to roll the rates back to Resolution 11-094(S).

Keren Kelley, city resident and Executive Director of Homer Senior Citizens, commented they are different from a multi-family facility as they are a non profit Health and Social Services agency funded by grants. It is prohibitive to increase the seniors rent or the Senior Center would have to absorb the costs. She requested an exemption and for Council to consider all users across the board sharing the expense.

Bill Overway, Kachemak City Councilmember, read a letter from Mayor Phil Morris on the natural gas distribution line.

Jim Clymer, Board of Directors for the Senior Center, commented it would be proper to treat the Senior Center as a hospital.

Dave Weber, Kachemak City Councilmember, advocated for natural gas citing the following savings: 62% savings from fuel oil, 80% savings from propane, and 78% savings from electric. The savings to the Borough and all taxpayers in one year is \$693,000, or \$1,032,000 including the State. Railroads were built through state funding. The purpose of government is to do for people what they can't do for themselves.

Dave Mastolier, city resident, commented on water and sewer rates, a 40% increase for him. If an increase was needed it should be spread equally among all users. He suggested reducing expenditures and adjusting the charge per gallon, urging conservation.

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 March 12, 2012. City Clerk. Recommend adoption.
- B. **Memorandum 12-047**, from Mayor, Re: Appointment of Nicholas Schmitt to the Economic Development Advisory Commission.

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

WYTHE/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

A. **Representative Seaton**, Legislative Update

Representative Seaton reported things are looking good on the pipeline, although it is still a long process. There is concern from certain legislators about the commitment of the City to build out the distribution system. The concern is if the State built the pipeline and the City didn't build distribution lines, the City may come back for funding for a distribution system and it would be double dipping. A commitment from the City for the distribution lines would be helpful. Representative Seaton met with the RCA commissioner who is working with Enstar to get a letter to the Governor to insure the \$1 mcf will be incorporated to pay the \$2M advance from Enstar on the project.

If the City avails itself to a municipal bond bank loan to build out the gas line, it would be outside the capital budget. It would be much lower interest loans available, with \$13M possible. The State would deposit funds with the municipal bond bank for loans to the City and Kachemak City.

Mayor Hornaday asked if the City's port and harbor projects would be in the capital budget. Representative Seaton answered he and Senator Stevens are working together to make sure the \$26M port project is in the capital budget. There are also transportation projects to bond. The capital budget should be out by Monday.

Mayor Hornaday asked about the proposed oil tax cut that would reduce revenue sharing for communities, \$140,000 from last year for us. Representative Seaton answered there is a proposal

for increasing revenue sharing depending on oil prices. If there were a large tax reduction the State would be in deficit for seven years and the Legislature is reluctant to take money out of savings to fund. It is not known if they will agree on any tax change, but there is already three years of revenue sharing at \$60M per year in the fund.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORTS

REPORT/COMMISSION

Mayor Hornaday offered kudos to the hockey players who were very well organized. The visitors enjoyed staying in the local facilities.

A. Borough Report

Kenai Peninsula Borough Assemblyman Bill Smith reported the Assembly approved \$4.7M to build a radiology oncology center within Central Peninsula Hospital in Soldotna. Construction is expected to start this year with the facility opening in March 2013.

New property assessments were issued and Assemblyman Smith urged anyone disputing the amount to contact the assessing department. Appeal may be filed before March 30. If you appear for the appeal hearing your deposit will be returned even if you don't win the case. More people have said assessments went down rather than up. It is not easy to deal with the assessment schedule that rotates around the borough every four years to include physical inspections. In 2008 there were formula adjustments, under assessments that happened in past years. If the real estate community and State law agree sales would be given to the assessor we would have a more fair process.

There is an ordinance before the Borough on the Homer High School track to move forward with engineering to get the track completed this year before school starts in the fall.

B. Commissions/Board Reports:

1. Library Advisory Board

Eileen Faulkner, Library Advisory Board Chair, introduced members Tamara Fletcher and Monica Cogger who are co-chairs of the Library Landscape Committee. The two provided a PowerPoint presentation on the library grounds and gardens. The committee agreed to fund a professional landscaper for another year. Maintenance of the grounds needs to be funded by the City to include mowing, alder eradication, and invasive species eradication. On May 5th and 8th there is a war on weeds at the Library. No experience is required.

2. Homer Advisory Planning Commission

3. Economic Development Advisory Commission

4. Parks and Recreation Advisory Commission

5. Port and Harbor Advisory Commission
- C. Prince William Sound Regional Citizens' Advisory Council Report by John Velsko

PUBLIC HEARING(S)

- A. **Ordinance 12-11(A)**, An Ordinance of the City Council of the City of Homer, Alaska, Amending the Homer City Zoning Map to Rezone Portions of the Rural Residential (RR) and General Commercial Two (GC2) Zoning Districts to Conservation (CONS). Planning. Introduction March 12, 2012, Public Hearing and Second Reading March 27, 2012.

Memorandum 12-033 from City Planner as backup.

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 12-11(A) by reading of title only for second and final reading.

WYTHE/HOWARD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 12-12**, An Ordinance of the City Council of Homer, Alaska, Amending the 2012 Operating Budget to Purchase Water Meter Reading Software/Hardware from the Water and Sewer Reserve Accounts in an Amount Not to Exceed \$15,425. City Manager/Public Works Director. Introduction March 12, 2012, Public Hearing and Second Reading March 27, 2012.

Memorandum 12-034 from Public Works Superintendent as backup.

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 12-12 by reading of title only for second and final reading.

HOWARD/WYTHE - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Ordinance 12-13**, An Ordinance of the City Council of the City of Homer, Alaska, Enacting Homer City Code Chapter 11.24, Utility Use of Rights-of-Way. City Manager/Public Works Director. Introduction March 12, 2012, Public Hearing and Second Reading March 27, 2012.

Mayor Hornaday opened the public hearing.

Councilmember Wythe reminded Council of her conflict of interest and was excused from discussion.

Linda Reid owns several businesses in town and urged Council to put gas lines in utility right of ways to bring down the costs of utilities. She urged Council to do everything possible to allow people to continue doing business in Homer.

Terry Thompson, city resident, expressed support for the ordinance stating Council should be doing anything they can to help bring the gas line and distribution lines to all residents of Homer.

Bill Smith, Kenai Peninsula Assemblyman, appreciates Council moving forward and hopes they will approve the special service districts to extend the gas lines. Thirty years ago the State rebuilt Pioneer Avenue and spent a lot of money to get HEA's power lines off the right-of-way. We didn't lose the telephone company's lines which are an unattractive element to Pioneer Avenue.

Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-13 by reading of title only for second and final reading.

LEWIS/HOWARD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Wythe returned to her seat and rejoined the meeting.

9. **ORDINANCE(S)**

- A. **Ordinance 12-15**, An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting HCC Chapter 17.04 Regarding Special Assessment Districts. Lewis/City Manager. Recommended dates: Introduction March 27, 2012, Public Hearing and Second Reading April 9, 2012.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-15 for introduction and first reading by reading of title only.

LEWIS/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. **Ordinance 12-16**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating and Transferring \$86,000 from the General Fund Balance to the Utility Fund, Water Operating Account, and Appropriating and Transferring \$86,000 from the General Fund Balance to the Utility Fund, Sewer Operating Account, to Compensate for the Reduction of Water and Sewer Customer Charges by Resolution 12-025. Mayor. Recommended dates: Introduction March 27, 2012, Public Hearing and Second Reading April 9, 2012.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-16 for introduction and first reading by reading of title only.

ZAK/LEWIS - SO MOVED.

Mayor Hornaday passed the gavel to Mayor Pro Tempore Wythe.

Mayor Hornaday commented the ordinance along with forming a task force could be improved. He has received more comment on this issue than anything in the last eight years. People cannot afford the rates. There are a number of low income people in Homer. Other communities subsidize water and sewer and he is ready to have the general fund subsidize it here. Homer is the ninth 9th highest in living costs in a study recently conducted of eleven communities. There are a number of people that tell him they cannot afford to live in Homer.

Mayor Pro Tempore Wythe returned the gavel to Mayor Hornaday.

Mayor Pro Tempore Wythe appreciates the concerns expressed for water/sewer rates. The costs are driven by a low amount of people using an expensive system. Citizens of the community are subsidizing construction of water/sewer lines through a portion of sales tax. People not benefited by water/sewer will be paying through the general fund. The City as a whole should not be subsidizing a utility that only serves select members of the community.

Councilmember Zak commented a number of people are having a hard time with the high costs of living. He supports the ordinance as we have to do something to improve the rates. We are restricting the number of users on the system and are driving users to find new alternative sources of water to restrict their water consumption. It will only drive prices even higher. We are forced into a stop-gap now and must set up the task force for the future.

VOTE: YES. ZAK

VOTE: NO. ROBERTS, WYTHER, HOWARD, LEWIS

Motion failed.

CITY MANAGER'S REPORT

A. City Manager's Report

1. Customer Charge / Multi-family Dwellings: This meeting agenda contains an ordinance and two resolutions that would change the customer service charge for water and sewer customers. The Council has recently received feedback that the new customer service charge for units within multi-family dwellings places an undue burden on property owners, the elderly, and people on fixed and low incomes. Some of these comments may have merit and it is impossible to anticipate all unintended consequences when you change fees or charges.

I would urge the Council not to overreact and jump into new fee changes that are not fully researched and adequately vetted by the public. This would have a high probability of resulting in new unintended consequences, more turmoil, and a whole new set of agitated customers. Council spent months working on this last summer. You looked at many different ways to fairly allocate the costs of maintaining and operating the system. You reviewed reams of information and you have heard testimony from state and university experts about the fee structure. The changes in the fee structure just went into effect with the February billing. Unfortunately, there was a billing error in which multi-family dwellings were charged at commercial rates instead of residential rates. This grossly distorted the impacts of the changes and almost certainly had an effect on the reaction the Council received.

We would recommend that the Council take no action at this time and give us all some time to see how the new fee structure works once adjustments are in place. For example, the Finance Department has sent out new bills and provided a credit so that multifamily dwellings are not overcharged at commercial rates. This has dramatically changed some bills. The Finance Department has been diligently working with customers who have complaints. For example, it turns out that one new apartment owner who testified about her high bills had a broken water pipe and the water had been running constantly for a long time. That explained her high bill much more than the individual service charges. Regina has determined, and I agree, that it would be proper to treat the Senior Citizen housing similar to the hospital because residents are receiving an array of medical and other services while there. As a result, we have eliminated the customer service charge for most if not all of the housing units. Finally, we have determined that we should be treating units in multi-family dwellings the same way we treat residential homes and commercial users when those units are vacant. We charge a customer service charge but at 50% of the normal rate. Regina has developed a process for allowing apartment owners to apply for a credit if they can prove that units were vacant. The burden of proof lies with the apartment owner and it minimizes administrative cost. This will also result in significant savings for multi-family dwellings.

2. Ordinance Amending Title 17: Local Improvement Districts: At the last meeting, there was an ordinance on the agenda that would have amended Title 17 to make it more efficient and easy to understand. It would also have made it possible to establish Special Assessment Districts or LIDs to finance the construction of gas utility distribution systems. This ordinance did not have enough votes to get introduced. This has caused great concern among interested parties who support and are actively working on bringing natural gas to the Homer area. The failure of this ordinance to be introduced has ramifications beyond what you might expect. I am bringing this ordinance back for your consideration with a new number, a new title, and some amendments based upon Council comments received at the meeting. I am doing so because this ordinance is a key component of the effort to bring natural gas to Homer. Council has repeatedly identified this as a top priority and I believe understood that this ordinance was an important part of the strategy for success discussed at the workshop we had. It just seemed like this needed more discussion. If this ordinance does not pass, Council would essentially be saying that it has no intent to even discuss a gas distribution system LID. If that is the Council's intent, then we should be clear about it and avoid sending mixed or ambivalent messages to our partners and to the Legislature and Governor.

I want to apologize if we tried to do too much with the ordinance the first time around. As you know, we have been talking about revising this section of the code for some time and we may have tried to accomplish too much at once. Some of the proposed amendments clearly muddled the water and caused concern. A strikeout version was not provided and this concerned several of you because the amendments were not easy to identify. This new ordinance contains strikeouts and it also addresses the issues that caused the most concern, namely the supermajority issue and public notice.

Several issues came up that should be addressed. First of all, it should be noted that all this ordinance does is amend the code to allow gas utility LIDS if the Council chooses to create one. This is a necessary prerequisite. It puts Council in position to create an LID but it does not create one nor does it obligate you to do so. Even if the Council never establishes a gas LID, approving this ordinance would be a benefit because the City would be left with an improved section of code that would govern all future water and sewer LIDs.

Second, the question about whether the City should be subsidizing Enstar is a recurring one. The fact is that Enstar almost never pays for main line or distribution system expansions out of its own pocket. The customers do. It is the same with almost all utilities, including HEA. Homer residents are going to pay for getting gas mains in the streets one way or another. The question is whether they pay for the full cost up front direct to Enstar or whether the City helps them get the benefit of gas quicker by providing financing at attractive terms. In short, the City would not be subsidizing Enstar, it would be subsidizing its own residents and businesses in an effort to lower the overall cost of living and stimulate economic growth. In fact, subsidizing is probably not even the correct term since the property owners would be paying all of the money back.

Third, some have questioned whether the City should provide financing for the construction of infrastructure that it does not own. This is common practice with all utilities including the City water and sewer system. Customers pay for the utility expansion and the utilities own the

improvements. One way to look at this is who would you want to own the improvements? The City? Does the City want to be responsible for maintenance, operations, and the liability associated with gas lines? Does the City want to have anything to do with being in the gas utility business? You have made it pretty clear so far that you do not.

Finally, some have questioned whether the City should be in the business of promoting one business over another. This happens all the time because governments have an interest in doing things that benefit society as a whole. There are many, many examples of this and I won't go into that here. There is no doubt that if natural gas comes to Homer, some businesses will be negatively impacted. That is unfortunate and regrettable. However, many businesses and their customers will benefit. I believe that the City Manager has a responsibility to the Council to make recommendations that would benefit the community at large. This is perhaps one of the biggest economic and community development opportunities to hit Homer in decades. Perhaps it would be helpful to look at this question from another angle. Would it be proper for the City to deny the benefits of gas to its residents and business so that it could protect the interests of a few? Just food for thought and discussion.

3. Future Council Workshops: At the last meeting, the Council discussed several topics that would be suitable for future workshops. There were three topics discussed in particular that were prioritized in terms of timing in the following order: 1) Community Recreation Program 2) Community Economic Development Strategy (CEDS) and 3) E-Mail training. The Council asked me to come back with a suggested plan for addressing these issues. Council seems to like two hour workshops that are held from 4 to 6 PM on the Mondays between Regular Council meetings. If so, in April, the open dates would be April 2, 16, and 30. I don't think that any of us are all that interested in meeting every Monday for the next six weeks. If I am wrong, let me know! I would suggest starting with the Community Recreation Program on April 16 and then scheduling the CEDS on either April 30 or May 7. The e-mail training could require longer than two hours, especially if you want to add additional training topics. We should probably talk about that one a little more before scheduling something.
4. Juneau Trip: As you know, I was in Juneau March 14-16. While there, I had the opportunity to meet with two of the Governor's staff and a number of key legislators, including Representative Seaton and Senator Stevens. The City Lobbyist was very helpful when it came to scheduling meetings, discussing key points, and formulating strategy. We worked on a number of bills and topics that might have impacts upon municipalities including revenue sharing and PERS. We also of course, focused on the City's capital projects. Most of the time was spent talking about the gas line, the gas distribution system, the proposed Port G.O. Bond (Deep Water Dock), and the Proposed Transportation Bond (City Intersection Improvements and Main St). We also talked about the City's number 3 and 4 priorities, (the firestation on Skyline and the Nick Dudiak Fishing Lagoon) since they are high priorities but lower cost requests which might be suitable for discretionary funding. Finally, there was discussion about a proposed amendment to the Capital Budget to provide low cost loans to Homer and a number of other communities through the Alaska Municipal Bond Bank. This low interest money could be used to finance the gas distribution system and could save a great deal of money. This issue is important and should be discussed further during the meeting.

5. HB 312: This is a bill that we are watching closely which could have big impacts for Homer residents if natural gas arrives in the community. Katie testified in favor at a hearing last week and Linda Anderson is working on it as well. Council has not formally expressed an opinion on this one so we want to bring it to your attention and make sure you knew that we are working on it. HB 312 would provide low interest loans to businesses and residents who wish to make the conversion to natural gas.

City Manager Wrede reported Accounting Supervisor Laurie Moore and he got a tour of the Senior Center housing units today. The center has 24 assisted living units with those residents needing medical attention around the clock. There are another 45 independent housing units. Under the current rate structure Administration has the latitude to make the determination. The hospital is exempt due to the services provided.

Tomorrow there is a tsunami warning alert. It is only a test with the regular alarm sounding. Staff will be doing a table top exercise tomorrow morning, setting the Emergency Operation Plan into motion. Staff will convene at the Fire Hall and discuss what we would do in the event of a real emergency. It will be a statewide exercise. The City will be in touch with the Borough and FEMA and also make calls to Seldovia and KESA.

Councilmember Lewis asked what rates senior citizens were being charged before the rate changes. City Manager Wrede answered the Friendship Center residents were charged a residential rate. Senior Center board members expressed concern if they were charged a commercial rate it could have an impact on their license. The increase could have added up to \$20,000. The Senior Center cannot pass costs on to its residents and it could mean layoffs.

Two worksessions were scheduled. On April 16th Council will receive email training from the City Attorney. On April 30th Council will discuss the Community Economic Development Strategy (CEDS) and the Community Recreation Program. Both worksessions were scheduled from 5:00 to 7:00 p.m.

B. Bid Report

C. Games Report

1. Friends of the Homer Public Library

CITY ATTORNEY REPORT

COMMITTEE REPORT

A. Public Arts Committee

B. Transportation Advisory Committee

C. Permanent Fund Committee

Permanent Fund Committee Chair Barbara Howard reported the committee is asking Council to approve the investment policy.

D. Lease Committee

E. Port and Harbor Improvement Committee

Port and Harbor Improvement Committee Chair Barbara Howard reported the committee will be presenting the full bond program to Council on April 9th at the Committee of the Whole.

F. Employee Committee Report

PENDING BUSINESS

- A. **Ordinance 12-01(S)(A)**, 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 21.60.095, 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. Planning/City Attorney. Recommended dates: Public Hearing and Second Reading April 9, 2012.

Memorandum 12-007 and 12-051 from City Planner as backup.

Memorandum 12-008 from City Attorney as backup.

Memorandum 12-048 from Economic Development Advisory Commission as backup.

Motion on the floor from January 23, 2012: MOTION FOR THE ADOPTION OF ORDINANCE 12-01(S)(A) BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

ROBERTS/WYTHE - MOVED TO ADOPT SUBSTITUTE ORDINANCE 12-01(S)(A) AS AMENDED BY THE PLANNING COMMISSION.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/ZAK – MOVED TO AMEND LINE 360 IN THE ORDINANCE TO READ “COMMERCIAL. A TEMPORARY SIGN THAT BEARS A COMMERCIAL MESSAGE SHALL BE LIMITED...”

There was no discussion.

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

Motion carried.

ROBERTS/ZAK - MOVED TO CHANGE LINE 417: “THE DEADLINE FOR REMOVING A NONCONFORMING BANNER OR TEMPORARY SIGN SHOULD BE EXTENDED TO MAY 1, 2012.”

There was no discussion.

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

Motion carried.

ROBERTS/ZAK - MOVED TO CHANGE LINE 454 TO MAKE THE EFFECTIVE DATE MAY 1, 2012.

There was no discussion.

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

Motion carried.

WYTHE/ROBERTS – MOVED TO POSTPONE TO APRIL 9 FOR A PUBLIC HEARING.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

- A. **Memorandum 12-049**, from City Clerk, Re: Resignation of Councilmember Kevin Hogan.

Mayor Hornaday called for a motion for the approval of the recommendations of Memorandum 12-049.

HOWARD/WYTHE - SO MOVED.

HOWARD/WYTHE - MOVED TO RECOMMEND THAT THE FILING PERIOD BE CLOSED ON APRIL 3RD AND THE INTERVIEWS AND APPOINTMENT WOULD BE ON APRIL 9TH, WITH INTERVIEWS AT THE COMMITTEE OF THE WHOLE.

WYTHE/HOWARD - MOVED FOR A FRIENDLY AMENDMENT THAT INTERVIEWS BE HELD TO FIVE MINUTES.

There was no discussion.

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

Motion carried.

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

Motion carried.

VOTE: (main motion as amended) YES. ROBERTS, WYTHE, HOWARD
VOTE: NO. LEWIS, ZAK

Motion failed.

Councilmember Wythe asked the outcome of failure to accept Councilmember Hogan's resignation. City Clerk Johnson answered her thought is the council seat would remain open until the next election in October, but would need to verify that.

LEWIS/ROBERTS - MOVED TO RECONSIDER.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Hornaday called for a motion for the approval of the recommendations of Memorandum 12-049 as amended.

LEWIS/WYTHE – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RESOLUTIONS

- A. **Resolution 12-022**, A Resolution of the City Council of Homer, Alaska, Re-Adopting the Established Investment Policies of the Permanent Fund. City Clerk/Permanent Fund Committee.

Mayor Hornaday called for a motion for the adoption of Resolution 12-022 by reading of title only.

HOWARD/LEWIS - SO MOVED.

The Permanent Fund earnings have differed vastly each day due to market fluctuation.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Resolution 12-023**, A Resolution of the City Council of Homer, Alaska, Amending the Fee Schedule for Port and Harbor Long Term Parking Fees. City Clerk/Port and Harbor Advisory Commission. Recommended dates: Public Hearing April 9, 2012.

Memorandum 12-050 from Port and Harbor Director as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 12-023 by reading of title only.

HOWARD/LEWIS – SO MOVED.

WYTHER/ROBERTS - MOVED TO POSTPONE TO APRIL 9TH FOR A PUBLIC HEARING.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Resolution 12-024**, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 to Provide for Long Term Parking Fees. City Clerk/Port and Harbor Advisory Commission. Recommended dates: Public Hearing April 9, 2012.

Memorandum 12-050 from Port and Harbor Director as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 12-024 by reading of title only.

HOWARD/WYTHER – SO MOVED.

WYTHER/ROBERTS - MOVED TO POSTPONE TO APRIL 9TH FOR A PUBLIC HEARING.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Resolution 12-025**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule to Provide that a Multifamily Residential Account Customer is Charged Only a Single Monthly Sewer and Water Customer Charge. Mayor. Recommended dates: Public Hearing April 9, 2012.

Mayor Hornaday called for a motion for the adoption of Resolution 12-025 by reading of title only.

ZAK - SO MOVED.

Motion died for lack of a second.

- E. **Resolution 12-026**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule to Provide that a Multifamily Residential Account Customer is Charged Only a Single Monthly Sewer and Water Customer Charge and Increasing the Water and Sewer Customer Charge for All Customers to Cover the Resulting Budget Deficit. Lewis. Recommended dates: Public Hearing April 9, 2012.

Mayor Hornaday called for a motion for the adoption of Resolution 12-026 by reading of title only.

LEWIS - SO MOVED.

Motion died for lack of second.

- F. **Resolution 12-027**, A Resolution of the City Council of Homer, Alaska, Forming a Water and Sewer Rate Task Force. Mayor.

Mayor Hornaday called for a motion for the adoption of Resolution 12-027 by reading of title only.

ZAK/LEWIS - SO MOVED.

HOWARD/WYTHER – MOVED TO AMEND LINE 19, THE 4TH WHEREAS, TO READ: THE TASK FORCE SHALL BE COMPRISED OF FIVE MEMBERS OF THE COMMUNITY WHO ARE RESIDENTS OF THE CITY AND TWO CITY COUNCILMEMBERS.

There was no discussion.

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

Motion carried.

HOWARD/LEWIS - MOVED TO AMEND TO STRIKE LINES 25 AND 26 AS THEY NEED TO BE IN THE NOW, THEREFORE.

There was no discussion.

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

Motion carried.

HOWARD/ZAK - MOVED TO AMEND TO INSERT IN LINE 32: NOW THEREFORE BE IT RESOLVED THAT THE TASK FORCE SHALL BE COMPRISED OF FIVE COMMUNITY MEMBER RESIDENTS OF THE CITY AND TWO COUNCILMEMBERS.

There was no discussion.

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

Motion carried.

HOWARD/ZAK - MOVED TO AMEND TO ADD NOW THEREFORE BE IT RESOLVED THE TASK FORCE WILL BE SUPPORTED BY APPROPRIATE STAFF DETERMINED BY THE CITY MANAGER.

There was no discussion.

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

Motion carried.

HOWARD/ZAK - MOVED TO AMEND TO ADD: NOW THEREFORE BE IT RESOLVED THE TASK FORCE WILL PRESENT TO THE CITY COUNCIL THEIR FINDINGS AND RECOMMENDATIONS NO LATER THAN JUNE 25, 2012.

Councilmember Wythe noted the resolution needed to state how the task force would be selected and appointed.

Councilmember Howard related the normal protocol is that applications are filed, the Mayor makes the appointments and the Council confirms appointments.

Mayor Hornaday called for a recess at 7:22 p.m. and reconvened the meeting at 7:26 p.m.

ROBERTS/WYTHER - MOVED TO AMEND THE DATE TO JUNE 25, 2013.

Councilmember Roberts explained every two years Council evaluates the water and sewer rates. The rates were just evaluated last summer and will be reviewed next June. The water rates are very complicated. The Finance Director Regina Mauras has been sent to training to learn how to set rates. It will take time for the committee to look at everything. They could be ready to come back next June with their recommendations.

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

Motion carried.

Councilmember Wythe called for a point of order on the vote required for the primary amendment by Councilmember Howard.

VOTE: (primary amendment) YES. HOWARD, LEWIS, ROBERTS, WYTHER
VOTE: NO. ZAK

Motion carried.

HOWARD/WYTHER - MOVED TO STRIKE LINES 22, 23, 25 AND 26.

There was no discussion.

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

Motion carried.

WYTHER/HOWARD – MOVED TO AMEND TO ADD THE APPOINTMENT OF THE TASK FORCE WILL BE BY APPOINTMENT OF THE MAYOR WITH APPROVAL OF THE CITY COUNCIL AND TO HAVE AN OPEN ADVERTISEMENT TIME WITH CLOSING ON APRIL 3RD WITH THE APPOINTMENT TO TAKE PLACE AT THE APRIL 9TH MEETING.

There was no discussion.

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

Motion carried.

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

Motion carried.

G. **Resolution 12-028**, A Resolution of the City Council of Homer, Alaska, Awarding a Contract to Pacific Pile and Marine, LP, of Seattle, Washington, in the Amount of

\$70,500 for the Deep Water Dock Fender Repair Project and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director.

Memorandum 12-052 from Public Works Director as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 12-028 by reading of title only.

LEWIS/WYTHE - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Larry Slone expressed disappointment with Resolution 12-027, setting the task force back a year. Consumer's rates have doubled although they are consuming low amounts of water. The City is setting itself wide open for a lawsuit.

Bonnie Mastolier doesn't like where things have gone with water/sewer rates. Rates were passed last summer and the resolution that changed the per unit charge was passed in December without public testimony. The resolution changed during the December meeting. She hopes Council will consider doing something before a whole year passes as it puts a burden on multi-family rental unit owners and the tenants.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson encouraged people to apply for the council seat and the Water and Sewer Rate Task Force. Applications are due by April 3rd.

COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

COMMENTS OF THE MAYOR

Mayor Hornaday offered prayers to Regina for her recovery.

COMMENTS OF THE CITY COUNCIL

Councilmember Lewis commented it was a busy weekend with the hockey tournament and people enjoyed the nice weather. The kids at the high school did a wonderful job with the play. He offered a thank you to Mark.

Councilmember Roberts thanked Kevin Hogan for serving on the Homer City Council. He was a good member and she appreciated his insights and thoughtfulness. As to water rates and the testimony at the end of the meeting that rates were raised by \$28 per month, she reminded people if you have a single residence the average person is paying \$80 a month. When people say we are raising the rates from \$28; \$28 is probably the best deal you'll ever get on water and sewer in Homer. She is glad we are moving forward on the gas line. With the ordinances passed the Legislators can be sure we are moving in that direction.

Councilmember Howard commented these types of council meetings are gut wrenching. For the last three days nonstop she has been going over water and sewer rates and how to look at them in a different view. She agreed to a one year extension for the task force report as we want them to be successful. These are complex issues and it takes time to understand and analyze rates for a good model. She knows the number of hours Council has spent being trained in what all this means. The intent is to be successful and come forward with a good product.

Councilmember Zak is glad the task force is formed and they can always come back sooner than one year. He expressed concern about the Senior Citizen Center and their rates and to hear that they are not the only senior center here. If we end up having to reduce the rate for the seniors, other lower income people will have to pay a higher rate. When rates are lowered others will have to go up. He is disappointed the report from the task force has been delayed for a year, but expressed hope of the task force's findings.

Councilmember Wythe had no comment.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 7:41 p.m. The next Regular Meeting is Monday, April 9, 2012 at 6:00 p.m., Worksession at 4:00 p.m., and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, 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 12-054

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK *MS*
DATE: APRIL 3, 2012
SUBJECT: LIQUOR LICENSE RENEWAL FOR HARBOR GRILL AND FRESH SOURDOUGH EXPRESS

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

Type: Beverage Dispensary - Seasonal
Lic #: 3174
DBA Name: Harbor Grill
Premise Address: 4262 Spit Road
Owner: Don Jose's LLC
Mailing Address: 2052 E Northern Lights, Anchorage 99508

Type: Restaurant/Eating Place - Public Convenience Seasonal
Lic #: 4001
DBA Name: Fresh Sourdough Express
Premise Address: 1316 Ocean Drive
Owner: Kevin Maltz
Mailing Address: PO Box 940, Homer 99603

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

Fiscal Note: Revenues.

"WHERE THE LAND ENDS AND THE SEA BEGINS"

To access City Clerk's Home Page on the Internet: <http://clerk.ci.homer.ak.us>



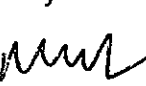
CITY OF HOMER

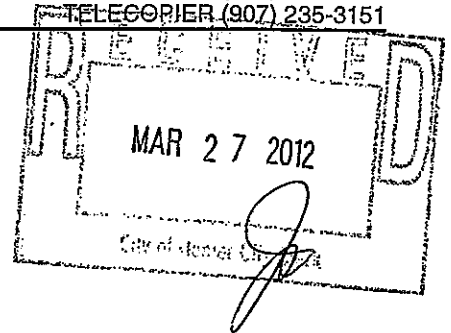
POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELEGRAPHER (907) 235-3151

MEMORANDUM

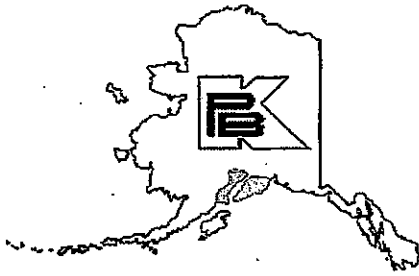
DATE: March 22, 2012
TO: Melissa Jacobsen, Deputy City Clerk
FROM: Mark Robl, Chief of Police 
SUBJECT: Liquor License Renewals



The Homer Police Department has no objection to the liquor license renewals for the following businesses:

Type: Beverage Dispensary-Seasonal
Lic #: 3174
DBA Name: Harbor Grill
Premise Address: 4262 Spit Road
Owner: Don Jose's LLC
Mailing Address: 2052 E. Northern Lights, Anchorage, AK 99508

Type: Restaurant/Eating Place-Public Convenience Seasonal
Lic #: 4001
DBA Name: Fresh Sourdough Express
Premise Address: 1316 Ocean Drive
Owner: Kevin Maltz
Mailing Address: PO Box 940, Homer AK 99603



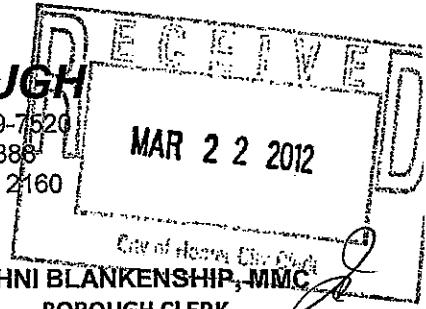
KENAI PENINSULA BOROUGH

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



March 20, 2012

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	:	Harbor Grill
License Type	:	Beverage Dispensary - Seasonal
License Location	:	City of Homer
License No.	:	3174

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 do not hesitate to contact our office.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



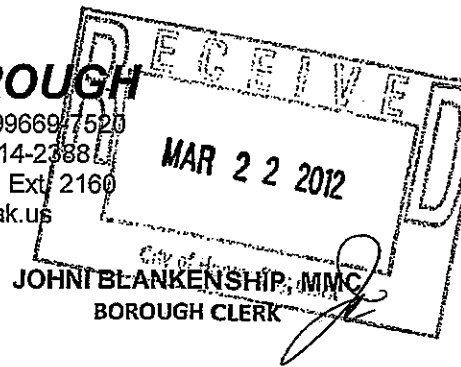
KENAI PENINSULA BOROUGH

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



March 20, 2012

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	:	Fresh Sourdough Express
License Type	:	Restaurant/Eating Place – Public Convenience - Seasonal
License Location	:	City of Homer
License No.	:	4001

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 do not hesitate to contact our office.

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



Faxed 3/22/12

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: March 22, 2012
TO: Mark Robl, Police Chief
FROM: Melissa Jacobsen, CMC, Deputy City Clerk
SUBJECT: Liquor License Renewal for Harbor Grill and Fresh Sourdough Express

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

Type: Beverage Dispensary - Seasonal
Lic #: 3174
DBA Name: Harbor Grill
Premise Address: 4262 Spit Road
Owner: Don Jose's LLC
Mailing Address: 2052 E Northern Lights, Anchorage 99508

Type: Restaurant/Eating Place - Public Convenience Seasonal
Lic #: 4001
DBA Name: Fresh Sourdough Express
Premise Address: 1316 Ocean Drive
Owner: Kevin Maltz
Mailing Address: PO Box 940, Homer 99603

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

Thank you for your assistance.



State of Alaska

Department of Public Safety

Alcoholic Beverage Control Board

Sean Parnell, Governor

Joseph A. Masters, Commissioner

March 13, 2012

RE: Liquor License Renewal Notice

Attn: Homer City Clerk
Soldotna City Clerk

Kenai City Clerk
Kenai Peninsula Borough Clerk

HOMER

Type: Beverage Dispensary - Seasonal
Lic #: 3174
DBA Name: Harbor Grill
Premise Address: 4262 Spit Road
Owner: Don Jose's LLC
Mailing Address: 2052 E Northern Lights, Anchorage 99508

Type: Restaurant/Eating Place – Public Convenience Seasonal
Lic #: 4001
DBA Name: Fresh Sourdough Express
Premise Address: 1316 Ocean Drive
Owner: Kevin Maltz
Mailing Address: PO Box 940, Homer 99603

KENAI

Type: Beverage Dispensary - Tourism
Lic #: 2993
DBA Name: The Upper Deck
Premise Address: 305 N Willow Street
Owner: Upper Deck, LLC
Mailing Address: PO Box 11, Kenai 99611

Type: Beverage Dispensary - Tourism
Lic #: 4555
DBA Name: .406 Family Sports Cafe
Premise Address: 10800 Kenai Spur Hwy
Owner: MITAK LLC
Mailing Address: 5200 W 94th Terr Ste. 206, Prairie Village, KS

OUTSIDE CITY LIMITS

Type: Beverage Dispensary - Tourism
Lic #: 555
DBA Name: Inlet View Restaurant & Bar
Premise Address: Mile 135.4 Sterling Hwy.
Owner: Inlet View Restaurant & Bar Inc
Mailing Address: PO Box 39150, Ninilchik 99639

Type: Package Store
Lic #: 1350
DBA Name: Inlet View Restaurant & Bar
Premise Address: Mile 135.4 Sterling Hwy
Owner: Inlet View Restaurant & Bar Inc
Mailing Address: PO Box 39150, Ninilchik 99639

Type: Package Store
Lic #: 1644
DBA Name: Longmere Lake Liquor
Premise Address: Mile 88.5 Sterling Hwy.
Owner: LL Liquor Store Inc
Mailing Address: PO Box 671091, Chugiak 99567

Type: Lodge
Lic #: 4563
DBA Name: Trophy King Lodge
Premise Address: 24915 Driftwood Court
Owner: TKL Associates LLC
Mailing Address: 6756 Lupine Circle, Arvada, CO 80007

SOLDOTNA

Type: Restaurant Eating Place – Public Convenience
Lic #: 4768
DBA Name: St. Elias Brewing Co
Premise Address: 434 Sharkathmi Ave.
Owner: St. Elias Brewing Company
Mailing Address: PO Box 1141, Soldotna 99669

Type: Brewpub
Lic #: 4769
DBA Name: St. Elias Brewing Company
Premise Address: 434 Sharkathmi Ave.
Owner: St. Elias Brewing Company
Mailing Address: PO Box 1141, Soldotna 99669

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 have been 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 12-055

TO: HOMER CITY COUNCIL

FROM: JAMES C. HORNADAY, MAYOR

DATE: APRIL 4, 2012

SUBJECT: APPOINTMENTS OF MICHAEL STOCKBURGER TO THE PORT AND HARBOR ADVISORY COMMISSION, LARS BELL TO THE PARKS AND RECREATION ADVISORY COMMISSION, AND REAPPOINTMENT OF MONICA COGGER TO THE LIBRARY ADVISORY BOARD.

Michael Stockburger is appointed to the Port and Harbor Advisory Commission to fill the seat vacated by Mark Hottmann. His appointment will expire February 1, 2014.

Lars Bell is appointed to the Parks and Recreation Advisory Commission to fill the seat vacated by Tommie Carlin-Schauer. His appointment will expire October 31, 2013.

Monica Cogger is reappointed to the Library Advisory Board, with her appointment expiring April 1, 2015.

RECOMMENDATION:

Confirm the appointments of Michael Stockburger to the Port and Harbor Advisory Commission, Lars Bell to the Parks and Recreation Advisory Commission, and reappointment of Monica Cogger to the Library Advisory Board.

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 Date

Physical Address City

Mailing Address Zip Code

Phone Work # Cell #

Email Address

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 6:30 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 type="checkbox"/>	LIBRARY ADVISORY BOARD	1ST TUESDAY OF THE MONTH AT 5:00 P.M.
<input type="checkbox"/>	PARKS & RECREATION ADVISORY COMMISSION	3RD THURSDAY OF THE MONTH AT 5:30 P.M.
<input checked="" type="checkbox"/>	PORT & HARBOR ADVISORY COMMISSION	4TH WEDNESDAY - JANUARY TO APRIL & SEPTEMBER TO DECEMBER AT 5:00 P.M. 4TH WEDNESDAY - MAY - AUGUST AT 6:00 P.M.
<input type="checkbox"/>	PUBLIC ARTS COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 5:00 P.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 5:15 P.M.
<input type="checkbox"/>	LEASE COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 3:00 P.M.
<input type="checkbox"/>	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	

I have been a resident of the City for ☐ mos. ☒ yrs I have been a resident of the area for ☐ mos. ☒ yrs.

I am presently employed as:

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

Owner/operator of Homer Boat Yard for 11 years
In contact with Homer harbor and/or Harbormaster office on a daily basis
Follow issues involving Homer Harbor closely through my business and my clients:
- Commercial Fisherman
- Charter Operators
- Private boat owners

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

If so when and where?

Homer Chamber of Commerce Board of Directors - 3 years 2003-5
Homer Marine Trades Committee - 2002 - 2010
Homer Marine Trades organization 2011 to present (Treasurer)

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

I am interested in serving on the above because:

As owner of a business that utilizes the Homer Harbor on a regular basis, I feel I can contribute significantly to this commission as they deal with the unique issues that arise at this busy port. I am in direct contact with 500+ other users of the harbor and would try to be a representative of their needs and concerns also. The Homer Harbormaster and his staff do an excellent job running the facility! I feel my presence on this commission, with the daily hands-on experience I have, would help make Homer Harbor even better.

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:

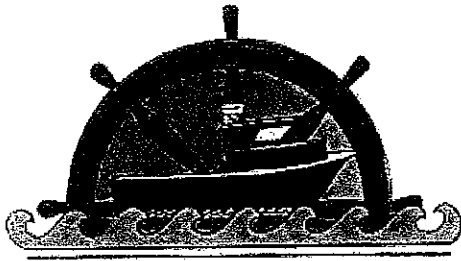
Questions regarding the Port & Harbor Advisory Commission:

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:

When you have completed the form please review all the information and then click on the print button.



HOMER BOAT YARD, LLC

2559 Kachemak Drive
Homer, Alaska 99603
(907) 235-7158
Fax: 235-8026 Cell: 299-1020

City of Homer
491 E. Pioneer Avenue
Homer, Alaska 99603

March 30, 2012

Dear Mayor Hornaday,

I am writing this letter to request consideration for appointment to the Port and Harbor Commission. I have owned and operated Homer Boat Yard for the past 11 years and in this capacity have been an almost daily user of the facility. We launch or haul out approximately 500 boats per year using the public load/launch ramp. We also store boats and trailers for users that launch their own boats. My customers run the gamut from commercial fisherman to Halibut/Salmon charter operators as well as private boat owners. I also have my own boat moored in the harbor. I feel this contact with the harbor, and some of it's users, qualifies me to help make decisions that affect this facility. In my opinion, it is currently a very well run operation, but, as with all entities of this size, needs some guidance. I would like to volunteer to help in this capacity.

I have served on the Homer Chamber of Commerce Board of Directors and assisted on several of it's committees. I am currently the Treasurer for Homer Marine Trades Association, a newly formed organization, that is promoting those businesses that work on, or provide services to, boats and boat owners in Homer. I have been a commercial salmon fisherman in Bristol Bay and on the Yukon River. I am also a retired teacher, having taught at Homer High, Voznesenka and several villages along the Lower Yukon River. As a teacher, I served on a number of committees, including finance/operations and Fisheries/Vocational Ed. curriculum development committees.

I would like to be considered for this opening. Because of my experience with the harbor and the Harbormasters office, I feel I would bring a unique perspective to this commission. I appreciate what a fine facility we all have in Homer Harbor and would like to have the opportunity to help continue the tradition and maybe even help make it better!

Thank You,

Michael Stockburger, Owner
Homer Boat Yard, LLC

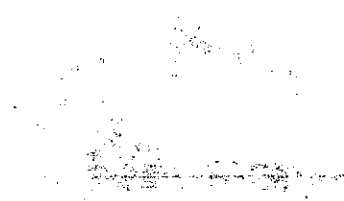
THE 1994-1995 WINTER

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1994-1995





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

APR 03 2012 PM 02:59 *Rk*

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 Lars Bell Date April 3 2012

Physical Address City Homer

Mailing Address 1379 East End Rd #3 Zip Code 99603

Phone — Work # 888-210-1591 Cell # 360 607 7564

Email Address larsbell@gmail.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 6:30 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 type="checkbox"/>	LIBRARY ADVISORY BOARD	1ST TUESDAY OF THE MONTH AT 5:00 P.M.
<input checked="" type="checkbox"/>	PARKS & RECREATION ADVISORY COMMISSION	3RD THURSDAY OF THE MONTH AT 5:30 P.M.
<input type="checkbox"/>	PORT & HARBOR ADVISORY COMMISSION	4TH WEDNESDAY - JANUARY TO APRIL & SEPTEMBER TO DECEMBER AT 5:00 P.M. 4TH WEDNESDAY - MAY - AUGUST AT 6:00 P.M.
<input type="checkbox"/>	PUBLIC ARTS COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 5:00 P.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 5:15 P.M.
<input type="checkbox"/>	LEASE COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 3:00 P.M.
<input type="checkbox"/>	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	

I have been a resident of the City for ☒ 6 ☐ mos. ☒ yrs I have been a resident of the area for ☒ 6 ☐ mos. ☒ yrs.

I am presently employed as:

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

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

If so when and where?

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

I am interested in serving on the above because:

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:

When you have completed the form please review all the information and then click on the print button.



4/3/12

Dear Mayor and Council,

I have enjoyed my tenure on the Library Advisory Board, I would like to continue the next three years.

Sincerely

Monica Cooper

APR 03 2012 PM05:05 pk



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 12-056

TO: HOMER CITY COUNCIL

FROM: JAMES C. HORNADAY, MAYOR

DATE: APRIL 4, 2012

SUBJECT: APPOINTMENTS OF KEN CASTNER, BOB HOWARD, SHARON MINSCH, LLOYD MOORE, TERRY YAGER, AND COUNCILMEMBER MARY E. (BETH) WYTHE TO THE WATER AND SEWER RATE TASK FORCE.

Ken Castner, Bob Howard, Sharon Minsch, Lloyd Moore, and Terry Yager are appointed to the Water and Sewer Rate Task Force.

Councilmember Beth Wythe is appointed to the Water and Sewer Rate Task Force.

Terms of all task force members will expire June 25, 2013 upon completion of their review of the existing water and sewer rate structure and proposed rates for 2013.

RECOMMENDATION:

Confirm the appointments of Ken Castner, Bob Howard, Sharon Minsch, Lloyd Moore, Terry Yager, and Councilmember Mary E. (Beth) Wythe to the Water and Sewer Rate Task Force.

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

APR 03 2012 PM 04:56 *ple*

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 Date

Physical Address City

Mailing Address Zip Code

Phone Work # Cell #

Email Address

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 6:30 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 type="checkbox"/>	LIBRARY ADVISORY BOARD	1ST TUESDAY OF THE MONTH AT 5:00 P.M.
<input type="checkbox"/>	PARKS & RECREATION ADVISORY COMMISSION	3RD THURSDAY OF THE MONTH AT 5:30 P.M.
<input type="checkbox"/>	PORT & HARBOR ADVISORY COMMISSION	4TH WEDNESDAY - JANUARY TO APRIL & SEPTEMBER TO DECEMBER AT 5:00 P.M. 4TH WEDNESDAY - MAY - AUGUST AT 6:00 P.M.
<input type="checkbox"/>	PUBLIC ARTS COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 5:00 P.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 5:15 P.M.
<input type="checkbox"/>	LEASE COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 3:00 P.M.
<input checked="" type="checkbox"/>	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	Water and Sewer

I have been a resident of the City for ☐ mos. ☒ yrs I have been a resident of the area for ☐ mos. ☒ yrs.

I am presently employed as:

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

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

If so when and where?

Homer
Rate committee long ago
PFD committee at inception
City Manager hiring committee last hiring

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

I am interested in serving on the above because:

Past experience

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:

When you have completed the form please review all the information and then click on the print button.



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

*Mayor c/c
3/29/12*
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.

MAR 28 2012 PM 04:58 *PK*

Name	Bob Howard	Date	march 28, 2012
Physical Address	629 Rangeview Ave.	City	Homer
Mailing Address	Same	Zip Code	99603
Phone	907 226-2025	Work #	
		Cell #	907 299-3727
Email Address	bobhoward@gci.net		

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 type="checkbox"/>	LIBRARY ADVISORY BOARD	1ST TUESDAY OF THE MONTH AT 5:00 P.M.
<input type="checkbox"/>	PARKS & RECREATION ADVISORY COMMISSION	3RD THURSDAY OF THE MONTH AT 5:30 P.M.
<input type="checkbox"/>	PORT & HARBOR ADVISORY COMMISSION	4TH WEDNESDAY OF THE MONTH AT 5:00 P.M.
<input type="checkbox"/>	PUBLIC ARTS COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 5:00 P.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 OF THE MONTH AT 3:00 P.M.
<input checked="" type="checkbox"/>	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	Sewer & Water Task Force

I have been a resident of the City for ☐ mos. ☒ yrs I have been a resident of the area for ☐ mos. ☒ yrs.

I am presently employed as:

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

Professional Civil Engineer, previously licensed in California and Florida, Specialty-Water Resources
Held Grade V Water Plant Operator license in California,
Served as Chief of Operations for the Santa Clara Valley Water District, San Jose, CA, treating and delivering wholesale drinking water to 1.5 million people through surface water treatment facilities, and groundwater recharge,
Served as Director of Public Works, City of Morgan Hill, CA with managing responsibilities for the water and sewer enterprise utilities
Previously licensed as General Engineering & General Building contractor, and specialty license in plumbing, all in California

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

If so when and where?

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

I am interested in serving on the above because:

I have an interest in ensuring that we maintain a sustainable water & sewer utility to serve the City of Homer. These utilities are the backbone of a healthy community, free of disease and vermin, that support our quality of life.

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:

When you have completed the form please review all the information and then click on the submit or print button.

[Print Form](#)

[Submit by Email](#)



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

APR 03 2012 PM 02:51 *pk*

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 Sharon Minsch Date April 2, 2012

Physical Address 1379 E. End Rd City Homer

Mailing Address PO Box 469 Zip Code 99603

Phone 399-4266 Work # 235-4090 Cell # 399-4266

Email Address SMINSCH@ALASKA.NET

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 6:30 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 type="checkbox"/>	LIBRARY ADVISORY BOARD	1ST TUESDAY OF THE MONTH AT 5:00 P.M.
<input type="checkbox"/>	PARKS & RECREATION ADVISORY COMMISSION	3RD THURSDAY OF THE MONTH AT 5:30 P.M.
<input type="checkbox"/>	PORT & HARBOR ADVISORY COMMISSION	4TH WEDNESDAY - JANUARY TO APRIL & SEPTEMBER TO DECEMBER AT 5:00 P.M. 4TH WEDNESDAY - MAY - AUGUST AT 6:00 P.M.
<input type="checkbox"/>	PUBLIC ARTS COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 5:00 P.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 5:15 P.M.
<input type="checkbox"/>	LEASE COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 3:00 P.M.
<input checked="" type="checkbox"/>	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	<u>W. Atter Sewer Task Force</u>

I have been a resident of the City for ☐ mos. ☒ yrs I have been a resident of the area for ☐ mos. ☒ yrs.

I am presently employed as:

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

Attended annual training provided for Planning Commissioners as well as Boards and Commissions since 2006. Training included Ethics, Due Process & Fair Hearings, Open Meetings Act, Homer City Ethics Code and Conflict of Interest. Already have a working knowledge of Homer City Code as well as most of the guiding documents for Homer from Comp Plans to Beach Policy to Climate Action Plan etc. Familiarity with HARP, HAWSP, Long Range Transportation Plans, Water/ Sewer Plans, Non Motorized Trails, City Council Operating Manual etc.

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

If so when and where?

Homer Advisory Planning Commission, Chugiak Community Council, On Site Water and Waste Water Technical Review Board, Various City and State Tasks Force Groups relating to local and state issues on water/septic/sewer/public water

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

I am interested in serving on the above because:

Training and knowledge about Homer acquired while on the HAPC would be valuable to a person serving at the City Council level. I am well prepared and well qualified to fill the vacancy. HAPC is an excellent training ground before moving up to the Council. I believe in community service and the public process. If you do not participate on some level in your community you are missing a wonderful opportunity.

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:

See attached

When you have completed the form please review all the information and then click on the submit or print button.

My name is Sharon Minsch and I was born in the Territory of Alaska. I grew up in Anchorage and I have been hanging out in Homer since I was 5 years old

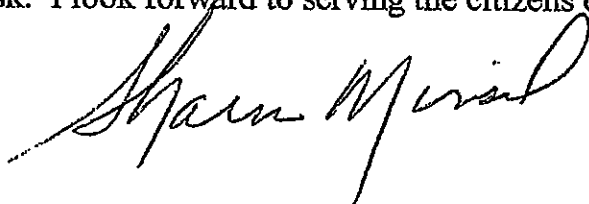
I have been married since 1978 to the same man. We have a 31 year old son, our first grand daughter and a cabin we built in 1989 in Peterson Bay. I am the Owner /Broker of Alaska Real Estate in Homer. I have been listing and selling Alaska real estate since 1984. I am Past President of the Kachemak Board of Realtors and Past President of the Homer Kachemak Bay Rotary Club. Currently I serve as the Coordinator for the Rotary Health Fair and Club Treasurer.

I have a demonstrated commitment to community service. I have many skills that would be transferable and useful on the City Council. I will be able to hit the ground running with little disruption to the Council. I offer the following:

1. Familiarity with the meeting practices and procedures of the City of Homer and the City Council.
2. Familiarity with the Cities projects and future goals as well as basic knowledge of the issues we are currently dealing with as a City.
3. Commitment to competency and fair play in making decisions that are in the best interest of all the residents of Homer.
4. Experience working with City, Borough, State and Federal government departments on issues of community interest.
5. Understanding of utility rates and structures learned while working on water, sewer and natural gas models for WID/ LID process's within the Municipality of Anchorage.
6. I am always prepared with my homework done and ready to work. I am not afraid of hard work or making tough decisions.
7. A demonstrated track record. I take pride in public policy and the benefits for the good of the whole.
8. I have been reading the minutes and agenda's of the Council as well as the various boards and commissions of Homer since before I was appointed to the HAPC. Since E packets became available I read the Council packets on line .

Thank you for your consideration of my appointment to the vacant council seat. If you have any questions, do not hesitate to ask. I look forward to serving the citizens of Homer.

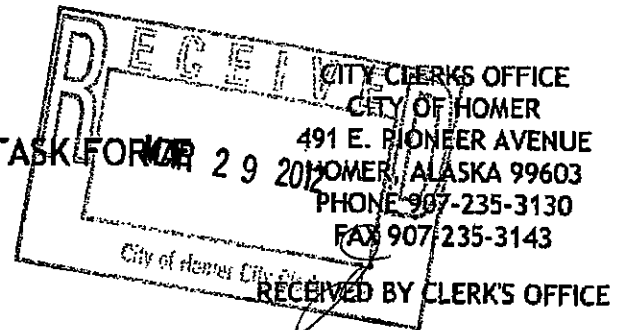
Sharon Minsch 399-4266



Minsch 39363



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



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	<input type="text" value="Lloyd Moore"/>	Date	<input type="text" value="3/29/2012"/>
Physical Address	<input type="text" value="3900 Sterling Highway"/>	City	<input type="text" value="Homer"/>
Mailing Address	<input type="text" value="3900 Sterling Highway"/>	Zip Code	<input type="text" value="99603"/>
Phone	<input type="text" value="907-399-1908"/>	Work #	<input type="text" value="907-235-8837"/>
		Cell #	<input type="text" value="907-399-1908"/>
Email Address	<input type="text" value="lloydwmoore@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 6:30 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 type="checkbox"/>	LIBRARY ADVISORY BOARD	1ST TUESDAY OF THE MONTH AT 5:00 P.M.
<input type="checkbox"/>	PARKS & RECREATION ADVISORY COMMISSION	3RD THURSDAY OF THE MONTH AT 5:30 P.M.
<input type="checkbox"/>	PORT & HARBOR ADVISORY COMMISSION	4TH WEDNESDAY - JANUARY TO APRIL & SEPTEMBER TO DECEMBER AT 5:00 P.M. 4TH WEDNESDAY - MAY - AUGUST AT 6:00 P.M.
<input type="checkbox"/>	PUBLIC ARTS COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 5:00 P.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 5:15 P.M.
<input type="checkbox"/>	LEASE COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 3:00 P.M.
<input type="checkbox"/>	OTHER - PLEASE ENTER THE	

I have been a resident of the City for ☐ mos. ☒ yrs I have been a resident of the area for ☐ mos. ☒ yrs.

I am presently employed as:

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

I have owned and operated Quick Draw H2O Service, a bulk water hauler in Homer, for several years. I have examined the rates in depth and have an excellent idea of how the rate system works and how changes affect customers overall.

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

If so when and where?

I served on Planning & Zoning at the City of Homer.

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

I am interested in serving on the above because:

I would like to be involved because I am the City's largest water customer and I have educated myself as to the rate system probably more than any other citizen of Homer, with the exception of Sam Matthews.

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:

My knowledge of how the current model was constructed and the ideology behind its design will be helpful. I have a very good understanding of how and why the rates are set how they are, rather than a flat rate based on per gallon usage. I think my knowledge would be helpful to the task force.



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. APR 03 2012 PM 12:25 PK
This information is public and will be included in the Council Information packet.

Name Date

Physical Address City

Mailing Address Zip Code

Phone Work # Cell #

Email Address

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 6:30 P.M. WORKSESSIONS AT 5:30 P.M.
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<input type="checkbox"/>	LIBRARY ADVISORY BOARD	1ST TUESDAY OF THE MONTH AT 5:00 P.M.
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<input type="checkbox"/>	LEASE COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 3:00 P.M.
<input checked="" type="checkbox"/>	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	Water & Sewer Task Force

I have been a resident of the City for ☐ mos. ☒ yrs I have been a resident of the area for ☐ mos. ☒ yrs.

I am presently employed as:

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

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

If so when and where?

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

I am interested in serving on the above because:

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

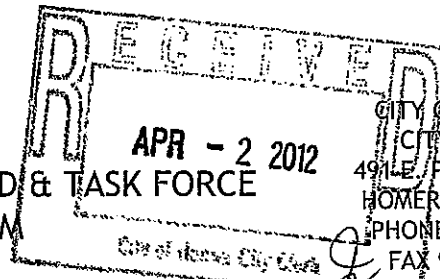
Please include any additional information that may assist the Mayor in his decision:

When you have completed the form please review all the information and then click on the print button.





**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

Mary E Wythe
4/02/12
[Signature]

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 Date

Physical Address City

Mailing Address Zip Code

Phone Work # Cell #

Email Address

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
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<input type="checkbox"/>	LEASE COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 3:00 P.M.
<input checked="" type="checkbox"/>	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	Water/Sewer Rates Committee

I have been a resident of the City for ☐ mos. ☒ yrs I have been a resident of the area for ☐ mos. ☐ yrs.

I am presently employed as:

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

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

If so when and where?

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

I am interested in serving on the above because:

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:

When you have completed the form please review all the information and then click on the print button.

VISITORS

MEMORANDUM 12-057

DATE: April 4, 2012

TO: Mayor James Hornaday
Council Members

FROM: Sean Dewalt, Risk Control Specialist

RE: Proposed Risk Management Plan for the Homer Playground Project

The Homer Playground Project is a volunteer-led project that will replace the existing playground at Karen Hornaday Park with a new and larger playground May 20-27, 2012. This project will combine the efforts of multiple entities, volunteers, and contractors. This proposed risk management plan is intended to assist the project in risk assessment, risk reduction, and project safety.

The stakeholders:

- **The City of Homer.** The City of Homer owns the current park, the land, and will be the benefactor of the new park once completed. The City of Homer also holds the risks of the volunteers and property exposures.
- **Homer Foundation.** The financial catalyst for the project with direct ties to the Homer Playground Project (HoPP). There is no General Liability Insurance for this entity.
- **The Homer Playground Project (HoPP).** A volunteer-led campaign to replace the existing playground at Karen Hornaday Park (Homer's largest city park) with a new and larger playground May 20-27, 2012. There is no General Liability Insurance for this entity.
- **Christian Community Church.** A Homer Church proximal to the Karen Hornaday Park that will offer free childcare for volunteers participating in the build week. There may be General Liability Insurance for this entity.
- **Play by Design.** The contractor, designer, and installer of the new playground.

Identifying, analyzing, and mitigating potential loss exposures

The potential for losses stems from the volume of personnel used in the project and the scope of the intended work. Although not exhaustive of all possible risks, the four likely areas of exposures are:

1. The potential injuries during build week including slips, trips, falls and back strains.
2. Childcare liabilities.
3. Property damaged during the course of construction.
4. Long-term maintenance, including surfacing issues and park inspections.

The recommended risk management techniques are based on the four exposures noted above. The implementation of the risk management techniques are:

A. The risk of loss due to injuries during build week will be mitigated using a four-step process:

1. All volunteers will sign waivers of liability to participate in the build. Parents who use the childcare program will also be required to complete a waiver of liability.
2. All volunteers will be screened for skilled or unskilled work and given personal protective equipment including eye protection, ear protection, and hand protection. This personal protective equipment will be paid for using AMLJIA Safety Savings account monies provided to the City of Homer for risk reduction. Next, volunteers will be assigned to a crew. Training and instruction will be provided, and each shift will conduct a safety meeting prior to the commencement of work. Only those qualified to use power tools will do so. All others will use hand tools.
3. A safety foreman will be on-site during the build week.
4. The City of Homer has General Liability Coverage in the event of a loss due to injury.

B. The risk of liability loss due to improper childcare will be mitigated by using Russell Consulting to conduct comprehensive background checks on all parties involved with the childcare. The costs for these 25 background checks will be paid for using AMLJIA Safety Savings account monies provided to the City of Homer for risk reduction.

C. The City of Homer has vehicle, mobile equipment, and property coverage's in the event of a property loss.

D. The long-term maintenance includes inspections, managing surfacing, and repairs/replacement of broken items. The AMLJIA can assist in these ongoing liabilities by consulting with in-house Certified Playground Safety Inspectors. The City of Homer can call or email with any questions or request a visit from an AMLJIA Risk Control Specialist free of charge.

In conclusion, this worthwhile project is not without risks; however, the recommendations made in this risk management plan may reduce the frequency and severity of potential losses, and increase the chances for a problem-free build week.

**ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS**

CITY OF HOMER
HOMER, ALASKA

MAYOR'S PROCLAMATION

National Library Week
April 8 – 14, 2012

WHEREAS, Libraries have historically served as our nation's great equalizers of knowledge by providing free access to all; and

WHEREAS, Libraries work to meet the changing needs of their users, including collecting books and media in a variety of formats, expanding outreach services and increasing programming; and

WHEREAS, Our nation's libraries provide a forum for diverse ideas and points of view that help us better understand each other and ourselves; and

WHEREAS, Librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in a challenging economy; and

WHEREAS, Librarians design and offer programs to meet their community's economic needs, providing residents with financial information, resume writing tools, and job seeking resources; and

WHEREAS, Libraries are part of the American dream, places for education, opportunity and lifelong learning; and

WHEREAS, Libraries, librarians, library workers and supporters across America are celebrating National Library Week.

NOW, THEREFORE, I, James C. Hornaday, Mayor of the City of Homer, do hereby proclaim:

NATIONAL LIBRARY WEEK - April 8 – 14, 2012

and encourage all residents to visit the library this week to take advantage of the wonderful library resources available at your library.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND CAUSED the Seal of the City of Homer, Alaska to be affixed this 9th day of April, 2012.

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**

**Ordinances 12-01(S)(A) and 12-15
Resolutions 12-023 and 12-024**

A **public hearing** is scheduled for **Monday, April 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.

Ordinances 12-01(S)(A) and 12-15 internet address:
<http://www.cityofhomer-ak.gov/ordinances>

Ordinance 12-01(S)(A), 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/City Attorney.

Ordinance 12-15, An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting HCC Chapter 17.04 Regarding Special Assessment Districts. Lewis/City Manager.

Resolutions 12-023 and 12-024 internet address:
<http://www.cityofhomer-ak.gov/resolutions>


Resolution 12-023, A Resolution of the City Council of Homer, Alaska, Amending the Fee Schedule for Port and Harbor Long Term Parking Fees. City Clerk/Port and Harbor Advisory Commission.

Resolution 12-024, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 to Provide for Long Term Parking Fees. City Clerk/Port and Harbor Advisory Commission.



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.

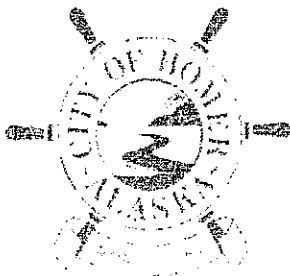
Jo Johnson, CMC, City Clerk 

Publish: Homer News: April 5, 2012

CLERK'S AFFIDAVIT OF POSTING

I, Renee Krause, CMC, Deputy City Clerk I for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for Ordinance 12-01, 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 21.60.080, Design, Construction, and Maintenance; 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 – Non-conforming 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; Ordinance 12-15, Repealing and Reenacting Homer City Code Chapter 17.04 Regarding Special Assessment Districts; Resolutions 12-023, Amending the Fee Schedule for Port and Harbor Long term Parking Fees; Resolution 12-024, Amending the Port of Homer Terminal Tariff No. 600 to Provide for Long term Parking Fees 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 March 30, 2012 and that the City Clerk posted same on City of Homer Homepage on March 30, 2012.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 30th day of March, 2012.



Renee Krause
Renee Krause, CMC, Deputy City Clerk I

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/City Attorney

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
2. City Council Regular Meeting January 23, 2012 Public Hearing and Second Reading
 - a. Substitute/Amended Ordinance 12-01(S)(A)
 - b. Memorandum 12-007 from City Planner as backup
 - c. Memorandum 12-008 from City Attorney as backup
3. City Council Regular Meeting January 23, 2012 Public Hearing and Second Reading
 - a. Substitute/Amended Ordinance 12-01(S)(A)
 - b. Memorandum 12-007 from City Planner as backup
 - c. Memorandum 12-008 from City Attorney as backup
4. City Council Regular Meeting March 27, 2012 Pending Business
 - a. Substitute/Amended Ordinance 12-01(S)(A)
 - b. Memorandum 12-007 and 12-051 from City Planner as backup
 - c. Memorandum 12-008 from City Attorney as backup
Memorandum 12-048 from Economic Development Advisory Commission as backup
 - d. Written public comment
 - e. Staff Reports and Memorandums from Planning Commission and Economic Development Advisory Commission meetings (w/Memorandum 12-051)
 - f. Suggestions from City Attorney Klinkner

5. City Council Regular Meeting April 9, 2012 Public Hearing and Second Reading
 - a. Substitute/Amended Ordinance 12-01(S)(A)
 - b. Memorandum 12-007 from City Planner as backup
 - c. Memorandum 12-008 from City Attorney as backup
Memorandum 12-048 from Economic Development Advisory Commission as backup
 - d. Memorandum 12-051 from City Planner as backup
 - e. Written public comment
 - f. Staff Reports and Memorandums from Planning Commission and Economic Development Advisory Commission meetings (w/Memorandum 12-051)
 - g. Email with suggested amendments from City Attorney Klinkner

CITY OF HOMER
HOMER, ALASKA

Planning/City Attorney

ORDINANCE 12-01(S)(A)

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 ~~21.60.095, 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, **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.]

one or more edges. Banner material attached to a rigid frame on all edges or A flag 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.

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

"Building sign-" means a Any sign that is attached to and/or supported by any part of a building, but that is not a freestanding sign 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.

"Changeable copy sign-" means a A sign that includes or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign, and A sign on which the message changes less often more than one time per day shall be considered an animated sign and not a changeable copy sign for purposes of this chapter; provided that a A-changing 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 a changeable copy sign for purposes of this chapter.

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

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

"Electoral sign." 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.

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

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

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

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

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

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

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

"Lot." See HCC § 21.32.030.

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

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

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

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

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

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

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

~~"Portable sign." means a 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.~~

"Principal building-" **means a** The building in which is conducted the principal use of the lot **is conducted** 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.

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

"Public sign-" **means** A Public Sign is an **off-premises** off premises sign **other than an official traffic control device,** that provides direction **or information,** 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.	

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

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

Sign Type	RR	UR	RO	INS (a)	CBD	TC	GBD	GC 1	GC 2	<u>EEMU</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> (ik)	<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>														
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>PN</u>	<u>PN</u>	<u>PN</u>	N	P	P	<u>PS</u>	P	P	<u>P</u>	P	P	N	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>	<u>A</u> <u>P</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> <u>P</u>
Portable	N	N	N	N	S	S	S	S	S		S	S	N	N

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

Notes to Table 1:

- a. This 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. No commercial message allowed on sign, except for a commercial message drawing attention to goods or services legally offered on the lot, ~~except signs approved by the state of Alaska Department of Transportation and signs that meet the requirements of HCC § 21.60.092.~~
- c. 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.
- d. Only address and name of occupant allowed on sign.
- e. May include only building name, date of construction, or historical data on historic site; must be cut or etched into masonry, bronze, or similar material.
- f. No commercial message of any kind allowed on sign.
- ~~g. If such a sign is suspended or projects above a public right of way, the issuance and continuation of a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability insurance for such a sign in such form and such amount as the City planner may reasonably from time to time determine, provided that the amount of such liability insurance shall be at least \$500,000 per occurrence per sign.~~
- gh. The conditions of HCC § 21.60.130 of this ordinance apply.
- hi. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the United States for the stars and stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulations as such.
- ~~j. Permitted on the same terms as a temporary sign, in accordance with HCC § 21.60.130, except that it may be free-standing.~~
- jk. The main entrance to a development in GBD may include one ground sign announcing the name of the development. such sign shall consist of natural materials. Around the sign grass, flowers and shrubs shall be placed to provide color and visual interest. The sign must comply with applicable sign code requirements.

Section 5. Table 2 following Homer City Code 21.60.060, Signs on private property, is 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> Principle 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.
<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

Section 6. Table 3 following Homer City Code 21.60.060, Permitted Sign Characteristics by Zoning District, is amended to read as follows:

Sign Type	RR	UR	RO	INS (a)	CBD	TC	GBD	GC 1	GC 2	<u>EEMU</u>	MC	MI	OSR	PS
Animated (b)	N	N	N	N	<u>PS</u>	<u>PS</u>	N	<u>PS</u>	N	<u>P</u>	<u>PS</u>	N	N	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>	N	PH
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>	N	N
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>	N	PH
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>	N	N

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

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. 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.

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

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.~~

~~e. 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.~~

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

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

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

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

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;

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

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

remove given by the City, then (i) the owner or lessee has committed a violation, and (ii) the City may remove the signs and collect the cost of removal from such owner or lessee, who shall be jointly and severally liable for such cost.

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

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

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

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

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

3. 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.

b. Commercial. A temporary sign that bears a commercial message shall be limited to the following: on private property shall be:

a. ~~Term. A temporary sign shall not be displayed 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.~~

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

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

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

3. One temporary sign other than those described in 1 and 2 above may be allowed by permit for displays of not more than 14 days in a 90 day period, which days shall be designated on the sign permit.

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

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

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

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

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

388 b. Signs that were prohibited by Ordinance 84-33(S), as amended by Ordinances 86-
389 18, and 89-8, and that are prohibited by ~~in~~ this chapter are illegal and must be removed
390 immediately.

391 c. Any sign that was constructed and continues to be maintained in accordance with
392 the applicable ordinances and other laws that existed prior to an amendment to this code, but
393 which becomes unlawful as a result of an amendment to this code, is lawfully nonconforming. A
394 sign that is lawfully nonconforming under this subsection may remain in place and continue to
395 be maintained until the information on the face of the sign is changed, or for a period of one
396 year after the effective date of the amendment, whichever occurs first. If any action is taken that
397 increases the degree or extent of the nonconformity with the amended code, the sign loses lawful
398 nonconforming status and must be removed immediately. ~~A change in the information on the~~
399 ~~face of an existing nonconforming sign is allowed.~~ At the end of the period during which the
400 lawfully nonconforming sign is allowed to remain in use, the sign shall either be removed or the
401 owner must obtain a permit, if required, and complete all other steps and make any modifications
402 necessary to bring it into full compliance with this code.

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

417 e. Notwithstanding the remainder of this section, a nonconforming banner or
418 temporary sign shall be removed no later than May 1, 2012.

419
420 Section 17. Homer City Code 21.60.160, Violations, is repealed.

421
422 Section 18. Homer City Code 21.60.170, Enforcement and remedies, is amended to read
423 as follows:

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

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

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

b. Notwithstanding any other provision of this title:

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

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 19. Sections 1 through 18 of this Ordinance are of a permanent and general character and shall be included in the City Code.

Section 20. This Ordinance shall become effective on May 1, 2012.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____ 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

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

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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

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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~~ **means a** 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.]

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

"Lot." See HCC § 21.32.030.

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

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

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

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

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

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

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

~~"Portable sign." means a 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.~~

"Principal building:" means a The building in which is conducted the principal use of the lot is conducted 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.

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

"Public sign:" means A Public Sign is an off-premises off-premises sign other than an official traffic control device, that provides direction or information, 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~~

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

categories of services available, but may not carry any other commercial message. Public signs are non-regulatory.

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

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

"Setback:" means the The distance between a sign located on a lot and the closest lot line and the sign.

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

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

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

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

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

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

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

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

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

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

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

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

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

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.	

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

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>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	<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>	<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:

a. This 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. No commercial message allowed on sign, except for a commercial message drawing attention to goods or services legally offered on the lot, except signs approved by the state of Alaska Department of Transportation and signs that meet the requirements of HCC § 21.60.092.

c. 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.

d. Only address and name of occupant allowed on sign.

e. May include only building name, date of construction, or historical data on historic site; must be cut or etched into masonry, bronze, or similar material.

f. No commercial message of any kind allowed on sign.

~~g. If such a sign is suspended or projects above a public right of way, the issuance and continuation of a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability insurance for such a sign in such form and such amount as the City planner may reasonably from time to time determine, provided that the amount of such liability insurance shall be at least \$500,000 per occurrence per sign.~~

gh. The conditions of HCC § 21.60.130 of this ordinance apply.

hi. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the United States for the stars and stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulations as such.

ij. Permitted on the same terms as a temporary sign, in accordance with HCC § 21.60.130, except that it may be free standing.

jk. The main entrance to a development in GBD may include one ground sign announcing the name of the development. such sign shall consist of natural materials. Around the sign grass, flowers and shrubs shall be placed to provide color and visual interest. The sign must comply with applicable sign code requirements.

Section 5. Table 2 following Homer City Code 21.60.060, Signs on private property, is 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.]

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> <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

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

Table 3.												
Sign Type	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	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.]

(c)													
Illumination Internal	N	N	N	PS	PS	PS	N	PS	PS	P	PS	PS	
Illumination External	N	N	N	PS	PS	PS	PS	PS	PS	P	PS	PS	
Neon (d)	N	N	N	N	PS	PS	N	PS	PS	P	PS	PS	

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

[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 Signs in the public right-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 ~~c. 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.]

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.~~

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

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

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

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

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

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

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

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

e. Holiday lights between October 15 and April 15;

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

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

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

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

a. **Banners;**

b. Beacons;

c. Pennants;

d. Strings of lights not permanently mounted to a rigid background, except those 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.]

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.

Section 17. Homer City Code 21.60.160, Violations, is repealed.

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

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

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

b. Notwithstanding any other provision of this title:

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

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

Section 20. This Ordinance shall become effective on January 1, 2012.

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

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

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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.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 19, 2011

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 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).

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.

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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 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).

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

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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.

