

**NOTICE OF MEETING
REGULAR MEETING AGENDA**

- 1. CALL TO ORDER**
- 2. APPROVAL OF THE AGENDA**
- 3. PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA**
- 4. RECONSIDERATION**
- 5. APPROVAL OF THE MINUTES** *(Minutes are approved during Regular Meetings only)*
 - A. Meeting Minutes for the Regular Meeting on October 6, 2015 **Page 3**
- 6. VISITORS** *(There were no visitors scheduled for this meeting)*
- 7. STAFF & COUNCIL/COMMITTEE REPORTS/ AND BOROUGH REPORTS**
 - A. Friends Report
 - B. Next Friends Meeting – Wednesday, December 9, 2015 at 6:00 p.m.
Library Conference Room
 - C. Director’s Report & Statistics – November/December 2015 **Page 9**
 - D. Rare Book Report – Susan Braund
- 8. PUBLIC HEARING**
- 9. PENDING BUSINESS**
 - A. Budget 2016
 - B. Cannabis Zoning **Page 15**
- 10. NEW BUSINESS**
 - A. 2016 Regular Meeting Schedule **Page 57**
 - B. A Borough Wide Library System – Starting the Process **Page 65**
 - C. Next Meeting Deliverables and Discussion Topics **Page 73**
- 11. INFORMATIONAL MATERIALS**
 - A. 2016 Board Member Attendance at Council Meetings **Page 75**
 - B. Letter to the Editor **Page 76**
 - C. The End of Overdue Fines **Page 77**
- 12. COMMENTS OF THE AUDIENCE**
- 13. COMMENTS OF THE CITY STAFF**
- 14. COMMENTS OF THE BOARD**
- 15. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR FEBRUARY 2, 2016** at 5:30 P.M. in Cowles Council Chambers, City Hall located at 491 E. Pioneer Avenue, Homer, Alaska.

Session 15-06 a Regular Meeting of the Library Advisory Board was called to order by Chair Pat Brown at 5:43 p.m. on October 6, 2015 in the Upstairs Conference Room at City Hall located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: BOARDMEMBERS BRAUND, STROBEL, KUSZMAUL AND BROWN

STAFF: LIBRARY TECHNICIAN I GORDON
DEPUTY CITY CLERK KRAUSE

AGENDA APPROVAL

Chair Brown requested a motion to approve the agenda.

KUSZMAUL/STROBEL - MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA

There was no public present at the meeting.

RECONSIDERATION

There were no items for reconsideration. Deputy City Clerk Krause explained when and how this topic comes into use for the Board at the request of Chair Brown.

APPROVAL OF MINUTES

A. Meeting Minutes for the Regular Meeting on September 1, 2015

Chair Brown requested a motion to approve the minutes.

STROBEL/BRAUND - MOVED TO APPROVE THE MINUTES.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

There were no visitors scheduled for the meeting.

STAFF AND COUNCIL REPORT/COMMITTEE REPORTS/BOROUGH REPORTS

A. Friends Report

Chair Brown noted that there was no one from the Friends for a report and noted the next meeting date, October 14, 2015 at 6:00 p.m. the record.

B. Next Friends Meeting

The next meeting is scheduled for Wednesday, October 14, 2015 at 6:00 p.m.

C. Directors Report and Monthly Statistics

Library Director Dixon provided the statistics for the Boards review.
There was no discussion on the information provided.

Library Technician Gordon noted that the Director's Report was included in the packet and would be happy to answer any questions that the Board may have.

Library Technician Gordon provided a report on the outstanding efforts of Claudia Haines, Library Technician and Children's Programing/Librarian. Ms. Haines has the following accomplishments:

- been invited to speak at an event, "Supporting Diverse Families with Media" at Stanford University on October 30, 2015 and will be using her personal leave time to attend this event.
- Accepted a proposal to co-author a book about media mentoring that has been accepted by the American Library Association. This follows up a white paper "Media Mentorship in Libraries Serving Youth" which Ms. Haines co-authored. The book will be published by ALA Editions in 2016.
- AND been awarded a Curiosity Creates Grant in the Amount of \$7,500.00 that was prepared and submitted by Ms. Haines. This will be used to plan and implement after school programs held at the Library with volunteer and community mentors leading activities in art, technology and science.

She has been one busy lady!

Boardmember Kuszmaul inquired if the items in the report were up for discussion or just informational. Chair Brown stated that they were more informational in nature.

E. Rare Books at the Library - Susan Braund

Boardmember Braund reported that she forwarded contact information and is waiting for a mutual date and time is available for all parties to review the collection.

Boardmember Kuszmaul offered an additional option, one of her guests this summer who expressed a willingness to value the collection. There is an organization in Boston that will provide an approximate valuation with just a copy of the book's front page.

PUBLIC HEARING

There were no items for public hearing.

PENDING BUSINESS

A. Budget 2016

Library Director Dixon did provide information on the Budget as a laydown.

Chair Brown noted that Council will not make a decision on the Budget until December and until the City Manager has provided the Budget to Council and City Council will be inundated with groups advocating for their topic of well-being. Along those lines he requested the Clerk to notice the Board. He advocated for the Boardmembers to attend City Council and provide information and highlight a couple of items regarding the Library. There are still a few who view the Library as just a building with books.

There was no further discussion.

NEW BUSINESS

A. Fines and Fees

Chair Brown introduced the item and noted that the Library was asked to think of ways to generate revenue. He commented that typically libraries in America have provided services for free. He would like to defer discussion on this topic believing that this is more of operational activity and believed that Library Director Dixon should weigh in on this item.

Amy Gordon, Library Technician, stated that there is two part approach to this, she explained that there is proposed changes to the fines and fees which is more of a policy change and the other is related more to the budget with regards to charging non-residents for Library cards and believe that it is something that the Board should provide input on and what Library Director Dixon would like for the Board to do. She explained that there are increases in a few fees and a reduction in copy fees due to getting a more efficient copier.

Ms. Gordon explained the differences in the Temporary Card fees and the intent to reduce the amount of the refund. Currently they are refunding \$40 out of the \$50. They have issued 54 temporary cards but there is no separation between the full and limited.

Boardmember Kuszmaul recommended that no refunds be issued. She did not agree with the refund since most cards holders are not city residents.

There was discussion on the reason behind charging and refunding the majority of the fee and that it is used as a security deposit; the expanse of the service area; temporary cards are issued to seasonal residents, outside city limits residents, visitors; fees and increases recommended are reasonable; the city residents are the ones paying for the library.

BROWN/BRAUND - MOVED TO APPROVE THE RECOMMENDED INCREASES TO THE FINES AND FEES AS SHOWN IN THE LIBRARY DIRECTORS MEMORANDUM.

There was a discussion resented by Boardmember Strobel that he did not agree with charging fees on overdue materials. He feels that it is punitive; he understands that Council may not accept that but felt that it goes against what a public library stands for. Further discussion on using that as an incentive to return materials ensued. Boardmember Strobel opined that many librarians would prefer not to charge fees. He would like to go on record as being opposed to charging fees on this item. He would like to propose at a more appropriate time to rescind

charging fees. These amounts over the course of a year amount to a substantial amount. Research shows that materials come back on time more often when fees are not charged.

STROBEL/ MOVED TO AMEND THE RECOMMENDATION TO REMOVE THE INCREASE TO THE MAXIMUM OVERDUE CHARGE PER ITEM.

There was no second to the motion. The amendment failed.

Further discussion continued on return of late materials, final bill notices, and that patrons are held accountable for materials not return. Library Technician Gordon explained how the fees are applied to materials and when patrons are sent to collections, the staff time involved with overdue materials.

VOTE. (Main) YES. BROWN, BRAUND, KUSZMAUL.
VOTE. NO. STROBEL.

Motion carried.

B. Cannabis Zoning

Chair Brown read and introduced the item into the record. He explained that the area being recommended was 200 feet from Libraries since they are not included in any of the proposed regulations. He opined that they must be proactive in keeping it from the community's youth who do not always make the best decisions. Chair Brown asked Ms. Krause if they are to make a recommendation on the zoning.

Deputy City Clerk Krause explained that currently the distances are 1000 feet from schools, 200 feet from parks and municipalities are questioning the inclusion of churches in any proposed distance regulations since religious services can be held in just about any facility and usually are. Since the issue of keeping cannabis away from children was a strong focal point of the Federal Government and the Cannabis Advisory Commission would be submitting recommendations for Council approval to be submitted to the State Marijuana Control Board, it would be timely if the Board wanted to submit a recommendation for inclusion.

Boardmember Kuszmaul commented on the nature of the clientele and mission of a public library that they should be included in and equal to schools when considering the proposed regulations.

KUSZMAUL/BROWN - MOVED TO HAVE PUBLIC LIBRARIES INCLUDED IN THE CATEGORY OF SCHOOLS REGARDING DISTANCE WHEN REGULATING MARIJUANA.

There was a brief discussion on how the distance is determined and if it would include all library property. The additional library property is not at this time designated as a park as such. The distance is determined by access. Boardmember Kuszmaul wanted to ensure that her intent was to have Libraries included in the category of schools when proposing or changing regulations.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Deputy City Clerk Krause responded that she will submit this recommendation to the Cannabis Advisory Commission and the Planning Commission when questioned by the Boardmembers on what the process will follow.

C. Next Meeting Deliverables and Discussion Topics

Chair Brown noted that there will not be a meeting in November. He inquired if there were recommendations from Ms. Gordon. Ms. Gordon referenced the Memorandum that was provided regarding the Bare Bones Budget and that there is nothing at this time that can be done until they are aware of what Budget format is going to be in place.

Chair Brown commented that they are looking at any alternatives since you cannot tax to prosperity.

The Board discussed the need to have a Borough wide Library System and requested this item on the December agenda to start the discussion.

The Budget will also be on the agenda.

INFORMATIONAL ITEMS

A. 2015 Boardmember Attendance at Council Meeting

Chair Brown requested volunteers to attend the November 23rd Council meeting, this is the week of Thanksgiving, he provided a brief description that Boardmember Kuszmaul will attend alongside Chair Brown as she is new.

COMMENTS OF THE AUDIENCE

There was no audience in attendance for this meeting.

COMMENTS OF CITY STAFF

There were no comments from staff present.

COMMENTS OF THE COUNCILMEMBER

There was no Council member in attendance.

COMMENTS OF THE CHAIR

Chair Brown thanked everyone for attending and taking an active part, he encouraged them to attend the Council meetings and speak on behalf of the Library not focusing on their needs so much as to the benefits that the Library provides to the community.

COMMENTS OF THE BOARD

Boardmember Kuszmaul stated that she hoped that they can come up with solutions that do not include non-resident fees.

Boardmember Braund commented that she believed that non-residents who used the Library should help pay for the services they receive to help support the Library.

Boardmember Strobel stated that at another time and he has stated this before he would like to see the removal of the computers from the kid's room. This is very distracting from the learning experience, trying to read while kids are playing video games. He went on to state that he did not believe a Library was the appropriate place for kids to play video games and a separate room should be designated.

ADJOURN

There being no further business to come before the Board Chair Brown adjourned the meeting at 7:28 p.m. The next regular meeting is scheduled for Tuesday, December 1, 2015 at 5:30 p.m. at Cowles Council Chambers located at City Hall at 491 E. Pioneer Avenue, Homer, Alaska.

RENEE KRAUSE, CMC, DEPUTY CITY CLERK

Approved: _____

**Homer Public Library
Director's Report
November 9, 2015**

The DirLead conference I attended was very worthwhile, as always. Our two-day training on consent-building strategies was useful and pertinent. Discussion of issues we all face as directors of public libraries was valuable, as well.

Meetings and Trainings in October

- DirLead (Alaska public library directors) 3-day meeting
- City Council meeting

Issues of Interest

2016 Budget

I don't have much news about the budget, except to mention two things:

- The City Manager's Budget A reduces money for books by 50%.
- Budget B not only reduces money for books and other materials, but eliminates two part-time positions (1.2 FTE). Such a cut would necessitate reducing open hours.

Cannabis Restrictions

The Planning Commission recommended a 200' buffer zone around the lot the Library sits on (not the western lot) for cannabis establishments.

Meeting Room Use

We're having difficulty accommodating all the requests for meeting room use for community groups and library programming. We have only one meeting room big enough for more than six to eight people, with equipment such as a whiteboard, screen, monitor, and laptop hookups. And that room is only available two evenings per week (the Tuesday and Thursday evenings we are open). Short of opening more nights per week, there isn't much we can do about it. I just want you to be aware of the situation.

Discussion with Kenai, Soldotna, and Seward Librarians

We talked about the idea of moving toward a more cooperative Kenai Peninsula public library network, as well as a more equitable funding structure, and agreed that we share many areas of concern. But without an organizational structure our options are limited. The other librarians did not feel that there is currently any political will for the Borough to assume any responsibility for library service in rural areas.

I listened with interest, however, to Mayor Navarre's presentation to City Council, in which he discussed the cost effectiveness of proposals to consolidate EMS and hospital services. Perhaps as we continue to grapple with budget issues at the municipal, borough, and state levels the opportunity will arise to explore options for more equitable library service and funding throughout the Kenai Peninsula.

Call for Art

The Friends issued a call for art to show in the Library in 2016 with a deadline of Dec 10. The committee to choose four pieces of art includes one LAB member, currently Matt.

Behind the Scenes

Director:

- Attended DirLead.
- Took a six-day vacation.
- Ordered and received books.
- Submitted a Rasmuson grant request for Collection Enhancement in the amount of \$23,691.
- Monitoring budget closely for end-of-year expenditures.

Staff: Our children’s librarian, Claudia Haines, spoke about “Supporting Diverse Families With Media,” at Stanford University on October 30. Homer Library is on the big screen!



Left to right: Michael Levine, Joan Ganz Cooney Center; Aaron Morris, PBS Kids;

Claudia Haines, Homer Youth Services Librarian; Kevin Clark, George Mason University

Facility

- Windows to replace the two shattered by vandals are ready but installers are waiting for favorable weather (i.e. not icy or windy) to make the switch.
- The boiler problem has been fixed.
- A long-standing problem with the Xerox copier is in process of being resolved. I received a personal apology by telephone from the vice-president about the length of time this has taken!
- With the help of the Friends, we purchased new, more portable tables for the meeting room. This will allow for greater flexibility in the room, depending on the type of activity. The old tables will be moved to the main library once the new tables have been assembled.
- Carpets were cleaned – badly needed.

Notes on October Events

Aging to Perfection – Conversations about aging well.

Everyday Literacy for Families – Early literacy tips and activities for families with kids under five.

Alaska Book Week – Rosemary McGuire read from her collection of stories *The Creatures at the Absolute Bottom of the Sea*, joined by local authors Rich Chiappone and Eva Saulitis.

Maker Club – Every Thursday after school. Simple electronics, 3-D design, face painting, LEGO club.

Green Dot Celebration – Awards for the 10 in 10 Challenge.

Grown-Up Storytime – Reading of *The Magic Beads* in conjunction with Haven House and in recognition of Domestic Violence Awareness Month.

Let It Grow Back – Film showing and discussion in collaboration with the Pratt Museum about the loss of the Sugt'estun Alutiiq language in Port Graham.

November Special Events

Aging to Perfection -- Saturdays 3:30-5:30

15 in '15 Celebration – Thurs. Nov. 5, 6-7:45 PM

SAT Practice – Tues. and Thurs. 6:15-7:45; Saturdays 10-11:30 AM

**Please Note: CLOSED Wednesday November 11 for Veteran's Day
CLOSED Thursday November 26-Friday November 27 for Thanksgiving**

Ongoing

Ham Radio Class – first Tuesday, 5-6:30 PM and second Saturday, 12-3 PM

SPARC Radio Club – first Tuesday, 6:30 PM

Story Times – Tuesdays & Wednesdays 10 AM. Small Fry Thursdays 11:30 AM

Knitting – Mondays, 3-5 PM

Book Club – Third Tuesdays, 4:30-6:30

Drop-In Tech Help – First Fridays and Third Saturdays, noon to 2

Maker Club – Thursdays, 3:30-5:30. Squishy Circuits, One Mug Meals, LEGO

See our website for more information

Homer Public Library Statistical Summary for 2015

Date: 12-Nov-15

CIRCULATION	15-Jan	15-Feb	15-Mar	15-Apr	15-May	15-Jun	15-Jul	15-Aug	15-Sep	15-Oct	15-Nov	15-Dec	Y.T.D.
Total # of Items	11,044	11,045	11,927	11,334	10,528	10,426	13,647	12,367	12,244	12,670			117,232
INTERLIBRARY LOANS													
Incoming (Borrowed)	27	27	27	22	27	24	31	19	32	27			263
Outgoing (Lent)	50	58	39	38	45	23	23	42	26	42			386
STUDY ROOM USE													
# of groups	179	179	191	228	133	149	138	175	195	172			1739
# of people	420	444	387	497	281	248	277	334	335	380			3603
MEETING ROOM USE													
# of groups	20	20	9	26	26	25	31	24	19	36			236
ATTENDANCE													
TOTAL (*Included)	11,017	10,326	11,060	12,369	10,777	11,871	13,026	12,058	12,724	11,362			116590
*Story Hour & Lapsit	304	326	342	391	219	257	369	177	381	443			3209
*School Classes	40	5	0	0	38	0	0	0	19	0			102
*Internet sessions	3,670	3,851	3,768	4,086	4,267	4,673	5,053	4,996	4,471	3,981			42816
*Programs	149	246	190	205	298	442	338	27	708	286			2889
OUTREACH													
# Visits	4	4	5	3	5	4	4	5	4	4			42
# People	13	8	14	103	24	16	17	31	23	21			270
NEW CARDS ISSUED													
City	31	30	26	33	30	48	40	44	45	43			370
Borough	27	21	27	31	28	26	27	33	39	34			293
Temporary	2	2	1	3	8	15	9	10	4	1			55
VOLUNTEER HOURS													
# of people	90	56	60	80	69	67	78	66	85	84			735
# of hours	221	157.5	178.5	261.5	150	160.25	252	157.75	251.25	194			1983.75
MATERIALS ADDED													
Books	448	259	302	382	429	359	236	242	213	297			3167
Audio	27	7	16	18	24	5	28	0	35	20			180
Video	99	21	36	69	42	59	20	89	50	52			537
Serials	0	1	0	0	3	6	0	3	0	0			13
Electronic Resources	1	0	0	0	0	0	0	0	0	0			1
MATERIALS REMOVED													
Books	520	282	154	0	367	120	379	410	293	167			2692
Audio	9	33	1	0	0	3	2	22	46	4			120
Video	8	16	8	67	98	5	11	16	7	2			238
Serials	0	1	1	0	4	0	3	0	0	36			45
Electronic Resources	0	0	0	0	0	0	0	0	0	0			0
REVENUES DEPOSITED													
Fines/Fees/Copies	2343.80	1335.59	2231.28	3838.81	2677.50	2935.04	2081.20	2502.89	2772.74	3179.70			25,898.55
Building Fund (151-)	0.00	0.00											0.00
Library Gifts (803-)	0.00	50.00	28.65			15.63			10.00				104.28
Grants	1000.00	492.00		1500.00		6650.00			114300.00	7500.00			131,442.00
TOTALS	3,343.80	1,877.59	2,259.93	5,338.81	2,677.50	2,950.67	8,731.20	2,502.89	117,082.74	10,679.70	0.00	0.00	\$157,444.83

Homer Public Library Statistical Summary for 2014

Date: 24-Nov-15

CIRCULATION	14-Jan	14-Feb	14-Mar	14-Apr	14-May	14-Jun	14-Jul	14-Aug	14-Sep	14-Oct	14-Nov	14-Dec	Y.T.D.
Total # of Items	10,610	9,391	10,395	10,233	9,409	11,892	12,602	11,101	11,494	11,298	10,577	11,037	130039
INTERLIBRARY LOANS													
Incoming (Borrowed)	29	30	24	27	18	27	32	34	27	31	28	15	322
Outgoing (Lent)	57	36	51	52	33	0	19	62	50	46	48	38	492
STUDY ROOM USE													
# of groups	207	238	219	241	197	142	182	149	193	227	199	164	2358
# of people	458	511	719	537	456	324	390	341	433	566	448	408	5591
MEETING ROOM USE													
# of groups	20	19	22	23	17	22	14	12	7	29	18	19	222
ATTENDANCE													
TOTAL (*Included)	10,104	9,361	10,033	11,323	10,816	12,242	12,997	11,867	11,188	11,450	8,909	9,310	129600
*Story Hour & Lapsit	275	333	329	360	283	267	331	205	403	416	326	179	3707
*School Classes	0	0	0	13	106	87	0	0	18	0	28	0	252
*Internet sessions	3,424	2,947	3,686	3,676	4,208	5,213	5,130	5,023	4,227	3,771	2,874	3,050	47229
*Programs	152	135	201	521	337	589	660	171	126	578	407	291	4168
OUTREACH													
# Visits	6	8	10	8	7	6	7	4	5	7	7	5	80
# People	47	65	95	170	145	34	62	20	25	60	92	21	836
NEW CARDS ISSUED													
City	22	25	34	13	21	47	39	7	26	20	21	27	302
Borough	13	29	14	11	21	40	29	3	46	15	25	26	272
Transient (TEMP)	1	0	0	3	12	37	13	3	1	1	7	0	78
VOLUNTEER HOURS													
# of people	60	67	52	77	59	71	72	39	54	55	36	55	697
# of hours	175.75	101	159.5	232.5	140.25	153.5	209.75	90.75	144	154	100.5	175.25	1836.75
MATERIALS ADDED													
Books	579	154	343	226	355	217	323	529	445	348	479	301	4299
Audio	58	3	18	40	33	22	31	33	11	41	101	25	416
Video	123	34	115	54	119	71	82	40	107	61	137	90	1033
Serials	0	0	0	0	1	3	1	0	9	0	1	0	15
Electronic Resources	0	0	0	0	0	0	3	0	12	0	1	1	17
MATERIALS REMOVED													
Books	168	245	111	160	200	117	113	574	915	800	463	537	4403
Audio	10	2	1	17	1	1	1	62	0	4	29	8	136
Video	6	35	46	4	63	152	5	0	1	61	9	3	385
Serials	4	1	2	0	0	0	0	2	2	1	0	1	13
Electronic Resources	0	0	0	0	0	0	1	0	0	0	0	1	2
REVENUES DEPOSITED													
Fines/Fees/Copies	2312.09	1614.70	2785.65	2726.04	1937.95	2514.90	2341.80	2559.55	2457.44	2236.94	1728.35	2155.74	27,371.15
Building Fund (151-)													0.00
Library Gifts (803-)		77.00	22.15						40.02			16.21	155.38
Grants								6650.00					6,650.00
TOTALS	2,312.09	1,691.70	2,807.80	2,726.04	1,937.95	2,514.90	2,341.80	9,209.55	2,497.46	2,236.94	1,728.35	2,171.95	\$34,176.53

Books Addd
Auds added
Vids Added
Serials Adde

Books Remv
Auds remov
Vids remov
Serials Rem



City of Homer

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Memorandum

TO: CANNABIS ADVISORY COMMISSION
FROM: LIBRARY ADVISORY BOARD
THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK I
DATE: OCTOBER 7, 2015
SUBJECT: CANNABIS ZONING

Library Director Dixon has brought forward the possible issues surrounding Cannabis and the Library.

The Library Advisory Board discussed this issue at the regular meeting October 6, 2015. The Boardmembers present believed that public libraries should be included in the category of schools since they have many programs that are focused on children, many children and minors attend the library without parents or guardians at various hours presenting many opportunities where they could be approached.

The Library Advisory Board agreed by consensus that the same Drug Free zone as schools should be used and as such felt the suggested 200 feet limit was not enough to keep marijuana or the temptation away from children and underage youth. The following motion was made:

KUSZMAUL/BROWN – MOVED TO HAVE PUBLIC LIBRARIES INCLUDED IN THE CATEGORY OF SCHOOLS REGARDING DISTANCE WHEN REGULATING MARIJUANA

There was a brief discussion on how the distance is determined and if it would include all library property.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Recommendation:

Make a motion to recommend including public libraries in the category of schools

1 CITY OF HOMER
2 HOMER, ALASKA

3
4 Planning Commission

5
6 ORDINANCE 15-____
7

8 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
9 ALASKA, AMENDING HOMER CITY CODE 21.12, RURAL
10 RESIDENTIAL DISTRICT; HOMER CITY CODE 21.18,
11 CENTRAL BUSINESS DISTRICT; HOMER CITY CODE 21.24,
12 GENERAL COMMERCIAL 1; HOMER CITY CODE 21.26,
13 GENERAL COMMERCIAL 2; HOMER CITY CODE 21.27, EAST
14 END MIXED USE; HOMER CITY CODE 21.28, MARINE
15 COMMERCIAL; HOMER CITY CODE 21.40, BRIDGE CREEK
16 WATERSHED PROTECTION DISTRICT TO IDENTIFY THE
17 ZONING DISTRICTS PERMITTING MARIJUANA FACILITIES
18 AND ADOPTING CHAPTER 21.62 ENTITLED "MARIJUANA
19 FACILITIES" REGARDING GENERAL LAND USE
20 REQUIREMENTS FOR MARIJUANA CULTIVATION,
21 MANUFACTURING, RETAIL, AND TESTING FACILITIES
22

23 WHEREAS, it is in the City's best interest to draft comprehensive regulations
24 regarding the use of property within the City to cultivate, manufacturer marijuana or to
25 operate a retail store selling marijuana; and
26

27 WHEREAS, the City is dedicated to drafting regulations that prevent the
28 distribution of marijuana to minors; prevents revenue from the sale of marijuana from
29 going to criminal enterprises, gangs, and cartels; prevents the diversion of marijuana
30 from states where it is legal under state law in some form to other states; prevents state-
31 authorized marijuana activity from being used as a cover or pretext for the trafficking of
32 other illegal drugs or other illegal activity; prevents violence and the use of firearms in
33 the cultivation and distribution of marijuana; prevents drugged driving and the
34 exacerbation of other adverse public health consequences associated with marijuana use;
35 prevents the growing of marijuana on public lands and the attendant public safety and
36 environmental dangers posted by marijuana production on public land; and prevents
37 marijuana possession or use on federal property.
38

39 THE CITY OF HOMER ORDAINS:
40

41 Section 1. Homer City Code Chapter 21.12 is amended to read as follows:
42

Section 21.12.030 Conditional uses and structures.
.....

[**Underlined added.** Deleted language stricken through.]

43 The following uses may be permitted in the Rural Residential District
44 when authorized by conditional use permit issued in accordance with
45 Chapter 21.71 HCC:

- 46 a. Planned unit development, limited to residential uses only;
- 47 b. Religious, cultural and fraternal assembly;
- 48 c. Cemeteries;
- 49 d. Kennels;
- 50 e. Commercial greenhouses and tree nurseries offering sale of plants or
51 trees grown on premises;
- 52 f. Mobile home parks;
- 53 g. Public utility facilities and structures;
- 54 h. Pipelines and railroads;
- 55 i. Storage of heavy equipment, vehicles or boats over 36 feet in length as
56 an accessory use incidental to a permitted or conditionally
57 permitted principal use;
- 58 j. Day care facilities; provided, however, that outdoor play areas must be
59 fenced;
- 60 k. Group care home;
- 61 l. Assisted living home;
- 62 m. More than one building containing a permitted principal use on a lot;
- 63 n. Indoor recreational facilities;
- 64 o. Outdoor recreational facilities;
- 65 p. Public school and private school;

66 q. One small wind energy system having a rated capacity exceeding 10
67 kilowatts; provided, that it is the only wind energy system of any capacity
68 on the lot.

69 **r. Marijuana cultivation facility as defined in state statute and only up**
70 **to 500 square feet on lots greater than 20,000 square feet.**

71
72 Section 2. Homer City Code Chapter 21.18 is amended as follows:

73 Section 21.18.020 Permitted uses and structures.

74 The following uses are permitted outright in the Central Business District, except
75 when such use requires a conditional use permit by reason of size, traffic volumes, or
76 other reasons set forth in this chapter:

77 a. Retail business where the principal activity is the sale of merchandise
78 and incidental services in an enclosed building;

79 b. Personal service establishments;

80 c. Professional offices and general business offices;

81 d. Restaurants, clubs and drinking establishments that provide food or
82 drink for consumption on the premises;

83 e. Parking lots and parking garages, in accordance with
84 Chapter 21.55 HCC;

85 f. Hotels and motels;

86 g. Mortuaries;

87 h. Single-family, duplex, and multiple-family dwellings,
88 including townhouses, but not including mobile homes;

89 i. Floatplane tie-up facilities and air charter services;

90 j. Parks;

- 91 k. Retail and wholesale sales of building supplies and materials, only if
92 such use, including storage of materials, is wholly contained within one or
93 more enclosed buildings;
- 94 l. Customary accessory uses to any of the permitted uses listed in the CBD
95 district; provided, that a separate permit shall not be issued for the
96 construction of any detached accessory building prior to that of the main
97 building;
- 98 m. Mobile homes, provided they conform to the requirements set forth in
99 HCC 21.54.100;
- 100 n. Home occupations, provided they conform to the requirements of
101 HCC 21.51.010;
- 102 o. Ministorage;
- 103 p. Apartment units located in buildings primarily devoted to business or
104 commercial uses;
- 105 q. Religious, cultural, and fraternal assembly;
- 106 r. Entertainment establishments;
- 107 s. Public, private and commercial schools;
- 108 t. Museums and libraries;
- 109 u. Studios;
- 110 v. Plumbing, heating and appliance service shops, only if such use,
111 including the storage of materials, is wholly within an enclosed building;
- 112 w. Publishing, printing and bookbinding;
- 113 x. Recreational vehicle parks only if located south of the
114 Sterling Highway (Homer Bypass) from Lake Street west to the boundary
115 of the Central Business District abutting Webber Subdivision, and from
116 Heath Street to the west side of Lakeside Village Subdivision, provided

117 they shall conform to the standards in HCC 21.54.200 and following
118 sections;

119 y. Taxi operation limited to a dispatch office and fleet parking of no more
120 than five vehicles; maintenance of taxis must be conducted within an
121 enclosed structure, and requires prior approval by the City Planner of
122 a site, access and parking plan;

123 z. Mobile food services;

124 aa. Itinerant merchants, provided all activities shall be limited
125 to uses permitted outright under this zoning district;

126 bb. Day care homes and facilities; provided, however, that outdoor play
127 areas must be fenced;

128 cc. Rooming house, bed and breakfast and hostel;

129 dd. Auto repair and auto and trailer sales or rental areas, but only on
130 Main Street from Pioneer Avenue to the Sterling Highway,
131 excluding lots with frontage on Pioneer Avenue or the Sterling Highway,
132 subject to the following additional requirements: Vehicles awaiting repair
133 or service, inoperable vehicles, vehicles for parts, and vehicles awaiting
134 customer pickup shall be parked indoors or inside a fenced enclosure so as
135 to be concealed from view, on all sides. The fence shall be a minimum
136 height of eight feet and constructed to prohibit visibility of anything inside
137 of the enclosure. The portion of any vehicle exceeding eight feet in height
138 may be visible outside of the fence. Vehicle parts (usable or unusable),
139 vehicle service supplies, and any other debris created in the repair or
140 servicing of vehicles shall also be stored indoors or inside the fenced
141 enclosure out of view of the public;

142 ee. Farmers' market;

143 ff. Dormitory;

144 gg. Financial institutions;

- 145 hh. As an accessory use, one small wind energy system per lot having a
146 rated capacity not exceeding 10 kilowatts;
- 147 ii. One detached dwelling unit, excluding mobile homes, as an accessory
148 building to a principal single-family dwelling on a lot.
- 149 **jj. Marijuana testing facility as defined by state law.**

150

151

Section 21.18.030 Conditional uses and structures.

152 The following uses may be permitted in the Central Business District
153 when authorized by conditional use permit issued in accordance with
154 Chapter 21.71 HCC:

- 155 a. Planned unit developments, excluding all industrial uses;
- 156 b. Indoor recreational facilities and outdoor recreational facilities;
- 157 c. Mobile home parks;
- 158 d. Auto fueling stations;
- 159 e. Public utility facilities and structures;
- 160 f. Pipeline and railroads;
- 161 g. Greenhouses and garden supplies;
- 162 h. Light or custom manufacturing, repair, fabricating, and assembly,
163 provided such use, including storage of materials, is wholly within an
164 enclosed building;
- 165 i. Shelter for the homeless, provided any lot used for such shelter does
166 not abut a residential zoning district;
- 167 j. More than one building containing a permitted principal use on a lot;

- 168 k. Group care homes and assisted living homes;
- 169 l. Drive-in car washes, but only on the Sterling Highway from Tract A-1
170 Webber Subdivision to Heath Street;
- 171 m. One small wind energy system having a rated capacity exceeding 10
172 kilowatts; provided, that it is the only wind energy system of any capacity
173 on the lot;
- 174 n. Other uses approved pursuant to HCC 21.04.020
- 175 **o. Marijuana retail facilities and cultivation facilities as defined by**
176 **state law.**

177 Section 3. Homer City Code Chapter 21.24 is amended as follows:

178 Section 21.24.020 Permitted uses and structures.

179 The following uses are permitted outright in the General Commercial 1
180 District, except when such use requires a conditional use permit by reason of size,
181 traffic volumes, or other reasons set forth in this chapter.

- 182 a. Air charter operations and floatplane tie-up facilities;
- 183 b. General business offices and professional offices;
- 184 c. Dwelling units located in buildings primarily devoted to business uses;
- 185 d. Auto repair;
- 186 e. Auto and trailer sales or rental areas;
- 187 f. Auto fueling stations and drive-in car washes;
- 188 g. Building supply and equipment sales and rentals;
- 189 h. Restaurants, including drive-in restaurants, clubs and drinking
190 establishments;

- 191 i. Garden supplies and greenhouses;
- 192 j. Heavy equipment and truck sales, rentals, service and repair;
- 193 k. Hotels and motels;
- 194 l. Lumberyards;
- 195 m. Boat and marine equipment sales, rentals, service and repair;
- 196 n. Mortuaries;
- 197 o. Open air businesses;
- 198 p. Parking lots and parking garages, in accordance with
199 Chapter 21.55 HCC;
- 200 q. Manufacturing of electronic equipment, electrical devices, pottery,
201 ceramics, musical instruments, toys, novelties, small molded products and
202 furniture;
- 203 r. Publishing, printing and bookbinding;
- 204 s. Recreation vehicle sales, rental, service and repair;
- 205 t. Retail businesses;
- 206 u. Trade, skilled or industrial schools;
- 207 v. Wholesale businesses, including storage and distribution services
208 incidental to the products to be sold;
- 209 w. Welding and mechanical repair;
- 210 x. Parks and open space;
- 211 y. Appliance sales and service;
- 212 z. Warehousing, commercial storage and mini-storage;
- 213 aa. Banks, savings and loans, credit unions and other financial institutions;

- 214 bb. Customary accessory uses to any of the permitted uses listed in the
215 GC1 district; provided, that no separate permit shall be issued for the
216 construction of any type of accessory building prior to that of the main
217 building;
- 218 cc. Dry cleaning, laundry, and self-service laundries;
- 219 dd. Taxi operation;
- 220 ee. Mobile food services;
- 221 ff. Itinerant merchants, provided all activities shall be limited
222 to uses permitted outright under this zoning district;
- 223 gg. Recreational vehicle parks, provided they shall conform to the
224 standards in Article II of Chapter 21.54 HCC;
- 225 hh. Day care homes; provided, that a conditional use permit was obtained
226 for the dwelling, if required by HCC 21.24.030; all outdoor play areas
227 must be fenced;
- 228 ii. Rooming house and bed and breakfast;
- 229 jj. Dormitory;
- 230 kk. As an accessory use, one small wind energy system per lot.

231 **II. Marijuana testing facility as defined by state law.**

232 Section 21.24.030 Conditional uses and structures.

233 The following uses may be permitted in the General Commercial 1 District when
234 authorized by conditional use permit issued in accordance with Chapter 21.71 HCC:

- 235 a. Campgrounds;
- 236 b. Crematoriums;
- 237 c. Multiple-family dwelling;

- 238 d. Public utility facility or structure;
- 239 e. Mobile home parks;
- 240 f. Planned unit developments;
- 241 g. Townhouses;
- 242 h. Pipelines and railroads;
- 243 i. Shelter for the homeless, provided any lot used for such shelter does
- 244 not abut an RO, RR, or UR zoning district;
- 245 j. More than one building containing a permitted principal use on a lot;
- 246 k. Day care facilities; provided, however, that outdoor play areas must be
- 247 fenced;
- 248 l. Other uses approved pursuant to HCC 21.04.020;
- 249 m. Indoor recreational facilities;
- 250 n. Outdoor recreational facilities
- 251 **o. Marijuana retail facilities, cultivation facilities, and manufacturing**
- 252 **facilities as defined by state law.**

253 Section 4. Homer City Code Chapter 21.26 is amended as follows:

254

255 Section 21.26.020 Permitted uses and structures.

256 The following uses are permitted outright in the General Commercial 2

257 District, except when such use requires a conditional use permit by reason of size,

258 traffic volumes, or other reasons set forth in this chapter:

- 259 a. Production, processing, assembly and packaging of fish, shellfish and
- 260 seafood products;
- 261 b. Construction, assembly and storage of boats and boat equipment;

- 262 c. Manufacture and assembly of pottery and ceramics, musical
263 instruments, toys, novelties, small molded products, electronic instruments
264 and equipment and electrical devices;
- 265 d. Research and development laboratories;
- 266 e. Trade, skills or industrial schools;
- 267 f. Publishing, printing and bookbinding facilities;
- 268 g. Auto, trailer, truck, recreational vehicle and heavy equipment sales,
269 rentals, service and repair, excluding storage of vehicles or equipment that
270 is inoperable or in need of repair;
- 271 h. Storage and distribution services and facilities, including truck
272 terminals, warehouses and storage buildings and yards, contractors'
273 establishments, lumberyards and sales, or similar uses;
- 274 i. Airports and air charter operations;
- 275 j. Underground bulk petroleum storage;
- 276 k. Cold storage facilities;
- 277 l. Parking lots and parking garages, in accordance with
278 Chapter 21.55 HCC;
- 279 m. Mobile commercial structures;
- 280 n. Accessory uses to the uses permitted in the GC2 district that are clearly
281 subordinate to the main use of the lot or building, such as wharves, docks,
282 restaurant or cafeteria facilities for employees; or caretaker
283 or dormitory residence if situated on a portion of the principal lot;
284 provided, that separate permits shall not be issued for the construction of
285 any type of accessory building prior to that of the main building;
- 286 o. Taxi operation;
- 287 p. Mobile food services;

- 288 q. Itinerant merchants, provided all activities shall be limited
- 289 to uses permitted outright under this zoning district;

- 290 r. Recreational vehicle parks, provided they shall conform to the standards
- 291 in Chapter 21.54 HCC;

- 292 s. Hotels and motels;

- 293 t. Dormitory;

- 294 u. As an accessory use, one small wind energy system per lot;

- 295 v. Open air business.

- 296 **w. Marijuana testing facilities as defined by law.**

297 Section 21.26.030 Conditional uses and structures.

298 The following uses may be permitted in the General Commercial 2
299 District when authorized by conditional use permit issued in accordance with
300 Chapter 21.71 HCC:

- 301 a. Mobile home parks;

- 302 b. Construction camps;

- 303 c. Extractive enterprises, including the mining, quarrying and crushing of
- 304 gravel, sand and other earth products and batch plants for asphalt or
- 305 concrete;

- 306 d. Bulk petroleum product storage above ground;

- 307 e. Planned unit developments, excluding residential uses;

- 308 f. Campgrounds;

- 309 g. Junk yard;

- 310 h. Kennels;

- 311 i. Public utility facilities and structures;
- 312 j. Pipelines and railroads;
- 313 k. Impound yards;
- 314 l. Shelter for the homeless, provided any lot used for such shelter does
- 315 not abut an urban, rural or office residential zoning district;
- 316 m. More than one building containing a permitted principal use on a lot;
- 317 n. Day care facilities; provided, however, that outdoor play areas must be
- 318 fenced;
- 319 o. Group care homes and assisted living homes;
- 320 p. Other uses approved pursuant to HCC 21.04.020;
- 321 q. Indoor recreational facilities;
- 322 r. Outdoor recreational facilities.
- 323 **s. Marijuana retail facilities, cultivation facilities, and manufacturing**
- 324 **facilities as defined by state law.**

325 Section 5. Homer City Code Chapter 21.27 is amended to read as follows:

326
327 Section 21.27.020 Permitted uses and structures.

328
329 The following uses are permitted outright in the Marine Commercial
330 District, except when such use requires a conditional use permit by reason of size,
331 traffic volumes, or other reasons set forth in this chapter:

- 332 a. Offices for tourism-related charter and tour businesses, such as fishing,
- 333 flightseeing, day excursions and boat charters and tours;
- 334 b. Marine equipment sales, rentals, service, repair and storage;
- 335 c. Retail stores limited to the sale of seafood products, sporting goods,
- 336 curios, and arts and crafts;
- 337 d. Business offices for water-dependent and water-related activities such
- 338 as fish brokers, off-shore oil and gas service companies, and stevedores;

- 339 e. Customary accessory uses that are clearly subordinate to the main use of
340 the lot or building such as piers or wharves; provided, that separate
341 permits shall not be issued for the construction of an accessory structure
342 prior to that of the main structure;
- 343 f. Mobile food services;
- 344 g. Itinerant merchants, provided all activities shall be limited to uses
345 permitted outright under this zoning district;
- 346 h. Recreational vehicle parks, provided they shall conform to the standards
347 in Chapter 21.54 HCC;
- 348 i. Restaurants;
- 349 j. Cold storage facilities;
- 350 k. Campgrounds;
- 351 l. Manufacturing, processing, cooking, and packing of seafood products;
- 352 m. Parks;
- 353 n. Boat launching or moorage facilities, marinas;
- 354 o. Caretaker, business owner or employee housing as an accessory use to a
355 primary use, and limited to no more than 50 percent of the floor area of a
356 building and for use by an occupant for more than 30 consecutive days;
- 357 p. Lodging as an accessory use, limited to no more than 50 percent of the
358 floor area of a building;
- 359 q. As an accessory use, one small wind energy system per lot.
- 360
- 361 **r. Marijuana testing facilities as defined by state law.**
- 362
- 363 **s. Marijuana cultivation facilities up to 500 square feet as defined by**
364 **state law.**

365 Section 21.27.030 Conditional uses and structures.

366 The following conditional uses may be permitted in the East End
367 Mixed Use District when authorized by conditional use permit issued in
368 accordance with Chapter 21.71 HCC:

- 369 a. Construction camps;

- 370 b. Extractive enterprises, including crushing of gravel, sand and other
371 earth products and batch plants for asphalt or concrete;
- 372 c. Auto fueling stations;
- 373 d. Bulk petroleum product storage;
- 374 e. Planned unit developments;
- 375 f. Junk yard;
- 376 g. Kennels;
- 377 h. Public utility facilities and structures;
- 378 i. Impound yards;
- 379 j. Indoor recreational facilities;
- 380 k. Outdoor recreational facilities;
- 381 l. Other uses approved pursuant to HCC 21.04.020.

382 **m. Marijuana testing facilities as defined by state law**

383 **n. Cultivation facilities up to 500 square feet as defined by state law.**

384 Section 6. Homer City Code Chapter 21.28 is amended to read as follows:

385
386 Section 21.28.030 Conditional uses and structures

- 387 a. Drinking establishments;
- 388
- 389 b. Public utility facilities and structures;
- 390 c. Hotels and motels;
- 391 d. Lodging;
- 392 e. More than one building containing a permitted principal use on a lot;
- 393 f. Planned unit developments, limited to water-dependent and water-
- 394 related uses, with no dwelling units except as permitted by HCC

- 395 21.28.020(o);
- 396 g. Indoor recreational facilities;
- 397 h. Outdoor recreational facilities;
- 398 i. The location of a building within a setback area required by HCC
399 21.28.040(b). In addition to meeting the criteria for a conditional use
400 permit under HCC 21.71.030, the building must meet the following
401 standards:

- 402 1. Not have a greater negative effect on the value of the adjoining
403 property than a building located outside the setback area; and
- 404 2. Have a design that is compatible with that of the structures on
405 the adjoining property.

406
407 **j. Retail marijuana facilities as defined by state law.**

408
409 Section 8. Homer City Code Chapter 21.40 is amended to read as follows.

410
411 Section 21.40.060 Conditional uses and structures.

412
413 The following uses are permitted in the BCWP district if authorized by a
414 conditional use permit granted in accordance with Chapter 21.71 HCC and subject
415 to the other requirements of this chapter:

- 416 a. Cemeteries;
- 417 b. Public utility facilities and structures;
- 418 c. Timber harvesting operations, timber growing, and forest crops,
419 provided they conform to HCC 21.40.100;
- 420 d. Agricultural activity and stables, if they conform to HCC 21.40.090, but
421 not including farming of swine;
- 422 e. Other uses similar to uses permitted and conditionally permitted in the
423 BCWP district, as approved by written decision of the Planning
424 Commission upon application of the property owner and after a public
425 hearing;
- 426 f. Uses, activities, structures, exceptions, or other things described as
427 requiring a conditional use permit in HCC 21.40.080(a), 21.40.110(b) or
428 any other provision of this chapter;
- 429 g. More than one building containing a permitted principal use on a lot.

430
431 **h. Marijuana cultivation up to 500 square feet as defined by law.**

432
433 Section 9. Chapter 21.62 is hereby enacted as follows:
434

435
436 **Chapter 21.62**

437
438 **Marijuana Cultivation, Manufacturing, and Retail Facilities**

439
440
441 **Sections:**

442 **21.62.010 Scope.**

443 **21.62.020 Intent**

444 **21.62.030 Definitions**

445 **21.62.040 Pre-application conference.**

446 **21.62.050 Costs**

447 **21.62.060 Safety and Security Plan**

448 **21.62.070 Buffers.**

449 **21.62.080 General restrictions on all marijuana facilities.**

450
451
452 **21.62.010 Scope**

453
454 **a. This chapter applies to the operation of all marijuana cultivation, manufacturing,**
455 **testing, and retail facilities within the city boundaries.**

456
457 **b. This chapter in no way protects marijuana facilities from enforcement of federal**
458 **law nor is it intended to sanction conduct or operations prohibited by law. All**
459 **persons engaged in the marijuana industry within the city operate at their own risk**
460 **and have no legal recourse against the City in the event that city laws are**
461 **preempted, negated or otherwise found unenforceable based upon federal law**
462 **prohibiting the sale, distribution, consumption or possession of marijuana.**

463
464 **21.62.020 Intent**

465
466 **a. This chapter is intended to impose regulations that prevent:**

- 467
468 **1. The distribution of marijuana to minors;**
469 **2. Revenue from the sale of marijuana from going to criminal enterprises,**
470 **gangs, and cartels;**
471 **3. The diversion of marijuana from states where it is legal under state law in**
472 **some form to other states where it is unlawful;**
473 **4. State-authorized marijuana activity from being used as a cover or pretext**
474 **for the trafficking of other illegal drugs or other illegal activity;**
475 **5. Violence and the use of firearms in the cultivation and distribution of**
476 **marijuana;**
477 **6. Drugged driving and the exacerbation of other adverse public health**
478 **consequences associated with marijuana use;**

- 479 7. The growing of marijuana on public lands and the attendant public safety
480 and environmental dangers posted my marijuana production on public land;
481 and
482 8. Marijuana possession or use on federal property.
483

484 21.62.030 Definitions [Reserved.]

485 21.62.040 Pre-application Conference.

486 21.57.050 Costs.

487 The cost of all permits, studies and investigation required under this chapter
488 shall be borne by the applicant.

489 When Title 21 requires a conditional use permit for a marijuana facility, the
490 applicant must meet with the City Planner to discuss the conditional use
491 permit process and any issues that may affect the proposed conditional use.
492 This meeting is to provide for an exchange of general and preliminary
493 information only and no statement made in such meeting by either the
494 applicant or the City Planner shall be regarded as binding or authoritative
495 for the purposes of this title.

496 21.62.060 Safety and Security Plan

497 A conditional use permit for a marijuana facility required by this title shall
498 include an analysis of the ways in which the intent and purpose of this
499 chapter have been met and the safety concerns identified in Sections
500 21.62.010 and 21.62.020 will be addressed.

501 21.62.070 Buffers

502 a) The Commission may require buffers, including berms, fences, trees, and
503 shrubs, to minimize impacts to adjacent property. A landscaped buffer or
504 combination of landscaping and berms of no less than ten feet in width will
505 be required where the property with a marijuana facility adjoins districts in
506 which marijuana facilities are prohibited or permitted only as a conditional
507 use.

508 b) The following buffer zones shall be applied to all marijuana facilities in all
509 districts:

- 510 1. Schools 1000 square feet
511 2. Churches 500 square feet
512 3. Jail 500 square feet
513 4. Youth/rec. center 500 square feet
514 5. Library 200 square feet
515
516
517
518
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520
521
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523
524
525

c) Marijuana facilities abutting the Jack Gist Municipal Park, Hornaday Municipal Park, Bayview Municipal Park, Ben Walters Municipal Park, or Jeffrey Municipal Park must have 200 square feet or more buffers measured from the boundary of the park.

21.62.80 General restrictions applied to all marijuana facilities.

- a) All marijuana facilities in all districts shall comply with Section 21.59.030 of this title.
- b) An application for a conditional use permit under this chapter shall not be approved if the location of the facility violates the regulatory intent in Section 21.62.020.

Section 8. This ordinance shall take effect upon its adoption by the Homer City Council.

Section 9. This ordinance is of a permanent and general character and shall be included in the City code.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this
_____ day of _____ 2015.

CITY OF HOMER

BETH WYTHER, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Reading:

Second Reading:

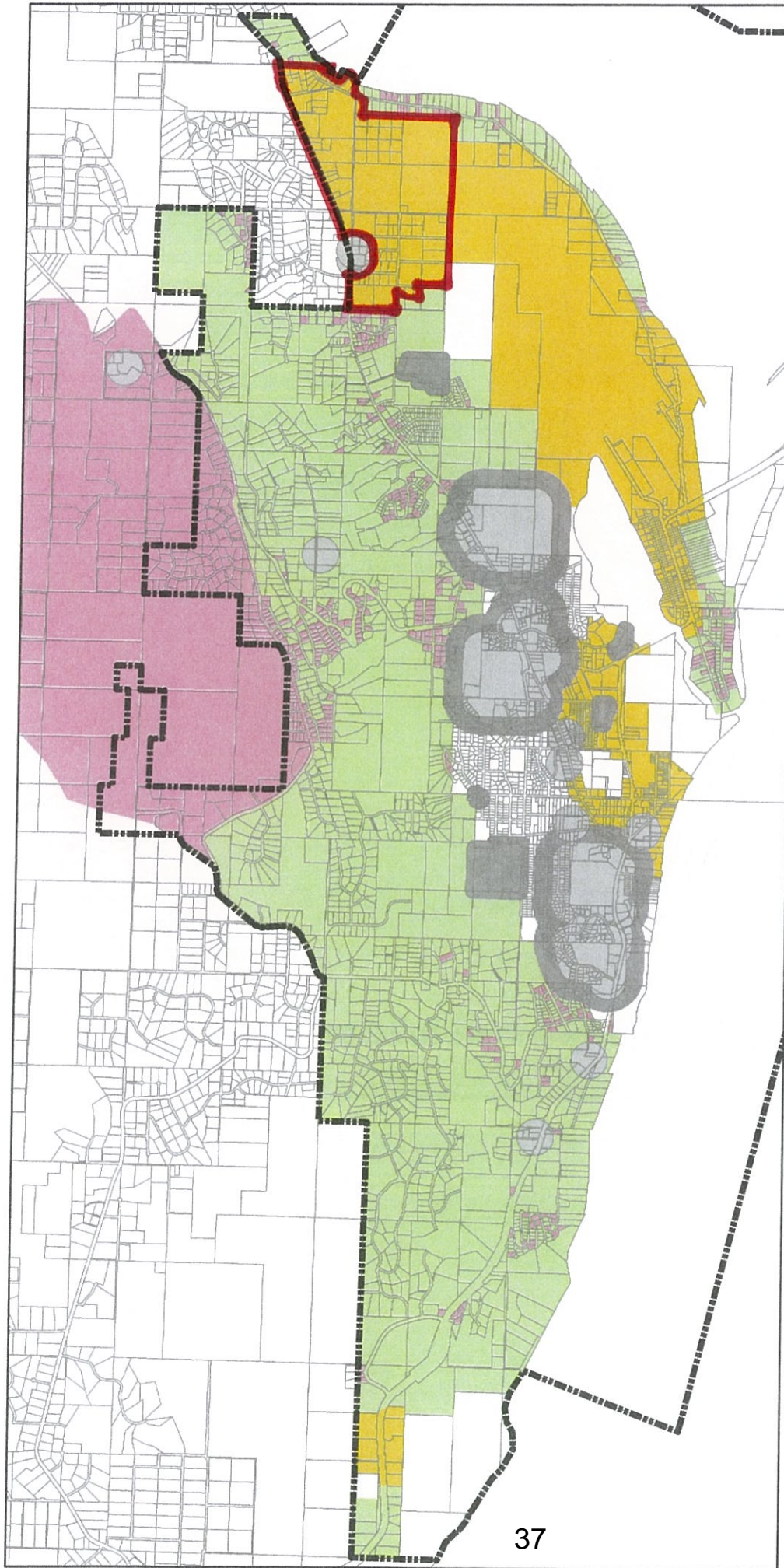
Effective Date:

Reviewed and approved as to form:

Kate Koester, City Manager





City Attorney

Commercial Cannabis Cultivation Map 11/4/2015



37

Legend

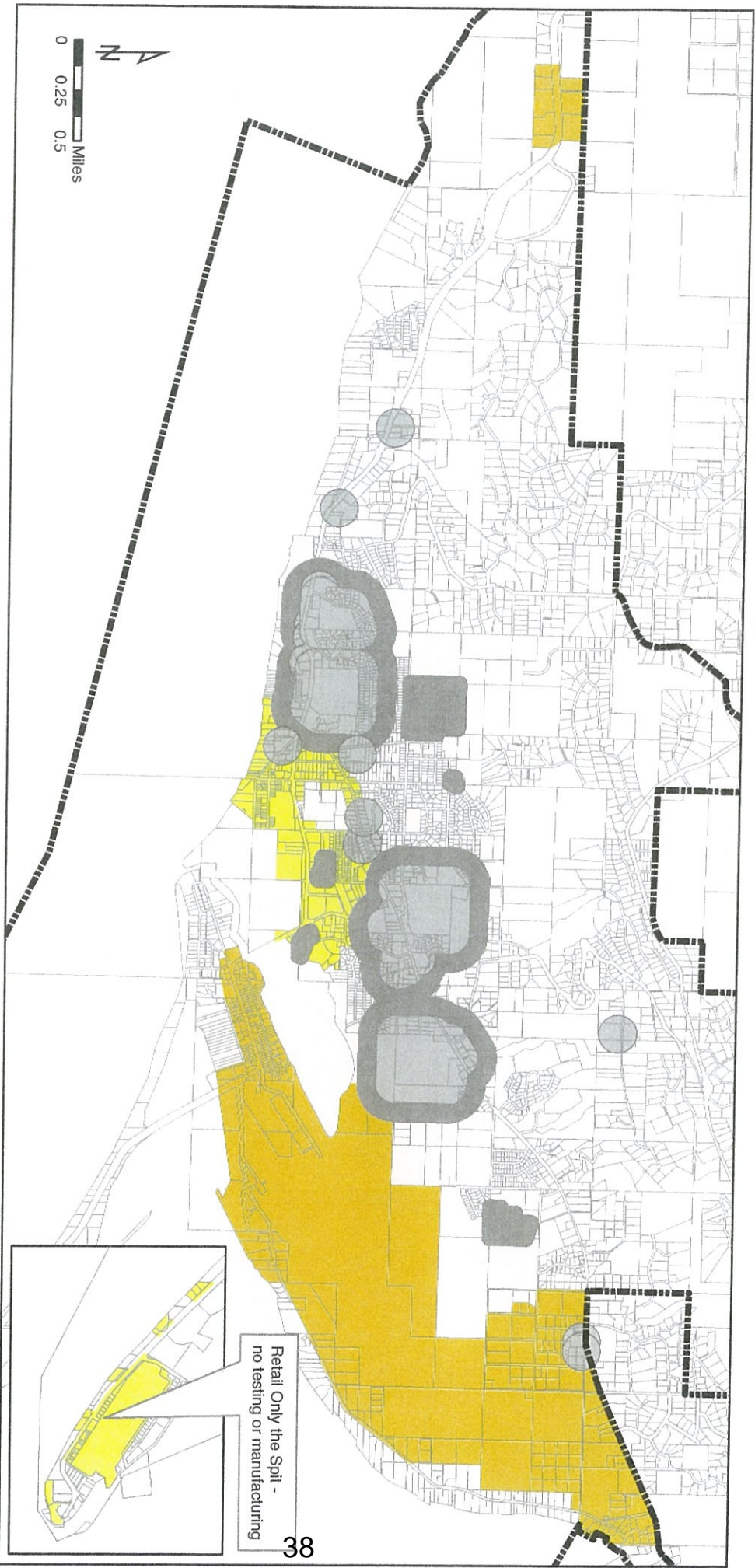
-  City Limits
-  State Buffers
-  Additional City Buffers
-  Small cultivation, permitted outright

Commercial Cannabis Cultivation

-  Small cultivation only, by CUP.
-  Small cultivation only, CUP
-  Large and Small, CUP

Proposed state regulations call for buffers to be measured between the public entrance of the cannabis business, and the public entrances of churches and jails. Distances for schools and youth/rec centers are measured from the boundaries to the front door of the cannabis business. All distances are measured by the shortest pedestrian route.

11/4/2015 Cannabis Retail and Manufacturing Map.
 Testing is allowed outright as a land use in the green area,
 and in downtown Homer.



Retail Only the Spit -
 no testing or manufacturing

Legend

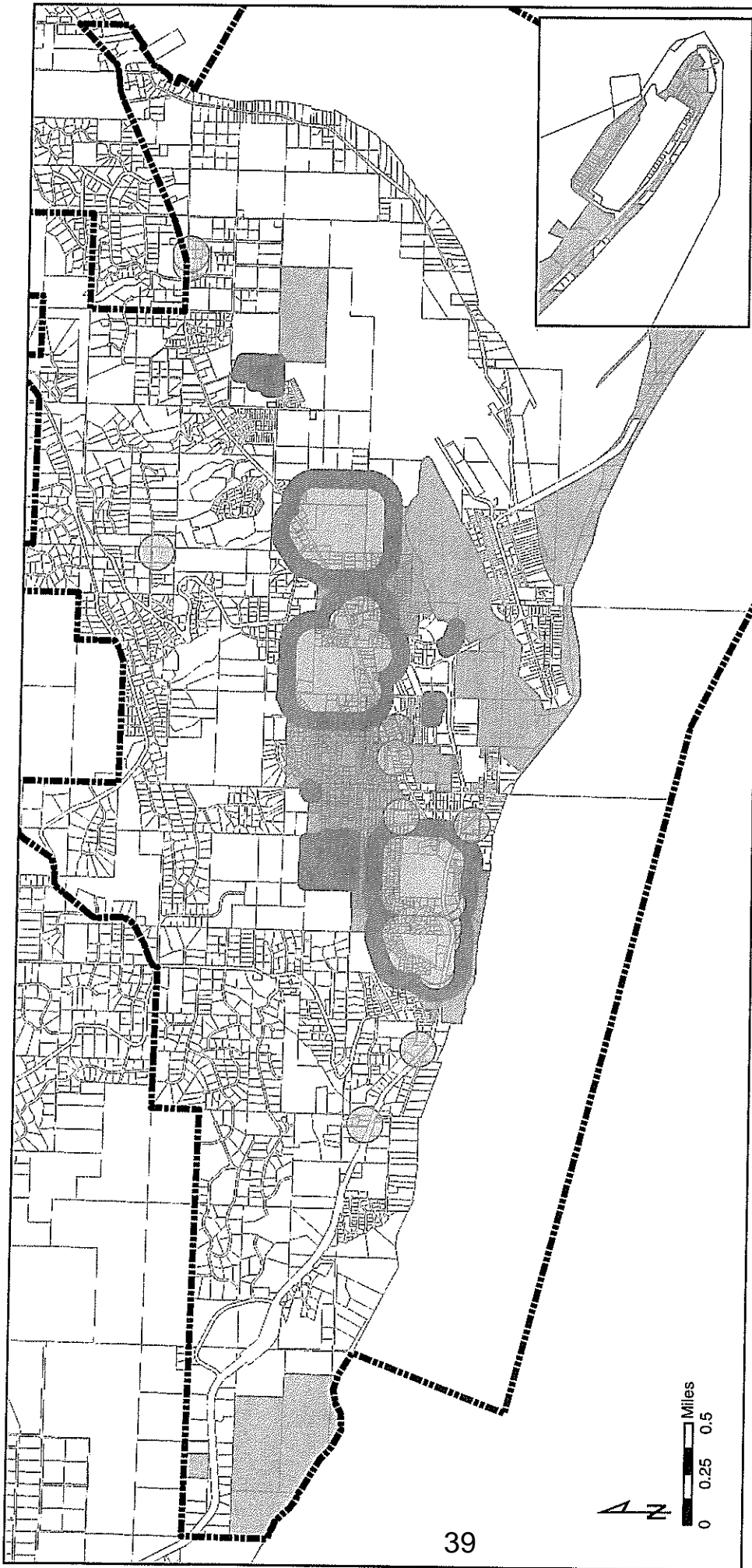
-  City Limits
-  State Buffers
-  Additional City Buffers

Conditionally Permitted Cannabis Activities

-  Retail, Mfg.
-  Retail. (. No Mfg.).

Proposed state regulations call for buffers to be measured between the public entrances of the cannabis business, and the public entrances of churches and jails. Distances for schools and youth/rec centers are measured from the boundaries to the front door of the cannabis business. All distances are measured by the shortest pedestrian route.

11/4/2015 Commercial Cannabis not allowed



Legend

City Limits

State Buffers

Additional City Buffers

Commercial Cannabis Activities

None Allowed

Presentations

Reports

A. Staff Report PL 15-74, 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 15-75 Zoning for Marijuana

City Planner Abboud reviewed the staff report.

Chair Stead opened the public hearing.

Jackie Dentz, city resident, commented in opposition to allowing retail sales on the spit because it's a recreational area. She owns Frosty Bear Ice Cream parlor which draws kids, families, and elderly visitors. She also noted visitors from cruise ships are not allowed to bring marijuana on the ship. She doesn't think a retail establishment for marijuana belongs on the spit. She is fine if locals want to buy it and if it's done safely, but encouraged the Commission to think about where they recommend putting retail.

Crisi Mathews, city resident, owns a boardwalk on the spit and real estate in town with her husband Chad. She commented that a CUP is warranted for any grow or retail facility in a residential area, she thinks they will hurt residential property values. She also expressed opposition to allowing retail for marijuana on the spit. She noted several recreational venues that draw youth and families throughout the summer including Islands and Ocean, Alaska Coastal Studies, and HOWL which conduct many of their outings on the beaches, trails, docks, and campgrounds, as well as the Kevin Bell arena in the winter. She added that if retail is allowed and is available year round, there will be minimal oversight as a majority of the area shuts down off season. With a business in Homer and rental cabins in Anchor Point, as well as raising four children here, they have a lot of vested interest in seeing this continue to be a family community.

Chad Mathews, city resident, added that there are buildings on their boardwalk. The way it is worded now, the people who own those buildings, don't have to their permission as the boardwalk owner, to open a dispensary. He encouraged that be readdressed. He thinks with the amount of accidents and almost accidents they see on the spit and impaired drivers could be an issue, as well as the potation for increased break in attempts.

Garth Bradshaw had a business on the spit for many years and his preference is no sales at all within the community, as other communities in Alaska have done. He encourages them to follow suit. That being said, if they allow one person to sell it, how will they restrict others? He suspects there will need

to be limits on licenses, like with alcohol. He supports not selling it in Homer at all, his adult kids and his grandchildren are here and he doesn't like the exposure, and doesn't think it's the thing to do to our community.

Megan Murphy attempted to comment regarding the Waddell Park 2016 Replat Preliminary Plat. It was explained that topic would be addressed under Plat Consideration and if she was unable to stay, she could contact the planning staff for more information regarding the preliminary plat.

Shlomo Gherman commented that if the recreational sale of marijuana in town is done right it could be really effective, specifically bringing in more taxable revenue to the city. We could have a PFD type situation for many of the people living here. Colorado school district received \$6 million in additional funding from sales. No matter where you place a dispensary, once it's known the town has one, there is no stopping purchasing it. Whether it's on the spit or in town, it won't really make a difference, the real concern is managing how it's sold and who is able to purchase. It's very accessible now. If the issue is stoned people on the spit, they are already there.

There were no further public comments.

City Planner Abboud said limiting the number of establishments will be in the code under licensing and not zoning. He will have something on the next agenda for the Commission to make a recommendation.

VENUTI/STROOZAS MOVED THAT EAST END MIXED USE AREA BE ALLOWED TO HAVE SMALL VOLUME CULTIVATION.

There was brief discussion to clarify small grow operations would be allowed anywhere in the district with this motion. Other comments were that this should be more restrictive to begin with.

VOTE: YES: STEAD, VENUTI, STROOZAS, BRADLEY
NO: HIGHLAND, ERICKSON

Motion carried.

HIGHLAND/VENUTI MOVED TO ADD A CUP FOR ALL SMALL CULTIVATION IN RURAL RESIDENTIAL.

Commissioner Highland commented that rural residential is the largest district, it is family oriented, and there are a lot of lots over 40,000 square feet. Allowing it outright doesn't give the residents the opportunity to speak about small grow operations in their neighborhood. Lighting is also an issue, as well as security, in rural residential.

It was noted that currently no small cultivation is allowed on lots under 20,000, and this motion allows it in all of rural residential with a CUP. It would include the smaller lots if approved as presented.

ERICKSON/HIGHLAND MOVED TO AMEND THAT A CUP BE REQUIRED ON LOTS OVER 20,000 SQUARE FEET.

There was brief discussion.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was brief discussion.

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

Motion carried.

There was discussion about buffers that are outlined by the state. City Planner Abboud said he would bring that back with information along with the license restrictions.

Discussion ensued regarding allowing retail on the spit and the comments from the public tonight.

HIGHLAND/ERICKSON MOVED TO DISALLOW RETAIL FOR MARIJUANA IN MARINE COMMERCIAL.

Commissioner Highland said tonight's public comments included good reasons to be concerned about retail sales out there.

Commissioner Venuti noted there are bars and liquor stores on the spit now that sell cheap liquor which he thinks is more dangerous.

Commissioner Erickson agrees with the public comments about not allowing retail in marine commercial.

Commissioner Bradley commented that a CUP is required for retail in marine commercial which is fairly restrictive.

Commissioner Stroozas expressed his thought that the fishing hole is a recreational facility for families with kids and youth based fishing events that are held there. Based on state buffers, that could justify disallowing retail on the spit. If the CUP remains in place, then an applicant complies with all the regulations, the Commission would have to allow it.

VOTE: YES: ERICKSON, STROOZAS, HIGHLAND
NO: STEAD, BRADLEY, VENUTI

Motion failed for lack of a majority.

No further amendments were proposed and another public hearing is scheduled for December 2nd.

Plat Consideration

Chair Stead called for a recess at 7:56 p.m. and the meeting re-convened at 7:59 p.m.

Plat Consideration

Pending Business

A. Staff Report PL 15-74, Zoning for Marijuana

City Planner Abboud reviewed the staff report.

Commissioner Erickson feels that the 200 foot buffer around the parks should be increased at Jack Gist Park and at Hornaday Park. There are narrow roads and people walking around. She expressed her concern about drug use and parties. There are already problems in both parks and she suggested they be considered drug free zones.

Commissioner Bos expressed his concern with allowing any of the activity in rural residential. He thinks it would be detrimental to the value of neighboring properties. He recognizes it's just a building and a business, but suggested they consider lot size in the rural residential areas.

Commissioner Venuti commented he doesn't think legal pot in Homer is going to suddenly increase the number of users. People are already using it now and anyone can get it as it is right now. He thinks there is a bigger danger of drinking and driving in our community.

Commissioner Highland asked what this might look like. City Planner Abboud reviewed some of the regulations and restrictions involved in having business related to marijuana including lighting, video monitoring, security measures, disposal plans, etc. He anticipates minimal traffic from the activities in rural residential areas. On larger lots, a small scale cultivation operation probably won't be noticeable.

Concern was raised throughout the discussion regarding limiting the number of operations that can be licensed within the city. City Planner Abboud commented they could address it but it will probably be a requirement in a different section of code. They also talked briefly about taxation and how much interest they have heard at the CAC about people wanting to start businesses.

ERICKSON/HIGHLAND MOVED THAT CULTIVATION, MANUFACTURING AND TESTING ARE ONLY ALLOWED IN INDUSTRIAL ZONES AND MANUFACTURING WOULD HAVE TO HAVE A CONDITIONAL USE PERMIT.

City Planner Abboud clarified that the industrial zones are East End Mixed Use or General Commercial 2 and not in commercial districts like CBD, Town Center, GC1, or residential the gateway district or Bridge Creek.

There were opposing comments that the motion is overly restrictive and different activities should be allowed in the other districts. The legislation is clear and restrictive enough on how these activities can occur.

Supporting comments included we don't have to be like Palmer and ban it completely, but it is an intoxicating substance and it would be better starting with tighter restrictions that can be reviewed and relaxed if needed as time goes on. It would be better than starting with looser restrictions and have to deal with nonconforming uses if they need to tighten things up.

VOTE: YES: HIGHLAND, ERICKSON, STROOZAS
NO: STEAD, VENUTI, BRADLEY, BOS

Motion failed.

The Commission considered the options presented for rural residential limited cultivation standards:

Option A: No small scale growing allowed, only personal use as allowed under the law.

Option B: Conditional Use Permit Standards

- Activity would be allowed outright on 40,000 sq ft lots
- Minimum lot size is 20,000 sq ft, and a CUP required on lots 20,000 sq ft -39,999 sq ft
- New structures built for cultivation should be at least 20 feet from the nearest lot line. The goal would be separation between the grow and neighboring property. Grows may include exterior lighting, security cameras and occasional smell – theoretically there won't be any odor.

Comments included

- 40,000 sq ft lot eliminates a lot of in town lots, maybe it should be larger, but this is a good start
- A limited amount of cultivation operations allowed in rural residential, not four in the city

VENUTI/STROOZAS MOVED THAT WE ADOPT OPTION B FOR RURAL RESIDENTIAL.

City Planner Abboud commented that he isn't sure of the best way to address permits for an existing structure. It might insinuate that an existing structure would be allowed to be closer than 20 feet. It is something they will need to talk about.

After brief discussion City Planner Abboud suggested it may be best to deal with existing structures through the CUP process.

It was suggested that increasing the 40,000 sq ft would offer more of a buffer from neighbors. Point was raised that an acre is a lot of room and it will ultimately depend on placement of the grow structure.

VOTE: YES: STEAD, BRADLEY, STROOZAS, BOS, VENUTI
NO: ERICKSON, HIGHLAND

Motion carried.

ERICKSON/BOS MOVED THAT THE PARKS BUFFER BE THE SAME AS A SCHOOL, SPECIFICALLY AT JACK GIST AND HORNADAY PARK OF 1000 FEET.

It was expressed that this is overly restrictive and a majority of the people who use Jack Gist are adults who play on the ball fields and Frisbee Park. Hornaday has the playground, but also a nice campground. If the goal is to limit the number of intoxicated people at the facilities, limiting the buffer zone doesn't do that.

City Planner Abboud noted that Hornaday Park is in residential office, and you can't do anything there anyway.

VOTE: YES: BOS, ERICKSON
NO: BRADLEY, STEAD, STROOZAS, VENUTI, HIGHLAND

Motion failed.

VENUTI/HIGHLAND MOVED TO ONLY ALLOW CULTIVATION IN THE COMMERCIAL AREAS WITH A CONDITIONAL USE PERMIT.

Chair Stead clarified that includes central business district, GC1 and town center district.

Question was raised why they would allow growing in the middle of town square. It has been suggested in the past that area would be more for stores, parks, entertainment and the arts, things like that. It can be hard to deny a CUP if it fits all the criteria.

BOS/HIGHLAND MOVED TO AMEND AND REMOVE THE TOWN CENTER DISTRICT.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion as amended.

VOTE (Main motion as amended): NON OBJECTION: UNANIMOUS CONSENT
Motion carried.

BOS/VENUTI MOVED TO LEAVE THE INDUSTRIAL AS IS ON THE CHART (Small and large scale primary permitted use) AND TAKE LARGE CULTIVATION OUT OF THE BRIDGE CREEK AREA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

BOS/BRADLEY MOVED THAT MANUFACTURING BE ALLOWED BY CUP IN GC1, BY CUP IN GC2, AND PERMITTED IN EAST END MIXED USE.

Comment was raised that east end mixed use includes residential.

HIGHLAND/BOS MOVED TO AMEND TO INCLUDE A CUP FOR MANUFACTURING IN EAST END MIXED USE.

It was noted for clarification that with the amendment all allowed manufacturing will be in commercial and industrial and will be subject to a CUP.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion as amended.

VOTE (Main motion as amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

HIGHLAND/BRADLEY MOVED THAT TESTING BE ALLOWED AS THE CHART SHOWS.

Chair Stead clarified that with this motion testing would be allowed in commercial and industrial as an allowed activity.

BOS/ERICKSON MOVED TO AMEND THE MOTION TO INCLUDE THE SAME VALUES THAT THE MANUFACTURING HAS. GC1 IN COMMERCIAL, AND EAST END MIXED USE AND GC2 IN INDUSTRIAL ALL AS CUP.

It was clarified that the manufacturing and testing are completely separate operations, and also that testing could be done on product that comes in from all over the state. Point was raised that local cultivators could also send it out of town for testing and that it could be onerous to have a CUP.

It was suggested this is a good place to start, and they will have the opportunity to add CBD later if it seems reasonable.

VOTE (Amendment): YES: BOS, ERICKSON, HIGHLAND
NO: VENUTI, BRADLEY, STEAD, STROOZAS

Motion failed.

Commissioner Erickson feels there are people who will be very offended by these activities.

VOTE (Main motion): YES: STROOZAS, VENUTI, BRADLEY, STEAD
NO: ERICKSON, BOS, HIGHLAND

Motion carried.

HIGHLAND/STROOZAS MOVED TO ALLOW RETAIL IN COMMERCIAL AND INDUSTRIAL WITH A CUP.

There was brief discussion.

HIGHLAND/BOS MOVED TO EXTEND THE MEETING ADJOURNMENT 15 MINUTES UNTIL 9:45 P.M.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

BOS/HIGHLAND MOVED TO AMEND TO INCLUDE MARINE COMMERCIAL AS CUP.

There was brief discussion recognizing that it will be important to get public input for these activities. It was noted that they recommended testing be allowed outright with the understanding that it will be a laboratory environment.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT

There was no further discussion on the main motion as amended.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

City Planner Abboud expressed his frustration with having to take these recommendations to the Cannabis Advisory Commission.

Commissioner Bos reiterated that this is a good place to start and there may be some changes here and there after they get public testimony.

New Business

Informational Materials

- A. City Manager's Report October 12, 2015
- B. 2015 Commissioner Attendance at City Council Meetings

Commissioner Bradley confirmed she will plan to report at the November 23rd City Council meeting instead of November 9th.

Comments of the Audience

Members of the audience may address the Commission on any subject. (3 minute time limit)

Comments of Staff

City Planner Abboud thanked them for their work on the marijuana zoning. There is a diverse group of views and it will help to get more public members providing feedback on this.

Comments of the Commission

Commissioner Stroozas echoed that this is a good place to start. They did good work.

Commissioner Venuti said it was a good meeting. He commented that the Borough provided iPads to the Borough Planning Commissioners. He thinks it would be a good idea for the City to follow suit as it will save time and money in preparing and producing meeting packets. He recognized that some aren't computer savvy and could still receive a paper packet.



City of Homer

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STAFF REPORT PL 15-75

TO: Homer Advisory Planning Commission
FROM: Rick Abboud AICP, City Planner
MEETING: November 4, 2015
SUBJECT: Zoning for Marijuana, first public hearing

Requested Action: Conduct a public hearing on the draft ordinance regulating commercial marijuana activities by zoning district.

GENERAL INFORMATION

This is the first of two scheduled public hearings. The draft ordinance creates zoning regulations for the four types of commercially regulated marijuana activities licensed by the state.

1. Cultivation. There are two sizes of cultivation operations:
 - Small scale is limited to 500 square feet of cultivation, and
 - Large scale is anything larger than that.
2. Testing
3. Manufacturing
4. Retail

The city may propose regulations in addition to the state regulations but may not allow anything that is less restrictive than the state. Below is a table of the activities proposed by zoning district. In addition to this, the city has proposed additional buffers:

- 1000 ft from schools (this mirrors the federal drug free zones)
- 200 ft from the library
- 200 ft from Jack Gist, Karen Hornaday, Bayview, and Ben Walters Parks

As proposed small scale cultivation (less than 500 square feet of cultivation) is permitted (no Conditional Use Permit (CUP)) in the Rural Residential District in lots over 40,000 square feet. A CUP is needed on lots between 39,999 and 20,000 square feet, and is not allowed on lots less than 20,000 square feet.

A = Allowed. C = Conditional Use Permit needed.

Table 1. Cannabis Activity by Zoning District

	District						
Activity	CBD	GC1	GC2	EEMU	MC	RR	BCWPD
Retail	C	C	C	C	C		
MFG		C	C	C			
Testing	A	A	A	A			
Cultivation							
small	C	C	C	C		C/A	C
large	C	C	C	C			

STAFF COMMENTS:

While we are looking at regulating relatively small aspects of the industry the meat of requirements are found in the states proposed regulations. The state regulations are quite extensive. There are requirements that apply (Article 7) to all of the activities along with more specific requirements that address each of the 4 individual licensing areas. One really needs to understand the state regulations to get an accurate picture of what these activities may look like when approved. There are 133 pages that compose articles 1-9, which the state uses for regulation. I will attempt to highlight some of these and draw attention to those that need particular consideration for zoning.

All activities are to be secured. This means that cameras and lighting needs to be adequate to identify those inside the facility and anyone within 20 feet of the outside entrances. Commercial grade locks will need to be installed. All personal that work or have ownership interest will need a handlers permit and this permit must be on the person at all times when in the facility.

Many other aspects of the activities are regulated by the state including:

- All waste disposal
- Transportation of the product
- Signage and advertising
- Inventory tracking
- No odor may be detectable off site
- None of the product may be consumed in any licensed facility
- No facilities may reduce or expand without board approval
- No delivery off-site
- No operation between the hours of 5am and 8am

State application procedures require announcement in the newspaper for 3 consecutive weeks and announcements on the radio twice a week for 3 consecutive weeks, as well as on-site and nearby postings.

Also the state has proposed buffers:

- 500 feet from a school, a recreation or youth center, a building which religious services are regularly conducted, or a correctional facility.

After reviewing the draft ordinance, I did find an inconsistency of policy. Currently, limited cultivation may be permitted without a CUP in the Rural Residential District (on lots 40,000 square feet or greater). In other districts such as the East End Mixed Use, an approved CUP would be required for the same activity. This seemingly encourages cultivation in a residential district while making it more restrictive in a district where I believe the activity would be more appropriate.

RECOMMENDATIONS:

Hold a public hearing and consider amending the ordinance if appropriate. This item is scheduled for another HAPC public hearing December 4th.

ATTACHMENTS

1. Draft ordinance
2. Memo form Attorney Wells
3. November 4th map series (3 maps)



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STAFF REPORT PL 15-80

TO: Homer Advisory Planning Commission
FROM: Rick Abboud AICP, City Planner
MEETING: December 2, 2015
SUBJECT: Zoning for Marijuana, second public hearing

Requested Action: Conduct a public hearing on the draft ordinance regulating commercial marijuana activities by zoning district.

GENERAL INFORMATION

This is the second of two scheduled public hearings. The draft ordinance creates zoning regulations for the four types of commercially regulated marijuana activities licensed by the state.

1. Cultivation. There are two sizes of cultivation operations:
 - Small scale is limited to 500 square feet of cultivation, and
 - Large scale is anything larger than that.
2. Testing
3. Manufacturing
4. Retail

The city may propose regulations in addition to the state regulations but may not allow anything that is less restrictive than the state. Below is a table of the activities proposed by zoning district. In addition to this, the city has proposed additional buffers:

- 1000 ft from schools (this mirrors the federal drug free zones)
- 200 ft from the library
- 200 ft from Jack Gist, Karen Hornaday, Bayview, and Ben Walters Parks

Update

A few changes were made after the last public hearing. Small scale cultivation is now proposed to be a permitted activity in the East End Mixed Use District and a conditional use for lots exceeding 20,000 square feet in the Rural Residential District.

The state is now proposing allowing a consumption component to a retail facility. This is a bit tough to judge at the moment. While there is a great deal of rules and regulation regarding how the retail component will operate, there is no additional information (so far) regarding any other regulation regarding the operation of the facility with an attached place of consumption. This certainly adds to the complexity of the subject of retail facilities. The model that I have observed in Washington and Colorado was one that I saw as having little negative consequences as far as compared to other retail operations such as liquor or convenience stores. Thoughts and discussion is welcome.

Buffers

At my Planning Conference, Cynthia Franklin was expanding on the choice of the 500 foot buffers, it was revealed that these were based on state law and, as such, had a solid basis for compliance with the Cole Memo. We finally found where this is located in Alaska Statute. The City Attorney informed me that her research showed the federal government does take a stance on the 1000 foot buffer from schools.

While I found no reference to “drug free zone” or “double penalty zone”, I found that misconduct that might be considered a sixth degree offense (possession of a schedule VIA controlled substance (marijuana)), becomes a third degree offense when “on or within 500 feet of a recreation or youth center as described below. This includes an athletic playing field or playground by state definition.

Interestingly, alcohol is only limited inside of a 200 foot buffer of churches, which is more in line with what we had proposed in an earlier version of the proposed ordinance. Regardless, we are only able to propose more restrictive regulations not more permissive than the state.

After review with the City Attorney, I have no recommendations. Below is the statute reference.

AS 11.71.030. Misconduct Involving a Controlled Substance in the Third Degree.

(a) Except as authorized in AS [17.30](#), a person commits the crime of misconduct involving a controlled substance in the third degree if the person

(1) under circumstances not proscribed under AS [11.71.020](#) (a)(2) - (6), manufactures or delivers any amount of a schedule IIA or IIIA controlled substance or possesses any amount of a schedule IIA or IIIA controlled substance with intent to manufacture or deliver;

(2) delivers any amount of a schedule IVA, VA, or VIA controlled substance to a person under 19 years of age who is at least three years younger than the person delivering the substance; or

(3) possesses any amount of a schedule IA or IIA controlled substance

(A) with reckless disregard that the possession occurs

(i) on or within 500 feet of school grounds; or

(ii) at or within 500 feet of a recreation or youth center; or

(B) on a school bus.

AS 11.71.900. Definitions.

(20) "recreation or youth center" means a building, structure, athletic playing field, or playground

(A) run or created by a municipality or the state to provide athletic, recreational, or leisure activities for minors; or

(B) operated by a public or private organization licensed to provide shelter, training, or guidance for minors;

(29) "school grounds" means a building, structure, athletic playing field, playground, parking area, or land contained within the real property boundary line of a public or private preschool, elementary, or secondary school;

AS 04.11.410. Restriction of Location Near Churches and Schools.

(a) A beverage dispensary or package store license may not be issued and the location of an existing license may not be transferred if the licensed premises would be located in a building the public entrance of which is within 200 feet of a school ground or a church building in which religious services are regularly conducted, measured by the shortest pedestrian route from the outer boundaries of the school ground or the public entrance of the church building. However, a license issued before the presence of either cause of restriction within 200 feet of the licensed premises may be renewed or transferred to a person notwithstanding this subsection.

A = Allowed. C = Conditional Use Permit needed.

Table 1. Cannabis Activity by Zoning District

Activity	District						
	CBD	GC1	GC2	EEMU	MC	RR	BCWPD
Retail	C	C	C	C	C		
MFG		C	C	C			
Testing	A	A	A	A			
Cultivation							
small	C	C	C	A		C*	C
large	C	C	C	C			

*for lots over 20,000 square feet (not allowed on lots 20,000 square feet or less)

STAFF COMMENTS:

While we are looking at regulating relatively small aspects of the industry, the meat of requirements are found in the proposed regulations of the state. These regulations are quite extensive. There are requirements that apply (Article 7) to all of the activities along with more specific requirements that address each of the 4 individual licensing areas. One really needs to understand the state regulations to get an accurate picture of what these activities may look like when approved. There are 133 pages that compose articles 1-9, which the state uses for regulation. I will attempt to highlight some of these and draw attention to those that need particular consideration for zoning.

All activities are to be secured. This means that cameras and lighting needs to be adequate to identify those inside the facility and anyone within 20 feet of the outside entrances. Commercial grade locks will need to be installed. All personal that work or have ownership interest will need a handlers permit and this permit must be on the person at all times when in the facility.

Many other aspects of the activities are regulated by the state including:

- All waste disposal
- Transportation of the product
- Signage and advertising

- Inventory tracking
- No odor may be detectable off site
- None of the product may be consumed in any licensed facility
- No facilities may reduce or expand without board approval
- No delivery off-site
- No operation between the hours of 5am and 8am

State application procedures require announcement in the newspaper for 3 consecutive weeks and announcements on the radio twice a week for 3 consecutive weeks, as well as on-site and nearby postings.

The state has proposed buffers:

- 500 feet from a school, a recreation or youth center, a building which religious services are regularly conducted, or a correctional facility.

The City's regulations do not address personal use or consumption of marijuana. State regulations still allow for the growing, possession, and gifting as many as six marijuana plants. Only three of the plants can be mature and flowering at any one time. According to the State of Alaska (<https://www.commerce.alaska.gov/web/abc/MarijuanaInitiativeFAQs.aspx>) an unlicensed person may possess up to 4 ounces of marijuana. It is illegal to smoke marijuana in public as defined by the state, no additional restrictions have been suggested.

RECOMMENDATIONS:

Hold a public hearing and consider amending the ordinance if appropriate. Recommend for adoption to the City Council.

ATTACHMENTS

1. Draft ordinance 11.20.15
2. November 4th map series (3 maps)



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Memorandum

TO: ADVISORY BODIES
FROM: JO JOHNSON, CITY CLERK
DATE: OCTOBER 16, 2015
SUBJECT: 2016 MEETING SCHEDULE

Please review the 2016 meeting schedule for your Advisory Body and approve with or without amendments. The draft resolution includes the entire 2016 meeting schedule. The resolution will be presented to Council on December 7, 2015 for adoption.

A memo or excerpt from the meeting minutes noting the action by your advisory body is requested. Please return this to the City Clerk by December 1, 2015.

Thank you!

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

City Clerk

3
4 **RESOLUTION 15-xxx**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 ESTABLISHING THE 2016 REGULAR MEETING SCHEDULE FOR
8 THE CITY COUNCIL, ECONOMIC DEVELOPMENT ADVISORY
9 COMMISSION, LIBRARY ADVISORY BOARD, PARKS AND
10 RECREATION ADVISORY COMMISSION, ADVISORY PLANNING
11 COMMISSION, PORT AND HARBOR ADVISORY COMMISSION,
12 CANNABIS ADVISORY COMMISSION, PERMANENT FUND
13 COMMITTEE, AND PUBLIC ARTS COMMITTEE.
14

15 WHEREAS, Pursuant to Homer City Code Section 1.14.020, the City Council annually
16 sets the schedule for regular and some special meetings, noting the dates, times and places
17 of the City Council, Advisory Commissions, the Library Advisory Board, and standing
18 committee meetings; and
19

20 WHEREAS, The public is informed of such meetings through notices located at the City
21 Clerk's Office, Clerk's Calendar on KBBI, the City Clerk's Website, and postings at the Public
22 Library; and
23

24 WHEREAS, HCC 1.14.020 - 040 states that meetings may be advertised in a local paper
25 of general circulation at least three days before the date of the meeting and that special
26 meetings should be advertised in the same manner or may be broadcast by local radio at
27 least twice a day for three consecutive days or two consecutive days before the day of the
28 meeting plus the day of the meeting; and
29

30 WHEREAS, HCC 1.14.010 notes that the notice of meetings applies to the City Council
31 and all commissions, boards, committees, subcommittees, task forces and any sub-unit of
32 the foregoing public bodies of the City, whether meeting in a formal or informal meeting; that
33 the failure to give the notice provided for under this chapter does not invalidate or otherwise
34 affect any action or decision of a public body of the City; however, this sentence does not
35 change the consequences of failing to give the minimum notice required under State Statute;
36 that notice will ordinarily be given by the City Clerk; and that the presiding officer or the
37 person or persons calling a meeting are responsible for notifying the City Clerk of meetings in
38 sufficient time for the Clerk to publish notice in a newspaper of general circulation in the City;
39 and
40

41 WHEREAS, This Resolution does not preclude additional meetings such as emergency
42 meetings, special meetings, worksessions, and the like; and

43 WHEREAS, Council adopted Resolution 06-144 on October 9, 2006 establishing the
 44 Regular Meeting site for all bodies to be the City Hall Cowles Council Chambers.

45
 46 NOW, THEREFORE, BE IT RESOLVED by the Homer City Council, that the 2016 meeting
 47 schedule is established for the City Council, Economic Development Advisory Commission,
 48 Library Advisory Board, Parks and Recreation Advisory Commission, Advisory Planning
 49 Commission, Port and Harbor Advisory Commission, Permanent Fund Committee, and Public
 50 Arts Committee of the City of Homer, Alaska, as follows:

51
 52 Holidays - City Offices closed:

January 1*, New Year's Day, Friday	February 15*, Presidents' Day, the third Monday	March 28*, Seward's Day, last Monday	May 30*, Memorial Day, last Monday	July 4*, Independence Day, Monday	September 5*, Labor Day, first Monday
October 18*, Alaska Day, Tuesday	November 11*, Veterans Day, Friday	November 24* Thanksgiving Day, Thursday	November 25*, Friday, the day after Thanksgiving	December 26**, Christmas, Monday	

53
 54 *Indicates holidays - City offices closed.
 55 **If on a Sunday, the following Monday is observed as the legal holiday; if on a Saturday, the
 56 preceding Friday is observed as the legal holiday pursuant to the City of Homer Personnel
 57 Rules and Regulations.

58
 59 CITY COUNCIL (CC)

January 11, 25	February 8, 22	March 14, 28	April 11, 25	May 9, 23	June 13, 27
July 11**, 25	August 8, 22	September 12, 26	October 4 Election	October 10, 24, for Oath of Office 17*	Canvass Board October 7 or 10
November 1 Runoff Election	November 14**, 28	December 12****	December 19**** if needed		

60
 61 City Council's Regular Committee of the Whole Meetings at 5:00 p.m. to no later than 5:50
 62 p.m. prior to every Regular Meeting which are held the second and fourth Monday of each
 63 month at 6:00 p.m. ***The City Council traditionally reschedules regular meetings that fall on
 64 holidays or High School Graduation days, for the following Tuesday. Council will not conduct
 65 a First Regular Meeting in July.

66 AML Annual Conference Week is tentatively scheduled for November 14 – 18, 2016.
 67 *Tuesday meeting due to Memorial Day/Alaska Day.
 68 **There will be no First Regular Meeting in July or November.
 69 **** The City Council traditionally cancels the last regular meeting in December and holds the
 70 first regular meeting and one to two Special Meetings as needed. Generally the second
 71 Special Meeting the third week of December, will not be held.

72
 73 ECONOMIC DEVELOPMENT ADVISORY COMMISSION (EDC)

January 12	February 9	March 8	April 12	May 10	June 14
July 12	August 9	September 13	October 11	November 8	December 13

74
 75 Economic Development Advisory Commission Regular Meetings are held on the second
 76 Tuesday of each Month at 6:00 p.m.

77
 78 LIBRARY ADVISORY BOARD (LAB)

	February 2	March 1		May 3	June 7
July 5		September 6	October 4		December 6

79
 80 Library Advisory Board Regular Meetings are held on the first Tuesday of the months of
 81 February, March, May, June, July, September, October, and December at 5:00 p.m.

82
 83 PARKS AND RECREATION ADVISORY COMMISSION (P/R)

	February 18	March 17	April 21	
May 19	June 16		August 18	
September 15	October 20	November 17		

84
 85 Parks and Recreation Advisory Commission Regular Meetings are held on the third Thursday
 86 of each month at 5:30 p.m. with the exception of January, July, and December.

87
 88 PLANNING COMMISSION (P/C)

January 6, 20	February 3, 17	March 2, 16	April 6, 20	May 4, 18	June 1, 15
July 20**	August 3, 17	September 7, 21	October 5, 19	November 2**	December 7**

89
 90 Advisory Planning Commission Regular Meetings are held on the first and third Wednesday of
 91 each month at 6:30 p.m. **There will be no First Regular Meeting in July or Second Regular
 92 Meetings in November and December.

93
 94
 95

96 PORT AND HARBOR ADVISORY COMMISSION (P/H)

January 27	February 24	March 23	April 27	May 25	June 22
July 27	August 24	September 28	October 26	November 16	December 21

97
98 Port and Harbor Advisory Commission Regular Meetings are held on the fourth Wednesday of
99 each month at 5:00 p.m., with the exception of May, June, July and August meetings that are
100 held at 6:00 p.m. The Regular Meetings in the months of November and December are
101 traditionally scheduled for the third Wednesday of the month.
102

103 CANNABIS ADVISORY COMMISSION (CAC)

January 28	February 25	March 24	April 28	May 26	June 23
July 28	August 25	September 22	October 27	November 29	December 15

104
105 Cannabis Advisory Commission Regular Meetings are held on the fourth Thursday of each
106 month at 5:30 p.m. The Regular Meeting in the month of November is scheduled for the last
107 Tuesday of the month and the Regular Meeting in December is scheduled for the third
108 Thursday of the month.
109

110 PERMANENT FUND COMMITTEE (PFC)

February 11	May 12	August 11	November 10
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111
112 Permanent Fund Committee Regular Meetings are held quarterly on the second Thursday of
113 the months of February, May, August, and November at 5:15 p.m.
114

115 PUBLIC ARTS COMMITTEE (PAC)

February 11	May 12	August 11	November 10
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116
117 Public Arts Committee Regular Meetings are held quarterly on the second Thursday of the
118 months of February, May, August, and November at 5:00 p.m.
119

120 PASSED AND ADOPTED by the Homer City Council this 7th day of December, 2015.

121
122 CITY OF HOMER

123
124
125 _____
126 MARY E. WYTHE, MAYOR
127
128
129

130 ATTEST:

131

132

133

134 _____
JO JOHNSON, MMC, CITY CLERK

135

136 Fiscal Impact: Adverting of meetings in regular weekly meeting ad and advertising of any
137 additional meetings.

Alaska State Library

Alaska Library Law

Alaska Statute Chapter 25. Public Record Disclosures

Sec. 40.25.140. Confidentiality of library records

- a. Except as provided in (b) of this section, the names, addresses, or other personal identifying information of people who have used materials made available to the public by a library shall be kept confidential, except upon court order, and are not subject to inspection under AS 40.25.110 or 40.25.120. This section applies to libraries operated by the state, a municipality, or a public school, including the University of Alaska.
- b. Records of a public elementary or secondary school library identifying a minor child shall be made available on request to a parent or guardian of that child.

ALASKA STATUTES: Article 03 Library Assistance Grants

Sec. 14.56.300. Library assistance grant program.

There is established in the department a library assistance grant program. From legislative appropriations, the department shall make grants to eligible libraries for public library operations, for interlibrary cooperation, or for regional library services.

Sec. 14.56.310. Eligibility.

- a. Libraries eligible for grants under AS 14.56.300 are
 1. public libraries established under AS 14.56.400 or, in a municipality that does not have a public library established under AS 14.56.400, another library that
 - A. is a nonprofit corporation and holds meetings of its board of directors in public;
 - B. provides services listed in AS 14.56.400 (a); and
 - C. is approved to receive grants under AS 14.56.300 by resolution of the governing body of that municipality;
 2. libraries sharing resources free of charge with other libraries in the state; and
 3. libraries providing regional library services.
- b. A library described in (a)(1) of this section is eligible for a public library assistance grant. A library described in (a)(2) of this section is eligible for an interlibrary cooperation assistance grant. A library described in (a)(3) of this section is eligible for a regional library services assistance grant.

Sec. 14.56.320. Applications.

An eligible library may apply to the department for a grant under AS 14.56.300 - 14.56.340 in accordance with regulations adopted by the board.

Sec. 14.56.330. Limitations.

- a. A public library assistance grant under AS 14.56.310 (a)(1) may be a basic grant or a per capita grant. A basic grant may not be more than \$7,000 for each service outlet of the public library in any one fiscal year. The amount of a basic grant must be equally matched by local money, the fair value of volunteer labor, or a combination of local money and volunteer labor. If the amount available for public library assistance grants during a fiscal year is not sufficient to fully fund basic grants for all eligible libraries, the amount available shall be prorated so that the amount of basic grants for all eligible libraries is reduced by the same percentage. After payment of basic grants to all eligible libraries during a fiscal year, any amount remaining for public library assistance grants shall be distributed as per capita grants to each library that received a basic grant. The amount of the per capita grants shall be based on the population of the municipality or unincorporated community served by each of the libraries.
- b. State money granted to a library under AS 14.56.300 - 14.56.340 may not be used to supplant local money equal to local expenditures for that library in fiscal year 1980, as adjusted annually by the commissioner to conform approximately to changes in the United States Department of Labor Bureau of Labor Statistics consumer price index for Anchorage, Alaska. A library that uses state money to supplant local money forfeits eligibility for grants under AS 14.56.300 - 14.56.340 for two years.

Sec. 14.56.340. Regulations.

The board shall adopt regulations necessary to carry out the purposes of AS 14.56.300 - 14.56.330. The regulations must include qualifications for grant eligibility and provisions regarding the use of grant funds.

Article 05: Public School Library Collection Development Grants

Sec. 14.56.360. Public school library collection development grants.

- a. There is established in the department a public school library collection development grant program.
- b. The person or division in charge of the state library shall award and administer grants of not more than \$3,000 for a fiscal year for use by a public school library eligible under AS 14.56.365 to expand and improve the library collection to include relevant and current reading materials.
- c. If money appropriated for the program is insufficient to fund all eligible grant requests submitted under AS 14.56.365, the available funding shall be awarded to the highest ranked applicants, according to criteria established by the department in regulation.

Sec. 14.56.365. Eligibility.

- a. A library eligible for a grant under AS 14.56.360 must be a public school library established and supported by a school district that
 1. provides physical space or, if a correspondence school operated by a school district, resources for use as a library;
 2. provides regularly scheduled library hours for all students enrolled in the school;
 3. provides designated library personnel to staff the library;
 4. provides acceptable evidence of the promotion of library and information literacy standards;
 5. maintains an annual library budget that includes library staffing and materials; and
 6. contributes, from the school district's budget, an amount that is not less than the grant award that is paid for library collection materials or contributes in-kind value of services.
- b. The department shall establish by regulation an application and review procedure, including requirements for submission of adequate documentation to prove eligibility under this section. Documentation must include submission of library class schedules, job descriptions for library staff, and a copy of an annual budget for the library.

Sec. 14.56.370. Eligible expenditures.

- a. A library collection development grant may be used only to purchase library collection materials by a public school or by a school district if the district operates a correspondence program with an eligible school library. In this subsection, "library collection materials" means books, magazines, reference and audio-visual materials, and electronic subscriptions that support school curriculum and student reading activities.
- b. A library collection development grant may not be used to supplant school district expenditures for the library or to purchase classroom materials, textbooks, testing software, library automation software, computer hardware, operating software, or technology support.

Sec. 14.56.375. Report.

A recipient of a grant awarded under AS 14.56.360 shall prepare a brief annual report to the department describing the effects of the grant and whether all conditions of the grant were met or exceeded.

Article 06: Requirements for Public Libraries

Sec. 14.56.400. Public libraries.

- a. A public library established under this section shall provide at least the following services free of charge to the residents of the municipality or community:
 1. establish and maintain a collection of books and other materials for loaning;
 2. provide access to interlibrary loan services;
 3. provide reading or other educational programs for children; and
 4. provide reference information.
- b. A public library established under this section shall submit an annual report of its operations and the services it provides to the director of the division that has responsibility for state libraries.

Alaska Administrative Code: Library-Related Regulations

4 AAC 57.020. Annual report of library operations

Each library in the state that receives money from the state for the support of the library shall annually provide the division of state libraries with information about library operations which the division requests, including information relating to the library's service area and population served, facilities, assets and liabilities, use of the library's resources, personnel, salaries, budget, statement of income and expenditures, collection and acquisition of library materials, hours of service, and interlibrary cooperation and resource-sharing agreements.

Article 2 : Library Assistance Grants

4 AAC 57.050. Purpose

- a. Subject to the availability of appropriations from the legislature, the division shall award library assistance grants to eligible applicant libraries to assist in funding eligible library operations, interlibrary cooperation, and regional library services. For each grant the division shall specifically describe the library services purposes for which it may be expended.
- b. The division shall approve applications for library assistance grants in the following categories:
 1. public library assistance grants, as authorized by AS 14.56.310 (a)(1), to assist a municipal library a public library nonprofit corporation with library operational costs;
 2. interlibrary cooperation grants, as authorized by AS 14.56.310 (a)(2), to assist libraries with the cost of sharing resources with other libraries of the state;
 3. regional library services grants, as authorized by AS 14.46.310 (a)(3), to assist libraries in providing regional library services to areas of the state in which there are no library facilities.
- c. Libraries receiving library assistance grants shall provide interlibrary loan services free of charge to other in-state libraries.

4 AAC 57.063. Public library assistance grants: Required local match

- a. A public library may apply for a public library assistance grant of no more than \$7,000 for each of its public library outlets. For money paid to a public library as a public library assistance grant, an equal matching amount of local resources must be provided in the form of local money, volunteer labor, or a combination of the two.
- b. The director shall determine the value of the volunteer labor proposed as a local match, based upon the prevailing wage rates for comparable positions.
- c. If a portion of the proposed local match is identified as money expended for utility costs for a public library located in a shared or combined facility, the director shall determine the value of the match based upon the proportion of use of the facility by the public library.

4 AAC 57.064. Public library assistance grants: Eligibility

- a. To qualify for a public library assistance grant, a library must
 1. provide, at a minimum, the following services:
 - A. a circulating collection of library books and materials that the library purchases and maintains;
 - B. interlibrary loans;
 - C. reference services;
 - D. children's programs;
 2. keep each library facility for which a grant application is made open to provide free library services to all residents of that facility's legal service area on a regularly scheduled basis for at least 48 weeks per year and three days per week; additionally, the library must keep each library facility open for a minimum number of hours per week, as follows:
 - A. for a separately administered library facility that is not a branch outlet as described in (B) of this paragraph, and that serves
 - i. under 750 individuals, 10 hours per week;
 - ii. 750 - 1,500 individuals, 15 hours per week;
 - iii. 1,501 - 3,000 individuals, 25 hours per week;
 - iv. 3,001 - 10,000 individuals, 40 hours per week;
 - v. over 10,000 individuals, 50 hours per week;
 - B. for a branch outlet of a public library system that the director determines to be easily accessible by road to the system's main library, and that serves
 - i. under 1,000 individuals, 15 hours per week;
 - ii. 1,000 - 4,999 individuals, 20 hours per week;
 - iii. 5,000 or more individuals, 25 hours per week;
 - C. five hours per week during evening and weekend hours; and
 - D. for a combined public and school library, 10 hours per week outside regular school hours;
 3. adopt and maintain policies that include
 - A. a statement of mission, goals, and objectives; and
 - B. a written collection development policy, providing for the selection, evaluation, and weeding of materials and reconsideration of materials;
 4. provide trained paid or volunteer staff on duty at each facility during all hours of operation of the facility, including a designated library director who

- A. completes every two years at least one continuing education program approved by the state librarian;
 - B. if the library is in a municipality with a population of 3,000 to 5,999, has a bachelor's degree and library management experience or training; and
 - C. if the library is in a municipality with a population of 6,000 or greater, has a master's degree in library or information science;
- 5. if administered by a nonprofit corporation, hold public meetings of the board of directors on at least a quarterly basis;
 - 6. provide matching funds as required under AS 14.56.330 and 4 AAC 57.063;
 - 7. maintain an accurate accounting of the library's budget and expenditure of money; and
 - 8. annually submit to the division, on or before September 1, a complete public library annual report and public library assistance grant report on forms provided by the state library.
- b. The director shall grant a waiver of application of one or more of the requirements of this section, as requested in writing by an applicant, if the director determines that
 - 1. the applicant has shown good cause for the waiver; and
 - 2. the waiver is consistent with the requirements of AS 14.56.300 - 14.56.340 and AS 29.35.125.

4 AAC 57.065. Interlibrary cooperation grants

The interlibrary cooperation grant program is competitive. The division shall make an interlibrary cooperation grant to a library to promote or support

- 1. sharing of resources;
- 2. cooperative services with another library;
- 3. innovative programs for the delivery of library services; or
- 4. training or other programs that strengthen library services.

4 AAC 57.067. Public library assistance grants: Combined public and school library facilities

- a. If an applicant for a public library assistance grant is a combined public and school library, that library must, in addition to meeting the eligibility requirements of 4 AAC 57.064,
 - 1. execute and keep in force a binding legal agreement between the school district and the governing body of the public library, approved by the division, providing for allocation of
 - A. financial responsibilities;
 - B. the ownership, maintenance, care, and right of use of collections, equipment, and physical facilities;
 - C. staffing and personnel requirements; and
 - D. hours of service;
 - 2. provide access to the general public other than students enrolled in the school and in compliance with the minimum hour requirements of 4 AAC 57.064, through
 - A. placement of the library in a facility separate from the school facility;
 - B. placement of the library in a school room that has a public entrance direct to the outside and accessible by the library patrons; or
 - C. providing space for the library in a school room that can be easily located and accessed from a school entrance that is identified and posted as the public library entrance; and
 - 3. provide space for library materials for patrons of all ages and allocate space and money for establishing a collection of library materials for children, young adults, and adults, in appropriate proportions.
- b. An application for a public library assistance grant from a combined public and school library applicant must include
 - 1. a copy of the division-approved agreement between the school district and the governing body of the public library; and
 - 2. other evidence that the division considers necessary to determine compliance with (a) of this section, as requested by the division.
- c. For the purposes of this section, the governing body of the public library may be the municipal assembly, an advisory board appointed by the municipal assembly, or the board of directors of a nonprofit corporation which meets the eligibility requirements of AS 14.56.310 (a).
- d. A combined public and school library may not purchase school or curriculum-related library materials with public library assistance grant money or the local matching money. The governing body of the library shall retain records and invoices for library materials purchased from public library assistance grant funds and local matching funds for a period of three years, and shall make them available for inspection by the division upon request.

4 AAC 57.069. Regional library services grants

The division shall make a regional library services grant to a library that enters into an agreement with the state library to act on behalf of the state library to

- a. furnish library materials to areas of the state in which there is not sufficient population or local revenue to support operation of a public library facility; or
- b. provide services, training, or technical support to other libraries.

4 AAC 57.070. Application

- a. An application for a library assistance grant must be filed with the director. Application must be made on a form provided by the division.
- b. An application for a fiscal year must be submitted by April 1 of the preceding fiscal year.
- c. If appropriated money is available after a final decision is made on all applications filed during the application period set out in (b) of this section, the director may accept and consider additional applications for grants which were filed after the application period set in (b) of this section.

4 AAC 57.074. Decision on application

- a. By August 1 of each fiscal year, the director of the division of state libraries shall make a decision on each completed grant application that was submitted by the application deadline set by 4 AAC 57.070(b).
- b. The director shall set aside 75 percent of the state general funds appropriated for library assistance grants to fund public library assistance grants. If the set-aside is not sufficient to fully fund the state match, the direction shall reduce each grant proportionally.
- c. The director shall set aside the remaining 25 percent of the state general funds appropriated for library assistance grants to fund interlibrary cooperation grants and regional services grants.
- d. The decision of the director under (a) of this section must be in writing and, if an applicant is determined to be eligible for a grant, must state the amount of the grant.
- e. The director shall deliver to an applicant whose grant application has been approved, a grant agreement restating the general requirements of the program under which the grant is approved. The director shall transmit payment of the grant to the applicant only after the grant agreement has been signed and returned to the division.

4 AAC 57.076. Amendment of application

An application may be amended after a decision has been made under 4 AAC 57.074 if the director finds that the amendment is in the best interests of the state.

4 AAC 57.084. Administrative review

An applicant who is dissatisfied with a decision by the director under 4 AAC 57.074 may obtain review of that decision in the manner made available to school districts under 4 AAC 40.010 - 4 AAC 40.050.

4 AAC 57.087. Use of grant proceeds

- a. A library assistance grant approved by the division must be used for the purposes set out in the application filed under 4 AAC 57.070 as approved by the director or, if amended, as amended under 4 AAC 57.076. The grant money must be spent in a manner consistent with the provisions of the grant agreement.
- b. The proceeds of a library assistance grant
 1. must be accounted for separately from other money received by the library from government and private sources;
 2. must be spent or encumbered by the library by the end of the grant period.
- c. In each fiscal year, a public library receiving a public library assistance grant shall expend at least \$3,500, from either grant or local matching money, for library materials and on-line services for each of its public library outlets.
- d. Except as provided under (e) of this section, a library that receives an interlibrary cooperation grant under 4 AAC 57.065 or a regional library services grant under 4 AAC 57.069 may apply a portion of the grant to meet indirect or administrative costs of the operation of the library. The portion of the grant applied may not exceed the rate set for similar charges by the governing body of the library or eight percent of the grant, whichever is less.
- e. A library that receives a public library assistance grant or an interlibrary cooperation grant that is of primary benefit to the library receiving the grant may not use the proceeds of the grant to meet indirect or administrative costs of the operation of the library.
- f. A library may change a grant line item by up to 10 percent without prior approval of the division.

4 AAC 57.089. Local match

A public library that receives a public library assistance grant

1. shall spend or encumber the full amount of the locally-generated match money that it has committed to meet the local match support requirements of the grant by the end of the fiscal year for which the grant is made;
2. may not spend or encumber an amount that is less than the full amount of the locally-generated match money that it has committed to meet the local match support requirements of the grant even if, under 4 AAC 57.074(c), the director prorates the amount provided as the state matching grant.

4 AAC 57.091. Financial report for grant

A library that receives a library assistance grant shall file with the division a financial report for the use of the grant. The report must be made on a form provided by the division, and must be filed on or before September 1 following the close of the fiscal year for which the grant was received.

4 AAC 57.095. Program administration

- a. The director may require repayment from a library of
 1. repealed 4/2/99;
 2. the portion of money paid as a grant that the library does not spend or encumber by the end of the fiscal year for which the grant was received; and
 3. the full amount of a grant
 - A. if the proceeds of the grant have been used for purposes other than those allowed by the grant application and grant agreement;
 - B. if the library fails to file the annual report of library operations required by 4 AAC 57.020 or the financial report for the grant required by 4 AAC 57.091; or
 - C. if the library fails to spend the local matching money as required in AS 14.56.330 .
- b. Subject to appropriation, the director shall deposit amounts recovered under (a) of this section into the library assistance grant account.
- c. To enforce repayment of an amount that the director determines is due from a library under (a) of this section, the director may withhold payment in the second succeeding and subsequent fiscal years of all or any portion of a grant based on an approved application from the library.
- d. The director may not pay a grant to a library that has failed to file the annual report of library operations required by 4 AAC 57.020 or the financial report for a grant required by 4 AAC 57.091 until the report has been filed.

4 AAC 57.099. Exemptions

An individual who is the permanent director of a public library on April 2, 1999 is exempt from the educational requirements of 4 AAC 57.064(a) (4).

Article 4. Public School Library Collection Development Grants

4 AAC 57.410. General eligibility.

A school district

1. may apply for a public school library collection development grant on behalf of a school with a public school library eligible under AS 14.56.365;
2. that operates a correspondence program with a public school library eligible under AS 14.56.365 may apply for a public school library collection development grant for that library.

4 AAC 57.420. Application process.

- a. A school district that applies for a public school library collection development grant must submit
 1. a complete application, on a form provided by the division; the district must submit a separate application for each public school library for which a grant award is sought; the application must include
 - A. the name, physical address, telephone number, and electronic mail address of the (i) school district; and (ii) school or correspondence program with the public school library;
 - B. the name, telephone number, and electronic mail address of a contact person for the application;
 - C. a statement of the number of students that the public school library serves;
 - D. a statement of the size of the public school library's library collection materials;
 - E. the name and title of each individual designated to staff the public school library;
 - F. a statement of how library and information literacy standards are promoted;
 - G. a proposal that
 - i. demonstrates the public school library's need for the grant money; and
 - ii. explains in detail how grant money is to be spent for library collection materials at the public school library;
 - H. a statement of the budget for library staffing and materials, showing
 - i. the amount of the cash match or in-kind value of services that the school district will provide as required under AS 14.56.365(a)(6); and
 - ii. other non-school district money for library collection materials; and
 - I. a statement of the federal or other grants received, or expected to be received, to purchase library collection materials

for the public school library, or whether the library is eligible for those grants; and

2. documentation that includes

- A. a copy of the library class schedule;
- B. a job description for each library staff member;
- C. a copy of the annual budget for the library;
- D. documentation of physical space for use as a library, unless the application is for a correspondence school; and
- E. documentation of resources for use as a library, if the application is for a correspondence school.

b. The application and documentation must be received by the division or postmarked on or before the date set by the division.

4 AAC 57.430. Review process.

- a. The division will evaluate each timely application for a public school library collection development grant for
 - 1. compliance with eligibility requirements; and
 - 2. previous compliance with grant expenditure requirements and grant reporting requirements.
- b. If appropriations to the public school library collection development grant program are insufficient to award grants to all eligible public school libraries, the division will award grants on a pro rata basis to all public school libraries, unless the division determines that the available grant money per public school library would be insufficient to fulfill the purposes of the grant program, in which case the division will rank all applications and award grants to the top ranked public school libraries. In ranking applications, the division will consider the following criteria:
 - 1. the public school library has demonstrated higher need for the materials than other public school libraries for which grants are sought;
 - 2. the public school library has received or will receive less money from federal or other grants for library collection materials, unless the public school library is ineligible to receive those grants for reasons of noncompliance with applicable law or grant terms or conditions;
 - 3. the proposal for expenditure of grant money, when evaluated against proposals contained in other applications, is most consistent with the school's instructional goals, or is most supportive in other respects of the school's curriculum and student reading activities.

4 AAC 57.440. Grant award letter and grant agreement.

- a. When an application for a public school library collection development grant has been approved, the division will send a grant award letter and grant agreement to the school district. The signed grant agreement is a contract between the division and the school district. By signing the grant agreement, the school district agrees that the school district, and the public school library on whose behalf the school district applied, will comply with the terms and conditions applicable to the grant, and will use the grant money as required under AS 14.56.360 - 14.56.370 and 4 AAC 57.410 - 4 AAC 57.490.
- b. The school district shall sign and return the grant agreement within 30 days after the division sends the grant award letter and grant agreement. The division will not disburse grant money until the school district returns the signed grant agreement.
- c. A school district that applies for a public school library collection development grant may appeal, under 4 AAC 40, the division's denial of an application.

4 AAC 57.450. Reporting.

On or before April 15 of the school year in which the grant was awarded, the school district shall submit the annual report required by AS 14.56.375 using a form supplied by the division, and shall attach any required documentation. On the annual report form, the school district shall report separately on each public school library for which a grant was awarded.

4 AAC 57.460. Compliance.

If the division determines that a school district or public school library has used grant money in a manner not in compliance with AS 14.56.360 - 14.56.370, 4 AAC 57.410 - 4 AAC 57.490, or a term or condition of the grant agreement, the school district or public school library must return that money to the state

4 AAC 57.490. Definition.

In 3 AAC 57.410 - 3 AAC 57.490, "library collection materials" has the meaning given in AS 14.56.370.

Source: Alaska State Library — <http://library.alaska.gov>



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

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Homer, Alaska 99603

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(f) 907-235-3143

MEMORANDUM

TO: LIBRARY ADVISORY BOARD
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: NOVEMBER 23, 2015
SUBJECT: NEXT MEETING DELIVERABLES AND AGENDA ITEMS

Please discuss and request from Staff what you would like to have on the agenda for the next meeting for discussion or action by the Commission.

Please note that the December meeting will be conducted in the upstairs meeting room due to a Special Election being conducted. It is recommended to park at the front of the building on Pioneer Avenue side.

Recommendation
Informational In Nature. No Action Required.

2016 HOMER CITY COUNCIL MEETINGS
LIBRARY ADVISORY BOARD MEMBER ATTENDANCE

It is the goal of the Board to have a member speak regularly to the City Council at council meetings. There is a special place on the council's agenda specifically for this. After Council approves the consent agenda and any scheduled visitors it is then time for staff reports, commission reports and borough reports. That is when you would stand and be recognized by the Mayor to approach and give a brief report on what the Board is currently addressing, projects, events, etc. **A Board member is scheduled to speak and has a choice at which council meeting they will attend. It is only required to attend one meeting during the month that you are assigned.** However, if your schedule permits please feel free to attend both meetings. Remember you cannot be heard if you do not speak.

The following Meeting Dates for City Council for 2016 is as follows:

January 11,25 2016	_____	_____
February 8,22 2016	_____	_____
March 14,28 2016	_____	_____
April 11,25 2016	_____	_____
May 9, 23 2016	_____	_____
June 13, 27 2016	_____	_____
July 25 2016	_____	_____
August 8, 22 2016	_____	_____
September 12,26 2016	_____	_____
October 10, 24 2016	_____	_____
November 28 2016	_____	_____
December 12, 2016	_____	_____

Please review and if you will be unable to make the meeting you are tentatively scheduled for please discuss.
PLEASE NOTE: When additional commissioners are appointed the proposed schedule above will reflect those added commissioners.

“A library outranks any other one thing a community can do to benefit its people. It is a never failing spring in the desert.”

— Andrew Carnegie

Your Homer Public Library (HPL) is a vital community asset, a safe gathering place where people of all ages get a sense of belonging while enjoying an abundance of educational and entertainment resources. In a recent city survey, residents voted the Library number six in city service importance, just below emergency services and public works. The HPL boasts 42,000 books and audio books, 3,100 DVDs, music CDs, magazines and newspapers, large print texts, and a download station. It has wi-fi and 22 computers to surf the Web, apply for jobs, and browse the collection. It's a place to make copies and print for a nominal cost. The HPL hosts children's story time, computer classes, and special events; meeting rooms are also available. The HPL website - www.cityofhomer-ak.gov/library/ has more! “Friend” the HPL - <https://www.facebook.com/homerpubliclibrary>

City funds pay mainly for library employee and facility costs, as well as new books, audio books, and DVDs. Our budget for FY 2015 is here: <http://www.cityofhomer-ak.gov/finance/2015-adopted-budget> Tax-provided library funds have increased minimally in the past 3 years, making it harder to maintain current levels of services and support. Thus, the library has relied on other sources of income, such as grants and the Friends of the Homer Public Library (FHL). FHL is a non-profit group of volunteer supporters who give hours of time, plus financial contributions - members include residents of Homer, Kachemak City, Fritz Creek, Razdolna, Kachemak-Silo, Halibut Cove, Anchor Point, and Voznesenka. Learn more at the Friends' website: <http://www.cityofhomer-ak.gov/library/friends-library> How can YOU make the library a better place for our community?

Terry Smith
Library Volunteer
Library Advisory Board Member
Former Summer Library Aide



The End of Overdue Fines?

by [Julia Pyatetsky](#) on November 5, 2015

The Vernon Area Public Library (VAPL) in the northwest suburbs of Chicago eliminated overdue fines this past August, and ELA Public Library, a neighbor of VAPL, followed suit in September. They are modeling their policy on Algonquin (IL) Public Library (another neighbor) and their decision to remove overdue fines in September 2014. VAPL noted that Algonquin, nearing its one-year anniversary of instilling the policy, has had no adverse effects. In fact, it's only increased the goodwill of patrons towards the public library. Since introducing the no overdue fines policy, VAPL has also received only positive responses from their patrons and the community at large. Is this something that should become a trend for public libraries in general?

Although the idea of no overdue fines is fairly fresh, it is by no means brand new. Other public libraries in states such as Massachusetts, Ohio, and Colorado also have similar policies in place. The big question is whether or not this becomes a drawback as far as funding for the library itself and whether or not patrons will actually bring items back without the incentive of fines. VAPL details some of their answers to this on their website at <http://vapld.info/fines>. It appears that fines only amount to less than 1% of their total annual budget. VAPL also

states that the cost of staff time to handle overdue fines and of processing the amounts to more than what they're earning back from patrons. And just because overdue fines are eliminated does not mean that patrons will not have consequences for not returning items. Depending on the library, patrons have thirty-five to forty-five days to return overdue items before they are charged replacement costs as well as a \$10 collections processing fee. VAPL states that most often it will not come to this; patrons are motivated to return items because others are waiting and because there is a due date, not because of a dime per day overdue policy. Beyond that, library cards will be suspended two weeks after patrons do not return their items. Along the way, reminder emails and letters for the items to be returned are sent out, and patrons always have the option to renew the item to avoid it becoming overdue in the first place.

The American Library Association also discusses fines and fees in Article V of their *Library Bill of Rights*. Although not specifically referring to overdue fines, they do state that: "All library policies and procedures, particularly those involving fines, fees, or other user charges, should be scrutinized for potential barriers to access." This is a particularly important note given the future of public libraries in general. We want to make the library institution as accessible as possible for anybody. We want the poor to be able to come in and lift themselves up; we want the youth to be able to feel unhindered to come into the library and enjoy our programs and materials. Unfortunately, funding for public libraries is not universal and there are public libraries that function off a shoestring budget so eliminating overdue fines may not work for them. However, they can implement Food for Fines or waiving fines from children and teen library cards for reading. Although it doesn't completely eliminate barriers to access, this may be a great way for public libraries that continue to charge overdue fines to promote trust and goodwill with their patrons. The trend with public libraries does appear to be moving towards a more goodwill approach, so perhaps we'll see more libraries jumping on the bandwagon in the next few years.

Source Article: <http://chicago.cbslocal.com/2015/08/12/vernon-area-public-library-no-longer-collecting-overdue-fines/>

Additional sources:

<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/economicbarriers>

<http://yalsa.ala.org/blog/2011/07/28/waiving-fines-to-promote-literacy/>

<http://vapld.info/fines>

<http://www.dailyherald.com/article/20150811/news/150819815/>

<http://patch.com/illinois/crystallake/no-more-overdue-fines-algonquin-public-library-users>

<http://www.eapl.org/no-more-late-fees-another-reason-love-your-library>

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THE END OF OVERDUE FINES? | MEOWSINGS says:

[...] <http://publiclibrariesonline.org/2015/11/the-end-of-overdue-fines/> is my latest article. Is the waiving of overdue fines the next big trend in public libraries? Does this promote goodwill and will libraries ever get their books back? Check it out and let me know your thoughts! [...]

Nov 5, 2015

 THE END OF OVERDUE FINES? » PUBLIC LIBRARIES ONLINE | RURALIBRARIAN says:


Our Board of Trustees would never agree to use a collection agency for overdue library materials. They feel it is the worst kind of pr. Without that stick, materials would not be returned. Let's see what happens when those happy patrons have to

Nov 7, 2015

IT'S CODE GREEN FOR EVERYONE - NEWS4SECURITY says:

[...] USA The End of Overdue Fines?18 Public Libraries Online. The Vernon Area Public Library (VAPL) in the northwest suburbs of Chicago eliminated overdue fines this past August, and ELA Public Library, a neighbor of VAPL, followed suit in September. They are modeling their policy on Algonquin (IL) Public Library (another neighbor) and their decision to remove overdue fines in September 2014. [...]

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 LINKS WE LOVE WEEKLY ROUND-UP — NOVEMBER 23, 2015 | CHARLOTTE LAW BLOG says:

Could be a good thing since there is a vehicle to recoup lost costs. I understand lifting up people—youth and the poor—but all people need to be responsible for their items. There are always exceptions—illness and death in family or a catastrophic

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The logo features a stylized city skyline with purple buildings and blue mountains in the background. The text 'PLA 2016' is at the top, 'DENVER' is in a purple box, and 'APRIL 5-9, 2016' is below it. A blue banner at the bottom says 'Registration Now Open!'.

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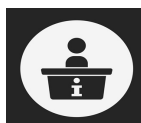
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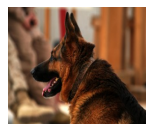
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