



City of Homer

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Memorandum 22-040

TO: Mayor Castner and Homer City Council
THROUGH: Rob Dumouchel, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: March 3, 2022
SUBJECT: Ordinances amending Mobile Food and Special Event Permits

I attended a meeting at each City Commission and the Library Advisory Board to provide an overview of the two draft ordinances. The Commissions all appreciated the work involved, and the streamlining of City permit processes. Excerpts of their meetings minutes are provided below.

I spoke with the Planning Commission at a work session (3/2/22). No minutes are taken at work sessions. The Planning Commission asked questions and was supportive of the changes.

Economic Development Advisory Commission 2/8/22

Chair Marks introduced the item by reading the title and deferred to Deputy City Planner and Special Projects Coordinator Engebretsen and Deputy City Clerk Tussey to begin discussion.

Ms. Engebretsen and Ms. Tussey spoke to the background of the large special event code and reasoning for amending it, the proposed event permit decision tree, and City staff's plan to build an online interactive Frequently Asked Questions page that would guide individuals to the information they need depending on the event they're planning. Commissioners voiced overall support of the special event code amendments. In response to questions and concerns regarding the updates to food truck code, Ms. Engebretsen explained how the existing code and process was very restrictive and expensive, and how the revised code makes getting a food truck permit easier. Discussion included the following topics:

- Permit should require, at a minimum, showing proof of the applicant's Department of Environmental Conservation (DEC) certificate; Commissioner Gamble supports removing barriers for businesses but thinks skipping over health and safety safeguards is short-sighted; Commissioner Speakman agreed, noting the DEC permitting process is pretty extensive.
- The new process will only require the applicant states they have a copy of their business license and sales tax abilities but will not require proof of it; commissioners and staff discussed how the City is not an enforcement agency and how tedious other community's process is to verify this information; agreement that checkboxes on the application is sufficient.

- Removing the section of code that protected established restaurants from food truck competition. This topic went through extensive discussion at the City Staff level and it was determined the City does not regulate how many liquor licenses or restaurants there can be in a proximity to one another for standard businesses, and so in the spirit of the free market the proposed code does not intend to regulate food trucks as it has in the past. Any issues with food trucks being on private property is up to the owner of that property.
- Support for the “free market” concept, brings up the question why does the City regulate food trucks at all? Point made that it’s coming from the same chapter as Itinerant Merchants and gives the City a right to deny illegitimate businesses from coming into the community, such as shady asphalt businesses. Food truck permits are a pretty standard thing in other municipalities, and gives some concept of who is in your down doing food services, coming from a health, welfare, and safety perspective.
- Concerns that by reducing the revenue from permits we’re now losing a large amount of money due to the amount of staff time/labor put into the permitting process. Staff reasoned it would likely be less time-consuming because the new regulations will be easier to understand (therefore less staff time explaining the process), be more accessible online, less permitting barriers, and a simple \$50 fee can be paid over the phone.
- Reiteration of full support for removing excessive barriers, such as requiring finger-printing, using checkboxes on the form to determine eligibility and that revisions to code can always be done at a later time if needed. GAMBLE/BROWN MOVED TO SUPPORT THE HOMER CITY CODE AMENDMENTS REGARDING SPECIAL EVENTS AND MOBILE FOOD SERVICES AND RECOMMEND APPROVAL BY CITY COUNCIL. There was no discussion. VOTE: NON OBJECTION: UNANIMOUS CONSENT. Motion carried.

Library Advisory Board 2/15/22

Chair Finn introduced the agenda item by reading the title and deferred to Deputy City Planner and Special Projects Coordinator Engebretsen. Ms. Engebretsen spoke to the proposed amendments to City Code regarding special events and food truck permitting in relation to the library and events that could potentially take place at the library. She facilitated discussion with the board and responded to questions on:

- Scenarios when permits would be required since many library events are organized through the Friends of the Homer Library or library staff.
- How demonstrations and marches are addressed in City Code and the permitting process. FAIR/KUSZMAUL MOVED TO SUPPORT THE HOMER CITY CODE AMENDMENTS REGARDING SPECIAL EVENTS AND MOBILE FOOD SERVICES AND RECOMMEND ADOPTION BY CITY COUNCIL.

Boardmember McKinney clarified with City staff that the LAB was supporting the code amendments, not approving them, and will then go to City Council for adoption. Ms. Engebretsen and Deputy City Clerk Tussey noted any further revisions to the documents would be before Council for consideration, the large amount of staff input that went into writing them, and how the proposed amendments will streamline the special event process. Boardmember Dolma commented the new 14 day application period is appreciated if you’re

in a creative role; it feels less daunting than the 120 days. Boardmember Kuszmaul voiced her support for the amendments. She commented how the amendments seemed appropriate in regards to freedom of speech and demonstrations; her concerns were if a demonstration would be shut down if it ended up being larger than the organizers had anticipated. Ms. Engebretsen explained how the permitting process and code addresses that and why the revised decision tree includes notices to Public Safety staff even if a large event permit is not required. Chair Finn confirmed with staff what other advisory bodies were providing comments on the topic. VOTE: NON-OBJECTION: UNANIMOUS CONSENT. Motion carried

Parks, Art, Recreation and Culture Advisory Commission 2/17/2022

Deputy City Planner Engebretsen provided a summary review of the information in the packet. She noted the following in addition to the information provided:

- City of Homer is the most difficult and most expensive community • Lengthy process for a Special Event
- Changes to City Code
- Process outlined in a flow chart format
- Clarifies how a Special Event will be conducted in the City's Parks
- Food Trucks will be wrapped into MOU's that organizations such as Little League have with the city.

Commissioners commented in support of the changes presented. HARRALD/ARCHIBALD MOVED THAT THE COMMISSION SUPPORTS THE PROPOSED CHANGES AS PRESENTED AND RECOMMENDS FORWARDING TO CITY COUNCIL FOR PUBLIC HEARING AND ADOPTION. VOTE. NON-OBJECTION. UNANIMOUS CONSENT. Motion carried.

Port and Harbor Advisory Commission 2/23/22 * City Manager Dumouchel, Julie Engebretsen and Christine Drais subsequently met with the Homer Chamber of Commerce Executive Director Brad Anderson and Port and Harbor Commission Chair Crisi Matthews to further discuss concerns. There are addressed in the manager's memo accompanying the special event permit ordinance.

Vice Chair Ulmer introduced the item by reading the title and deferred to Deputy City Planner and Special Projects Coordinator Engebretsen.

Ms. Engebretsen provided an overview of the proposed amendments to City Code regarding special events and food truck permitting in relation to the harbor.

Commissioner Matthews raised concerns that the new code for special event permits would cause undue burdens on local organizations and individuals who plan events that can potentially bring revenue to Homer. She pointed out the code verbiage that allows the City Manager to impose additional costs for City staff time and insurance requirements.

Ms. Engebretsen responded, noting:

- How many of the events used as examples would not be required to get a permit under the new code/process;
- That events that do require a permit, such as ones that impact the Right-of-Ways, are already doing the things outlined in the new code (that has not changed, it's just been clarified better);
- How the City is trying to be more mindful of what's happening on our properties. She explained how the potential fees are at the City Manager's discretion and would only apply to really large events that would cost the City a lot of money in staff time; that will not be the case for many of our community events. Right now we do not have the tools, as a landowner, in place to protect our City parks and facilities from events that could have the potential to damage them with little repercussions.

Deputy City Clerk Tussey reiterated Ms. Engebretsen's points, how the amendments streamline the special event permitting process, and shared her experiences with processing special event permits during her time as Acting City Manager Assistant.

Commissioner Matthews opined there are some things that need to be clear and cleaned up. She highlighted some events, such as the Peony Festival or firework events, that would now have to budget more due to the costs associated with getting a special event permit. Ms. Engebretsen reiterated that many of those events are already required under the existing code to have permits and submit insurance requirements; that is not changing with the new code amendments and she does not see where event planners will have to pay an extra \$1,000. The intent is to have language that says "yes you're going to do this big thing and you're going to have to provide some insurance".

At Commissioner Matthews' request for more clarification from someone at City Hall, Ms. Engebretsen suggested a separate meeting where she, staff, and the City Manager can discuss it further. There was discussion on what that meeting would entail and other community events that Commissioner Matthews feels will be effected by the code change.

Student Representative Stonorov left the meeting at 6:04 p.m.

Commissioner Matthews inquired on the proposed food truck code. Her understanding of health department regulations is that food trucks had to remain a set distance away from established restaurants. Ms. Engebretsen explained that City Code has a rule regarding distance but one was not found in Alaska State Statutes. Commissioner Matthews said she would follow up on that requirement. Commissioner Matthews questioned how the new code applies to Farmer's Market stands. Ms. Engebretsen explained how those uses fall under different Planning and Zoning rules pertaining to outdoor markets and the need for itinerant merchant licenses, and the rules imposed by the farmer's market organizers. Ms. Engebretsen also clarified that food trucks used at large events, such as the Food Truck Festival that Commissioner Matthews used in her example, would not be required to get a mobile food permit as they would be covered under the Chamber's special event permit. She further clarified that events such as the Homer Little Leagues are covered under a Memorandum of Agreement they have with the City to use the park facilities. Commissioner Matthews brought up food trucks in the Right-of-Ways, such as out on the Spit. Ms. Engebretsen noted anyone using the State's Right-of-Way would need a permit from the State, and how the City cannot

charge for the use of it. Commissioner Matthews reiterated her concerns with the vagueness of the code as a person who is trying to build business/economy and as a commissioner.

Commissioner Shavelson shared an observation of his time living in larger cities that had many ice cream and food vendors on bicycles and push-carts. He opined it was reasonably foreseeable to see similar vendors on the Spit and suggested that be considered when determining the definition of mobile food services.