

NOTICE OF MEETING  
MEETING AGENDA

1. CALL TO ORDER
2. APPROVAL OF THE AGENDA
3. PUBLIC COMMENT REGARDING ITEMS ON THE AGENDA
4. RECONSIDERATION
5. APPROVAL OF MINUTES
  - A. January 18, 2012 Regular Meeting Minutes Page 1
6. VISITORS
7. STAFF & COUNCIL REPORT/COMMITTEE REPORTS/ BOROUGH REPORTS
  - a. Staff Report on what it would take for the City of Homer to connect to the marine fiber optic network that lands in town. (Nick Polos - IT Manager) Page 5
  - b. Report on business incubator/mentor day. (Katie Koester)
  - c. Invite extended to Marine Trades Association for March meeting.
8. PUBLIC HEARING
9. PENDING BUSINESS
10. NEW BUSINESS
  - A. Review of Sign Ordinance 12-01 (S)(A) and EDC recommendations (Rick Abboud - Planning Director) Page 9
11. INFORMATIONAL ITEMS
12. COMMENTS OF THE AUDIENCE
13. COMMENTS OF THE CITY STAFF
14. COMMENTS OF THE COUNCILMEMBER
15. COMMENTS OF THE CHAIR
16. COMMENTS OF THE COMMISSION
17. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR TUESDAY, MARCH 13, 2012 at 6:00 p.m. in the City Hall Cowles Council Chambers located at 491 E. Pioneer Ave, Homer, Alaska.



Session 12-01, a Special Meeting of the Economic Development Advisory Commission was called to order at 6:00 p.m. by Chair Davis on January 18, 2012 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONER DAVIS, WAGNER, NEECE, FAULKNER, SARNO

COUNCILMEMBER: WYTHE (absent)

STUDENT: DAVIS

STAFF: COMMUNITY AND ECONOMIC DEVELOPMENT COORDINATOR KOESTER  
DEPUTY CITY CLERK JACOBSEN

### APPROVAL OF THE AGENDA

The agenda was approved by consensus of the Commission.

### PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA

There were no public comments.

### RECONSIDERATION

There were no items for reconsideration.

### APPROVAL OF MINUTES

#### A. September 23, 2011 Special Meeting Minutes

The minutes were approved by consensus of the Commission.

### VISITORS

Kachemak City Mayor Phil Morris and Assemblymember Bill Smith commented to the Commission regarding a committee that was formed to push the letter writing campaign for the gas line. Previously they received letters from individuals and this time they are focusing on businesses and getting good feedback. Committee members are going to the business owners, giving them a 5 page description of what they are hoping to accomplish and soliciting them to write the Governor. Representative Seaton attended a meeting and explained this year's program.

Bill Smith explained that Representative Seaton has proposed is an additional \$1 per mcf added to the base rate. Adding the extra fee seems to be satisfying many people who were opposed and hopefully the Governor won't veto. Mr. Smith added that even with the additional consumers will see 60% savings or more compared to fuel. There was discussion regarding the \$1 per mcf charge.

## STAFF AND COUNCIL REPORT

Community And Economic Development Coordinator Koester provided an update on the gas line from perspective of City Manager's office. The \$1 per mcf tariff is being considered the game changer in gaining traction in the conversation for legislators. There has been a lot of talk about Homer needing to have skin in the game so this is significant and still represents a robust economic development project. City Manager Wrede will be asking Council to take an action on the \$1 per mcf recommendation. At some point it would be good for the Commission to discuss a recommendation for or against the \$1 per mcf. Hopefully the City's support will show Juneau that we are committed. Preliminary numbers for the build out are available from Enstar for the Council to consider for the core area versus the entire area.

## PUBLIC HEARING

No public hearings were scheduled.

## PENDING BUSINESS

No pending business was scheduled.

## NEW BUSINESS

- A. Review of Homer Comprehensive Economic Development Strategy Implementation Plan and Possible Action Items for 2012

Community and Economic Development Coordinator Koester commended the Commission for their work on the CEDS. She noted that while some of the items are more appropriate for other groups, she chose a few for the Commission to discuss and work toward throughout the year.

The Commission considered the following items from the CEDS Implementation Plan:

- Support development of a new program aimed at helping entrepreneurs identify and secure needed capital.
- Support development of a program to provide mentoring and other networking opportunities for local entrepreneurs.

Discussion centered on the concept of a website, and a mentoring program where professionals who were willing could take a half hour or so to work with entrepreneurs to help guide them in areas where they need help. An education event is another option for getting information out to interested people. Mrs. Koester suggested the Commission could consider supporting HB 121 that would create three revolving loan fund programs, one for charter fisheries, one for mariculture, and one for small businesses. These would be modeled after the commercial fishing revolving loan fund.

- Encourage new businesses that will fill unmet needs within the marine trades cluster.

Mrs. Koester suggested a needs analysis of what is lacking in marine trades and defining how to support the development. This could include working with the Port and Harbor Advisory Commission and other groups developed to market the port. She noted another piece of

ECONOMIC DEVELOPMENT ADVISORY COMMISSION  
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JANUARY 18, 2012

legislation support Alaska manufacture preference for borrowers of the commercial fishing revolving loan fund. It was pointed out that there is a new Marine Trades Association and they could assist in establishing what needs are not being met.

- Support technical upgrades that benefit individuals and businesses who utilize these services extensively: e.g. high speed broadband internet, improved cell phone service, and wireless connectivity.
- Market Homer's quality of life factors and suitability for high-tech/internet-based operations.

The group acknowledged that for Homer's economic future they need to form ways to attract people to Homer who can bring business with them, thus bringing new dollars into the economy. Resolving concerns about internet connectivity, flight services, packaging something, and so forth are things to consider with this task.

Commissioners addressed challenges with inadequate fiber optics availability in our area. Commissioner Neece suggested finding information about Kodiak Native Corporation who owns most of the cables that run all over the world. It would benefit the community to find a way to create an entity and tie into the cable rather than dealing with the telecommunications bureaucracy.

- Support expansion of local agriculture enterprises in the Homer area.

While recognizing that agriculture has become very popular, the Commission talked about how farmers markets are becoming a vital part in communities all over. Most of the members felt that growing our farmers market would strongly benefit local entrepreneurs and the community overall. Concepts of a larger building, different venues, and location were discussed.

- Take steps to make Pioneer Avenue more appealing as a commercial district. Support similar improvements on Main Street and Bunnell Street.

Mrs. Koester expressed her feeling that the idea of a central business district is good and ours needs revitalization from what didn't work before. Commissioner Faulkner spoke strongly in opposition of spending anymore staff time on the town center right now because the City has spent significant amounts of money to promote it and the voters said no to the town center. There was discussion that the voters said no to the package presented on the ballot primarily due to the new city hall, but many people in the community have interest in the town center itself. Commissioner Neece reiterated his suggestion from the last meeting of the Commission and City Council recognizing the businesses that have put forth money and effort to make their building look good thereby improving the overall look of the business district.

The Commission requested Mrs. Koester bring back information on the fiber optics concept, business acceleration/business incubation events, inviting the Marine Trades Association to talk to the Commission and look at needs analysis as a future step.

## INFORMATIONAL ITEMS

## COMMENTS OF THE AUDIENCE

ECONOMIC DEVELOPMENT ADVISORY COMMISSION  
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Councilmember Zak welcomed Katie and acknowledged the great ideas from Commission tonight.

**COMMENTS OF CITY STAFF**

There were no further staff comments.

**COMMENTS OF THE COUNCIL MEMBER**

**COMMENTS OF THE CHAIR**

Chair Davis said he is glad to have Katie here and is looking forward to what we can get done.

**COMMENTS OF THE COMMISSION MEMBERS**

Student Representative Davis said she likes the idea of the business incubator and having a business education event extend to the high school as well. It will be good to help teens have an understanding of economic development and have incentive to stay in Homer if they can sustain themselves here. She enjoys being on this Commission, she's learning a lot.

Commissioner Sarno thanked Katie. She said she keeps coming from the point of view from popular movements. Large numbers of people doing small things equals one large company doing one thing. She is on the side of lots of small businesses being incubated.

Commissioner Faulkner commented that as they discuss economic development some ideas brought out, like building a convention center for 1500 people, it makes wonder if he wants to live in a Homer that has conventions of 1500 people coming to town. He suggested in the near future the Commission invite business to discuss the plusses and minuses of cruise ships and how many is too many. He and Chair Davis engaged in discussion of cruise ships.

Commissioner Wagner said he is glad Katie is here and looks forward to working with the group.

Commissioner Neece thanked Katie and said he would give her the fiber optic information he has.

**ADJOURN**

There being no more business to come before the Commission the meeting was adjourned at 8pm p.m. The next regular meeting is scheduled for February 14, 2012 at 6:00 p.m. in the City Hall Cowles Council Chambers.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: \_\_\_\_\_

# Memorandum

DATE: 2/7/2012

TO: Economic Development Advisory Commission

FROM: Nick Poolos, IT - Manager

SUBJECT: What would it take for The City of Homer to connect to the marine fiber optic network that lands in town?

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Katie Koester brought to my attention; the Commission's request to investigate options for the city to gain direct access to the Kodiak Kenai Fiber Link (KKFL) with the hopes of improving Internet access and decreasing costs to Homer businesses and individual residents. This memo is intended to provide the commissioners with background and some possible courses of action, including some other possibilities that warrant consideration. Hopefully you will find this information helpful.

## Background

The KKFL fiber is owned and operated by the Kodiak Kenai Cable Company (KKCC) as a "carrier's carrier" with a long-haul data transport on 2 pairs of fiber in a redundant ring. The fiber ring first entered service in 2007 with a data rate of 2.5 Gigabits per second (Gbps). The KKFL ring has landings in Anchorage and on the peninsula in Homer, Kenai, and Seward. KKCC published expected demand in 2007 to be 14% of the 2.5Gbps capacity. Even with unexpected exponential growth, there should be at least 1 Gbps of backhaul bandwidth available on the KKFL. KKCC can expand the capacity of the KKFL up to 640Gbps with commercially available electronics upgrades on the shore based terminals. No upgrades to the marine fiber plant would be needed. The KKFL marine fiber and terminal facilities were designed for at least 25 years of operation. The actual service lifespan may be much longer.

Before addressing the local services available, allow me to set up some definitions and expectations for Internet service and speed. In 2010, the FCC set 4 Mbps download and 1 Mbps upload as the threshold for classifying an internet connection as broadband. These data rates would allow the connection to be used for:

- Streaming a single full quality high definition video stream (720p) from a service such as Netflix, Amazon or Hulu
- A single high definition bi-directional video conference (720p)
- A single 3 party standard definition (CIF) video conference or 2 bi-directional video conferences
- 20-40 simultaneous telephone conversations (VoIP)
- 5 - 10 high quality web browser sessions

As of 12/31/2010 the FCC National Broadband Database (NBD) listed the following for the Alaska 35<sup>th</sup> State Legislative District:

- 29<sup>th</sup> in the state in terms of average bandwidth available to a household
- 72.0% of households had access to a broadband connection of at least 3 Mbps download 768 Kbps upload the top speed class as tracked
- 68.2% of households had access to 1 wireline broadband provider (ACS)
- 26.0% of households were served by 2 wireline providers (ACS and GCI)

Note that the data above has a top classification of connection speed at 3 Mbps download 768 Kbps upload or greater. As of 2/6/2012, ACS is advertising 3 Mbps download and 512 Kbps upload as the top DSL speed tier.

This calls into question the validity of the 72% of households with broadband access as found in NBD. As of 2/6/2012 GCI has recently upgraded their backhaul capacity this allowed them to start offering advertised speeds up to 22 Mbps download and 2 Mbps upload to Homer residents and businesses. This service qualifies as broadband under the FCC definition. Therefore only the households serviced by GCI (26% as identified above) actually have access to broadband, as defined by the FCC.

For the business market, ACS has higher speed offerings than DSL lines. These meet the FCC's definition of broadband but are cost prohibitive for most small businesses and individuals.

Additionally, there are two Wireless Internet Service Providers (WISPs) serving the Homer area. They use specialized 802.11 wireless networking equipment in the 2.4 and 5 GHz unlicensed radio bands to both distribute their bandwidth and connect customers. These providers are not regulated by the FCC and thus do not appear in the above statistics. Also these WISP providers must obtain their Internet connections and bandwidth wholesale from ACS or GCI.

### **Response to the Commission's question**

The KKFL is a carrier's carrier so Homer would need to set up some form of a "utility" to connect to the KKFL. The KKFL has plenty of latent capacity to serve as a backhaul to Anchorage for Homer internet traffic. This utility would then need to build out a network that would connect to the KKFL terminal station near Bishop's beach, aggregate traffic from different geographic areas of town, and provide the "last mile" connection to Homer businesses and residences. The exact nature of the utility structure would depend on the network model chosen and KKCC's own policies and contract terms.

Homer has incumbent DSL and Cable networks capable of supporting data subscribers and thus municipal investment in these technologies and networks is really not appropriate. Municipal wireless networks based on the 2.4GHz and 5.0GHz unlicensed radio spectrum have either completely failed or have been underutilized.

The logical distribution network should be of an alternate and next generation technology. The two options available for new network build outs are Fiber-to-the-Premises (FTTP) and 4G fixed wireless networks. Both of these options have merit and are not mutually exclusive. For example a FTTP network for the "core area" that has been modeled for the proposed natural gas service that is augmented with a 4G wireless to the rest of the city and even surrounding areas.

FTTP is the most interesting option as it is the best network model for the foreseeable future. FTTP can deliver telephone, subscription television, internet and other data

services all down the same physical connection to a home or business. This allows for higher average revenue per subscriber than internet service alone.

Looking at just the “core area” modeled for the gas distribution system, Homer has approximately 1400 households with a density of 390 households per mi<sup>2</sup>. Using a FTTP economic analysis published by the FCC in April 2010, I calculated a rough cost estimate of \$1,050,000 to build a fiber plant which covers the “core area”. Extending the fiber plant to the city limits increases the potential subscriber base to 3000 households with a 185 households per square mile. The total cost for a citywide FTTP plant would be \$2,700,000 based on the FCC estimates. The FCC model is based on a 40% subscription rate. At that subscription level and assuming a negligible profit over 20 years, the utility would need to generate revenue of \$45-\$50 dollars per subscriber.

At this required revenue level, the city would not need to enter the retail market. It could provide wholesale connections and rely on private enterprises to serve the retail subscriber. This shared model is working well for the Utopia consortium in Utah.

### **Other Options**

Attempt to spur some or all of the incumbents into making investments in their own networks and increasing services. The City of Homer has limited leverage with both ACS and GCI in this regard. ACS is regulated as the Incumbent Local Exchange Carrier (ILEC). GCI appears to have a statewide cable franchise and is a registered Competitive Local Exchange Carrier (CLEC).

Partner with HEA. Some electric utilities are looking to enter the data services market as a means to help recoup capital investment in a data network to support “smart metering”.

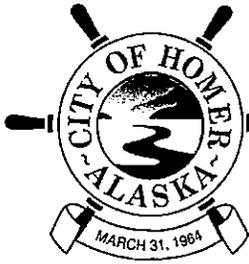
The KKFL also lands at Kenai and Seward. Forming a consortium such as Utopia in Utah and Jaguar in Minnesota would increase the subscriber pool making the network more attractive to private service providers. This would allow the cities to remain wholesale providers and rely on private enterprise to provide the end user support, hookups, service disconnects, billing, etc. Slight differences in subscriber density can be handled fairly with funding formulas at consortium formation.

Look at the costs of a 4G fixed wireless network. There is radio spectrum and commercially available equipment to build a WiMAX network at 3.65GHz. This would most likely be a data only network and would involve building more communications towers throughout town.

### **Risks**

Commencing a project like this is a market disrupting action. It will cause incumbents to take action. Possible incumbent actions include court challenges and a refusal to invest in improvements to their own networks and services while the City plans, designs and builds the FFTH network





# City of Homer Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

*Telephone* (907) 235-3106  
*Fax* (907) 235-3118  
*E-mail* [Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)  
*Web Site* [www.ci.homer.ak.us](http://www.ci.homer.ak.us)

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## MEMORANDUM 12-

**TO:** Economic Development Committee  
**FROM:** Rick Abboud, City Planner  
**DATE:** February 3, 2012  
**SUBJ:** **Ordinance 12-01(S)(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.60.040, Definitions; Homer City Code 21.60.060, Signs Allowed on Private Property With and Without Permits; Homer City Code 21.60.070, Permits Required; Homer City Code 21.60.080 Design, Construction, and Maintenance; Homer City Code 21.60.090, Signs in the Public Right-of-Way; Homer City Code 21.60.100, Signs Exempt From Regulation Under This Chapter; Homer City Code 21.60.110 Signs Prohibited Under This Chapter; Homer City Code 21.60.130, Temporary Signs-Private Property; Homer City Code 21.60.150, Time of Compliance-Nonconforming Signs and Signs Without Permits; and Homer City Code 21.60.170, Enforcement and Remedies; and Repealing Homer City Code 21.60.095, Electoral Signs; Homer City Code 21.60.120, General Permit Procedures; Homer City Code 21.60.140, Temporary Signs- Public Rights-of-Way; and Homer City Code 21.60.160, Violations; Regarding the Regulation of Signs. Introduction January 9, 2012, Public Hearing and Second Reading January 23, 2012.

### Task of the EDC

The EDC should review proposed policy on temporary sign regulation in consideration of the motions made by the City Council and suggest a direction for additional consideration or not, when so decided by the body.

### Introduction

At the January 23 City Council meeting, the council referred the fore mentioned ordinance to the EDC for input. The input requested was provided in motions regarding specific elements of the ordinance. These motions included (some paraphrased):

SEND IT BACK WITH SOMETHING FOR SANDWICH BOARD SIGNS

AMEND THAT THE TEMPORARY SIGN SECTION BE REINSTATED THROUGHOUT THE ENTIRE ORDINANCE AND SOME LIMITATION BE PLACED ON REAL ESTATE SIGNS, AND ELECTORAL SIGNS STAY AT 32 FT.

AMEND THAT THEY COME UP WITH A POLICY FOR SANDWICH SIGNS AND HOW THEY CAN BE USED AS AN ADVERTISING TOOL.

SEND IT BACK WITH AN EMPHASIS BASED ON SAFETY.

### **Big Picture**

While we have heard from several small business owners testifying about how these signs contribute to their bottom line, the Planning Commission did consider the impact to the community as a whole. A point to keep in mind when reviewing a planning ordinance is how it affects the entire community and not just specific individuals.

It has been recognized that there were some problems with sandwich signs (believe it or not, responding to complaints about these signs became one of the most time intensive things with which the office dealt). Basically, current regulations were not being enforced and/or followed. This resulted in an escalation of these types of signs and violations to the requirements for display. The Planning Commission did meet with the City Council and given the 'something must be done' suggestion.

The intent of the sign ordinance relating to temporary signs including sandwich boards currently found in code is that these signs are for special or temporary events and that approximately once a week or the equivalent a temporary sandwich board can be used to advertise the event. It is not meant for permanent display as much of the rest of the sign code provides for permanent display. One sign is allowed per lot for display during 14 days out of a 90 day period, basically once a week. They are not to be off the lot and cannot be blocking a sight triangle, sidewalk, or be placed in a right-of-way. All signs on the lot with a commercial message shall not exceed the total amount allowed in code.

So what exactly are we talking about? The Planning Commission decided that continued escalation of the commercial sandwich board was negatively affecting the community. They do not believe that Homer will be positively served when all businesses start displaying sandwich boards in addition to all the other signage allowed in code. I also believe that consideration was given to fact that these signs and especially their permanent display, leads to either an inequity for those not using them or an escalation to recapture market share. Do people come to see signs? How many signs does it take to see a diminishing return for the signs themselves or for the community as a whole? It might be helpful to call out where the tanning place or hair stylists is located, but do we really want to see "Beer \$8.99 a six" on sandwich boards all over town (just an example)? These messages cannot be distinguished in code so it is either all or none. The Planning Commission chose none but, left an allowance for charitable community events (not nonprofits in general), garage and real estate sales. There was a motion to place some limitation on real estate signs and I am suggesting enforcement of the rules, which do not allow for off-site display.

The City Council sent a less than pointed message, which I will respond to motion by motion.

**SEND IT BACK WITH SOMETHING FOR SANDWICH BOARD SIGNS**

*I take it that they wish for a different policy, 'something'?*

**AMEND THAT THE TEMPORARY SIGN SECTION BE REINSTATED THROUGHOUT THE ENTIRE ORDINANCE AND SOME LIMITATION BE PLACED ON REAL ESTATE SIGNS, AND ELECTORAL SIGNS STAY AT 32 FT.**

*Temporary signs – I am interpreting this to mean that they mean to go back to the 14 day out of a 90 day period for display of sandwich boards as suggested by Council member Howard.*

*Things to consider;*

*Enforceability – My main issue with this provision is that the prescribed 90 day period is open to interpretation. I would need to know the first day of display and someone might have to keep track of days of display. Everyone could be on different schedules, making it challenging to enforce. Options to consider: Would a set period of display make it easier? Prescribe 4 quarters starting with January 1? Many communities just give a set amount of days for display such as 30 days. '*

*Real Estate Signs – Limitations*

*Limitations are already placed on these sign: 1 per lot where sale property is located. I am not sure that it is practical to limit a real estate sign for a time of display less that the time for which the transaction takes place. They are required to be removed after the sale.*

*We can go about making sure that these are not in violation.*

*Electoral Signs*

*Easy fix, remove strike out in proposed ordinance. Unfortunately we are headed further away from the recommendations of the Planning Commission (limited to a maximum size of 16sf like any other temporary sign) and City Attorney (recommended that they be treated like any other temporary sign in that they conform to the rules of district in which they are found in size and allowance).*

**AMEND THAT THEY COME UP WITH A POLICY FOR SANDWICH SIGNS AND HOW THEY CAN BE USED AS AN ADVERTISING TOOL.**

*The version of the ordinance under consideration by the City Council did have a policy for how sandwich boards could be used as an advertising tool, specifically for special events, garage sales and real estate. So if we are to review other options they might include:*

- 1. For temporary commercial display as discussed above.*
- 2. They could be required to be displayed during hours of operation only.*

*I have to remind that we should only be concerned with time and size of display for the various zoning districts. Regulation of content or design (such as color) is questionable for code.*

**SEND IT BACK WITH AN EMPHASIS BASED ON SAFETY.**

*The current regulations and proposed regulations do have provisions sufficient to ensure the public's safety. I see this as more of an enforcement issue. The Planning Office will need to dedicate more resources to ensure that these regulations are followed.*

**Testimony**

The people that testified generally had a personal stake in sandwich boards and displayed varying degrees of understanding regarding current and proposed regulations. What I heard most of them saying was that they wanted to be able to display sandwich boards continuously. To me this means that they wish to move from temporary display to permanent display. Although I saw no direct support for this from either the Planning Commission or the City Council, provisions could be made to permit sandwich boards with other permanent signage. They could be allowed within the allowances for the various districts and thought could also be given to whether or not they should be required to be displayed only during business hours.

### **Task of the EDC**

The EDC should review proposed policy on temporary sign regulation in consideration of the motions made by the City Council and suggest a direction for additional consideration or not, when so decided by the body. The actual ordinance is by nature quite complex and I will wait until receiving some specific guidance before crafting any revisions to code.

### **Attachments**

1. Draft Ordinance 11-XX, temporary sign section
2. Memo to City Council.
3. Excerpt of 1-23-12 City Council minutes.



# City of Homer

## Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

Telephone (907) 235-3106  
Fax (907) 235-3118  
E-mail [Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)  
Web Site [www.ci.homer.ak.us](http://www.ci.homer.ak.us)

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### MEMORANDUM 12-

TO: Mayor Hornaday and Homer City Council  
THRU: Walt Wrede, City Manager  
FROM: Rick Abboud, City Planner  
DATE: January 4, 2012  
SUBJ: Draft Ordinance 12-XX, Sign Ordinance

#### Introduction

The Planning Commission is forwarding the Draft Ordinance 12-XX for review. The HAPC has had 17 work sessions, 14 regular meetings, 2 public workshops, a joint session with Council, and a public hearing regarding this issue.

#### Why

Work on the ordinance started out as a response to some specific items. Staff was looking for a directive to deal with noncompliant signage that had not been comprehensively addressed for many years, mostly dealing with the Spit and sandwich boards. The Planning Office was unable to issue a sign permits for new boardwalk businesses because we found that most all boardwalks were far past the sign allowance found in code and thus we could not condone any sign past the legal limits. Additionally, we were getting a large number of complaints about illegal sandwich board signs that were found off-site, in the rights-of-way, on the sidewalk, being displayed beyond the amount of time allowed in code, and in numbers exceeding limits in code. Complaints and comments were provided by a wide array of people including those on the council and commission along with business owners (especially competing businesses) and the general public

#### What

##### Measure signage per building from per lot

To make it less complicated and easier to enforce and permit on the spit, changes were made to table 2 part B, line 216 that allows signage to be measured per Principle Building instead of Per Lot. It is proposed that signage be displayed in proportion to the size of individual structures and not limited to 150 square feet per lot (some spit lots have over 12 buildings).

##### Temporary Signs

Generally, temporary signs are those that are temporary in physical nature and in display term. They are only allowed on-site within the boundary of the parcel and should not be placed on a sidewalk, ROW, or blocking a sight triangle. Additionally, they need to fit within the total amount of allowed signage per lot. These are universal concepts that are not proposed to be compromised. Now it gets more complicated, as I try to explain what is currently allowed to what is proposed.

Currently, one may use a temporary sign on private property (one per lot) for up to 14 days in a ninety day period for advertising, except real estate signs which are allowed until sale and electoral signage (allowed 60 days prior to election and must be removed in week after), which are allowed in any amount up to 32 square feet each. The Commission does not propose changes in real estate or electoral sign other than paring down the size of electoral sign to a max of 16 square feet, which is the maximum allowable size of any other temporary sign.

The Commission has recommended regulating commercial and non-commercial messages differently. Temporary Signs are divided into General (21.60.130 (a)), conditions that apply to all temporary signs; Commercial (21.60.130 (b)), only allowing garage sales and real estate signs; and Non-commercial (21.60.130 (c)), most non-commercial messages will be displaying information about an event and would be regulated as indicated in the General section. Things get a bit difficult in deciding just which types of signs may be non-commercial considering the vast amount of fund raising events and activities in Homer. This is left to the City Planner to evaluate. I am concerned about where the line is drawn on non-commercial messages and plan to confer with the City Attorney about the implications prior to the worksession.

There is a current provision for permitting temporary signs in the rights-of-way (ROW). This has been struck because most everyone applying would want a sign in the State ROW, which we do not have the authority to grant (we can only be more restrictive than the state, not less).

### Banner

The definition of a banner has changed. Basically, banners must be affixed to a rigid surface all around all edges; once this happens it meets the definition of a sign and will be regulated as such. No more banners blowing with or in the wind.

### Appeals

The enforcement procedure has been streamlined with the thought of being able to resolve enforcement in a more reasonable time frame. Someone will have 7 days to file an appeal with the Clerk just as we have 7 days to issue a permit. Once appealed to the Planning Commission (if the decision is not reversed) the item would then go directly to Superior Court. As proposed, the process for appeal to the Planning Commission could take up to 6 months and 7 days before going to court. Currently, the time frame for two appeal hearings, one before the Planning Commission and then before the BOA could take up to a year and seven days get to court. In a nutshell, the proposed change cuts the time to submit the appeal request to the Clerks from 30 days to 7 days and eliminates an additional appeal to the BOA.

### Other

Other changes are mostly clarifications to definitions recommended by the Planning Staff, Commission, or Attorney and are not intended to be policy changes.

### **Staff recommendation:**

Adopt Ordinance 12-XX

**Attachments**

1. Draft Ordinance 11-XX
2. Staff Report 11-108 and minutes
3. Staff Report 11-106 and minutes
4. Staff Report 11-99 and minutes
5. Staff Report 11-93 and minutes
6. Staff Report 11-82 and minutes
7. Staff Report 11-78 and minutes
8. Staff Report 11-68 (Work Session)
9. Staff Report 11-61 and minutes
10. Staff Report 11-53 and minutes
11. Staff Report 11-46 and minutes
12. Staff Report 11-42 and minutes
13. Staff Report 11-37 (Work Session)
14. Staff Report 11-31 (Joint Work Session with City Council)
15. Staff Report 11-16 (Work Session)
16. Staff Report 10-105 and minutes
17. Staff Report 10-97 and minutes
18. Staff Report 10-88 (Work Session)
19. Staff Report 10-97 and minutes



Excerpt from Ordinance 12-01(S)(A)

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

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

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

1. A temporary sign may not be an illuminated, animated, or changeable copy sign.
  2. Unless a smaller area is required by another provision of this chapter, the area of a temporary sign shall not exceed 16 square feet.
  3. A temporary sign whose message pertains to a specific date, event, or time period shall not be displayed for more than seven days after that date or the conclusion of the event or time period.
- b. Commercial. A tTemporary signs that bears a commercial message is not allowed except: on private property shall be:
- a. Term. A temporary sign shall not be displayed for more than 14 days in any 90-day period, except a sign offering for sale or lease the lot on which the sign is located, which is allowed as long as the property is for sale or lease.
  - b. Number. Only one temporary sign per lot is allowed.
    1. One sign advertising the property on which the sign is located for sale or for rent; or
    2. One sign advertising a temporary sale of household goods located on the lot where the sale is held.
  - c. Non-commercial. Temporary signs that do not bear a commercial message are allowed on private property in any number, subject to the square footage limitations in this chapter.



- B. **Ordinance 12-01(S)(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.60.040, Definitions; Homer City Code 21.60.060, Signs Allowed on Private Property With and Without Permits; Homer City Code 21.60.070, Permits Required; Homer City Code 21.60.080 Design, Construction, and Maintenance; Homer City Code 21.60.090, Signs in the Public Right-of-Way; Homer City Code 21.60.100, Signs Exempt From Regulation Under This Chapter; Homer City Code 21.60.110 Signs Prohibited Under This Chapter; Homer City Code 21.60.130, Temporary Signs-Private Property; Homer City Code 21.60.150, Time of Compliance-Nonconforming Signs and Signs Without Permits; and Homer City Code 21.60.170, Enforcement and Remedies; and Repealing Homer City Code 21.60.095, Electoral Signs; Homer City Code 21.60.120, General Permit Procedures; Homer City Code 21.60.140, Temporary Signs-Public Rights-of-Way; and Homer City Code 21.60.160, Violations; Regarding the Regulation of Signs. Introduction January 9, 2012, Public Hearing and Second Reading January 23, 2012.

Memorandum 12-007 from City Planner as backup.

Memorandum 12-008 from City Attorney as backup.

Mayor Hornaday opened the public hearing.

Scott Fraley, city resident, expressed opposition to the changes for sandwich board signs. They are a big benefit to the community, are not a danger, and have not caused any accidents. The Spit and town signage regulations should be separate.

Holly VanPelt, Homer resident, commented signs do more than sell a service or product; they help a business person create business to bring in income. A sign is a source of information and needs to be large enough to inform the public in a safe manner.

Adrienne Sweeney, city resident, commented the ordinance needs updates to ensure fairness. She opposes deleting temporary signs and signboards due to current economic times. To solve the enforcement problem she asked that the 14-day language be stricken. If one sign for a business is allowed 365 days a year with reasonable maintenance and encroachment rules there would be no enforcement problem. It would solve the issue of small businesses versus non profits, real estate, and political signage. The ordinance violates the Alaska Constitution as it unfairly discriminates commercial speech based on the contents.

Nelton Palma, city resident, noted it was hard enough in the winter as a businessman to provide a service and keep people employed. Every owner that puts up a sign cares that it looks well.

Kevin Fraley, Homer resident, commented the Planning Commission is being anti-business with the ordinance. There are no specific incidences cited according to the Police Department that are

reason to make changes. It is the personal choices of planning commissioners, who need to do what is best for the community at large.

Fred Kaatz, Homer resident, spent over \$900 to have a sign made and cannot use it as he expected. The sign now sits so far off the road it is hardly visible. Sign ordinances are anti-business; businesses make this community thrive.

Leonard Wells, city resident, commented the sandwich board advertisements allow people to come through town to make plans for later in the week.

Chip Duggan, city resident, noted the short time for businesses on the Spit and some of them would not be there without the signs. Realtors' signs are everywhere and they leave them up advertising they've sold. He questioned what the safety difference is.

Marilyn Hueper, city resident, believes visuals are a huge important aspect of communicating clearly. Sandwich boards and banners create an energy of something that is happening. She suggested a frame template for all businesses to create uniformity.

Paul Hueper, city resident, agrees with business owners that spoke up. Signage stimulates growth, adds excitement, and increases demand for products offered. Growth stimulates the tax base.

Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-01(S)(A) by reading of title only for second and final reading.

WYTHE/ROBERTS - SO MOVED.

WYTHE/ROBERTS - MOVED TO AMEND LINE 18-19 AFTER ELECTORAL SIGNS AND MOVE THAT PRIOR TO THE "AND REPEALING" STATEMENT ON LINE 18.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHE/HOWARD— MOVED TO AMEND LINES 67 AND 68 WHICH APPEAR AS STRICKEN, TO RETAIN THE DEFINITION FOR ELECTORAL SIGNS.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LEWIS/ZAK – MOVED TO SEND THIS BACK TO THE PLANNING COMMISSION WITH SOMETHING FOR SANDWICH BOARD SIGNS.

Councilmember Zak asked that additional recommendations be made to make the ordinance pro-business.

Councilmember Hogan would like to see it go to the EDC (Economic Development Advisory Commission).

Councilmember Roberts prefers to send it back to the Planning Commission than the EDC as they know the regulations. The Planning Commission deserves to weigh in again.

WYTHE/ROBERTS – MOVED FOR A FRIENDLY AMENDMENT TO DAVE’S (LEWIS) AMENDMENT THAT IT GO BACK TO THE PLANNING COMMISSION FOR THESE CONSIDERATIONS AND THEN GO ON TO THE EDC FOR REVIEW AND CONSIDERATION BEFORE IT COMES BACK TO THE COUNCIL.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

City Manager Wrede asked that Council be clear in what the Planning Commission is to consider.

Councilmember Hogan intended to vote no with the reluctance we will still have the existing sign ordinance that has poorly served the community. He would like the Planning Commission to look at this from a business perspective and get out of people’s hair.

HOWARD/WYTHE – MOVED TO AMEND THAT THE TEMPORARY SIGN SECTION BE REINSTATED THROUGHOUT THE ENTIRE ORDINANCE AND SOME LIMITATION BE PLACED ON REAL ESTATE SIGNS, AND ELECTORAL SIGNS STAY AT 32 FT.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LEWIS/WYTHE – MOVED TO AMEND THAT THEY COME UP WITH A POLICY FOR SANDWICH SIGNS AND HOW THEY CAN BE USED AS AN ADVERTISING TOOL.

Councilmember Roberts asked for clarification on sandwich signs, whether they could be moved to another physical location.

City Planner Abboud answered the sandwich sign could be moved within the lot of the business, under some circumstances you can have an off premise sign but not a sandwich sign. There are a lot of options. The Planning Commission knows how to make the ordinance; EDC does not. He would be glad to listen to EDC and bring their concepts to the Planning Commission. The sign code could be reverted to allow for temporary signs for businesses. Sandwich signs are not allowed in public right-of-ways.

Councilmember Howard expressed opposition to allowing signs in right-of-ways. City Planner Abboud answered the City cannot allow anything less restrictive than the State would allow in the right-of-way.

City Manager Wrede advised if the ordinance was referred to EDC they can send their comments to the Council, but asked that EDC does not try to rewrite the ordinance as that would bog things down.

Councilmember Hogan asked that if referred to EDC with their comments to the Planning Commission than it can be referred to Council.

Councilmember Wythe called for a point of order, noting the motion on the floor.

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

Motion carried.

ZAK/HOWARD – MOVED THAT THEY CONSIDER PIONEER AVENUE AND THE DOWNTOWN SECTION AS TWO SEPARATE AREAS WHEN IT COMES TO SIGNS.

Councilmember Robert expressed opposition, citing all businesses in the city should be treated equally.

VOTE: YES. ZAK

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

Motion failed.

ZAK/HOGAN – MOVED TO SEND IT BACK WITH AN EMPHASIS PLACED ON BEING PRO-BUSINESS.

Councilmember Howard asked how it could be incorporated legislatively, as different people may view pro-business from two different perspectives. It is asking for philosophical input.

Councilmember Wythe expressed hope the pro-business aspect would be taken care of by sending it to the EDC who would look at how it impacts local businesses.

VOTE: YES. HOGAN, ZAK

VOTE: NO. HOWARD, LEWIS, ROBERTS, WYTHE

Motion failed.

ZAK/HOGAN – MOVED TO SEND IT BACK WITH AN EMPHASIS BASED ON SAFETY.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ZAK – MOVED TO SEND IT BACK WITH BALANCED PRO-BUSINESS WITH AESTHETIC FRAMEWORK.

Motion failed for lack of a second.

WYTHE/ROBERTS – MOVED TO HAVE THEM LOOK AT TABLE 3, SPECIFICALLY ITEM E UNDER THE NOTES TO TABLE 3 THAT REFERENCES A COLUMN HEADING THAT DOESN'T SEEM TO APPEAR ON TABLE 3.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VOTE: (motion to refer as amended) YES. ZAK, HOWARD, HOGAN, LEWIS, ROBERTS,  
WYTHE

Motion carried.