

Session 15-01 a Special Meeting of the Parks and Recreation Advisory Commission was called to order on January 22, 2015 at 5:30 pm by Chair Matt Steffy at the Cowles Council Chambers City Hall located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS LILLIBRIDGE, LOWNEY, ARCHIBALD, STEFFY, MACCAMPBELL, BRANN, AND ROEDL

STAFF: JULIE ENGBRETSSEN, DEPUTY CITY PLANNER
ANGIE OTTESON, PARKS MANAGER & MAINTENANCE
RENEE KRAUSE, CMC, DEPUTY CITY CLERK

Chair Matt Steffy provided a brief summary on the process that will be conducted over the next several meetings while the commission focuses on review of the beach policy. He outlined the three ring binder that was provided and the contents of the book and how the Commission will be receiving future packets and handout materials. The Commission was requested to return the notebooks after conclusion of the Beach Policy Review.

APPROVAL OF THE AGENDA

Chair Steffy requested a motion to approve the agenda as presented.

MACCAMPBELL/LOWNEY - MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

Chair Steffy invited the public to comment and requested them to please sign in they will have 3 minutes.

Deputy City Planner Engbretsen provided a brief overview of the public comment process that will be employed at the next several meetings of the commission and that all members of the public will be encouraged to write their comments on the message board provided before each meeting. She will then read or summarize those comments received after packet distribution to aid in getting everyone's comment on record. She announced the members of the public who submitted comments were included in the Supplemental Packet distributed and noted that no comments were written on the Board by the public present tonight.

Roberta Highland, city resident, reiterated previous comment on the reckless and wild behavior mixing with the more tranquil users of the beach, increased drug use, recommended changing it to non-motorized, initiating a permitting system, designate spaces for pedestrians, and designated areas for dogs off leash, requiring dogs on leashes to the east; and advocating for protection of the tide pools.

VISITORS

Angie Otteson, City Parks Manager and Maintenance, reported what information is contained or posted on the kiosks and the existing signage in place at Mariner Park and Bishop's Beach. She then provided information on what services her department and staff provide for the beaches and parks.

Ms. Otteson elaborated that they do stop people who are seen traveling in non-vehicle areas and remarked that most areas of greatest concern are the US Fish & Wildlife property and feels that the lot lines should be surveyed and marked clearly.

Ms. Otteson acknowledged that some areas are marked. In response to a question regarding enforcement she responded that due to a lack of personnel i.e. funding it is hard to enforce the rules already in place. She agreed that enforcement may deter the unwanted behavior but is not aware of

anyone being cited for violations or have seen someone cited. Staff advised that this issue can be addressed by Chief Robl.

Ms. Otteson agreed with the commission and public regarding the area to the east being a major concern. She noted that until this summer they had no problems with camping on the beach.

Some items discussed, questioned or commented on were:

- Gun fire and fire arms
- Removal of driftwood
- Parking concerns with respect to the parking on the lower level (beach) that appears to encourage driving on the beach, defined by the lack of parking and high use of the park and beach
- Drug paraphernalia and drug use occurs in the restrooms
- Local police are aware of the behavior
- Day Use Camping was allowed
- Installation of fire rings would be unusable after one good storm
- Illegal camping to the west and on private property

Ms. Engebretsen explained that the problem started by a private property owner authorizing campers on their property and the public seeing this did it too without permission.

- Delineating travel ways for vehicles
- Additional trash receptacles placed along the beach
- Enforcement to the East
- sales of firewood
- Camping on city property
- Delineating property lines
- Difficult to determine solutions to use - signage, barriers in certain areas
- Updating maps to indicate private property

Ms. Engebretsen stated that historical access will be discussed at the next meeting; enforcement issues are separate, but for people that are receptive, knowing the regulations, may appreciate the signage. The criminal element will not be solved by signage.

There was no further discussion.

RECONSIDERATION

There were no items for reconsideration.

ADOPTION OF THE CONSENT AGENDA

A. Minutes for the special meeting of December 16, 2014

Chair Steffy requested a motion for adoption of the consent agenda.

ARCHIBALD/LILLIBRIDGE - MOVED TO ADOPT THE CONSENT AGENDA.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORTS

A. Staff Provided Information - Maps and Kachemak Bay Shorebird Monitoring Project

Chair Steffy provided a brief synopsis of the materials contained in the binder. He asked if Julie would like to elaborate.

Ms. Engebretsen provided more detailed description of the organization for the binder and how the packet will be created and distributed.

Ms. Engebretsen commented on one map was the official adopted map and that this map is displayed on the kiosks and the other user friendly map that is distributed to the public by Homer Police Department and city personnel.

Ms. Engebretsen provided a description of each section of the binder and commented on the last section was provided for notes. She mentioned a process that Ms. Krause does for the Public Safety Building Review Committee that works very well and recommends using the same process for the Beach Policy Review meetings. Ms. Krause provides a memorandum stating the next meeting date and requests deliverables from the commission. This will aid in staff providing the information to the commission in a more measureable format. Ms. Engebretsen further noted that Ms. Krause provided lined paper for the commissioner's to write down their notes and questions, etc. She requested the commissioners to either write down their questions and submit them at the meeting or email them to her since she was pretty sure it would be difficult to answer them at the meeting.

The commission was in consensus to add the Next Meeting Deliverables to the Agenda under New Business at the Request of Staff.

B. Policy Review Processes and Format

Ms. Engebretsen stated that ideally the commission will make motions at each meeting and move on at each meeting with the next topic. The commission will be able to revisit each decision prior to the Public Hearings if they are not quite comfortable with the decisions made.

Commissioner MacCampbell questioned whether the federal land was exclusive jurisdiction where the city would have no authority. He would like to know if the authority is proprietary or concurrent. He elaborated on some of the reasoning behind his question.

Ms. Engebretsen stated her problem by providing an example of someone's dog on private property or federal property and is that a City problem then.

Commissioner Archibald questioned if there was a dedicated easement for vehicles.

Ms. Engebretsen responded that people have been accessing the beach from Bishop's Beach for a very long time so by prescriptive use there is an easement.

Commissioner Lowney requested clarification on the access so they know the restrictions that would place on them.

Ms. Engebretsen stated that they will address those issues at the February 5th meeting.

Commissioner MacCampbell remarked that it would involve title search to see if a prescriptive easement was in place. Ms. Engebretsen stated that some people have filed a lawsuit so she does hope to have more information from the attorney for the next meeting.

PUBLIC HEARING

There were no items scheduled for this meeting.

PENDING BUSINESS

A. Review and Discussion on Existing Management Strategies of Bishop's Beach and Similar Areas Within the City Limits

Chair Steffy read the title into the record. He stated that everyone should have reviewed the materials since the last meeting. Commissioner Brann was involved with the original Beach Policy Task Force and Ms. Engebretsen was involved in the last amended Policy.

Commissioner Brann related the issues behind creating the policy and some of the positive results from implementing the beach policy. He cited the historical use of Bishop's Beach to access and the preference to use "gentler" language on what was allowed and what was not.

Ms. Engebretsen could not recall the reason other than the task of the commission was to review the policy and they removed a lot of things that were accomplished. She read through the policy and noted some things that could be removed such as removing the barge on the west side of the spit which it has been. She did note that they did not have the problems then that they do now regarding vehicles on the beach.

Commissioner Archibald recalled more problems with motorcycles and 4 wheelers on the beaches than that were causing problems.

Chair Steffy reminded the commissioners to keep in mind that the behaviors may be increasing but also the awareness of those behaviors is increasing also and having that historical information helps quite a bit in making their decisions.

Further discussion centered on the increase in behaviors and the lack of the public reporting the behavior whether to the police or park personnel.

Chair Steffy asked if the commission had any changes, questions or clarification on.

Commissioner Brann inquired about discussing how it is done in other cities and provided an example of a recent visit to Anchor Point and the signage being bright, simple, easy to read and direct.

Commissioner MacCampbell supported education and that it is employed in the parks but it will do nothing unless there is someone there that can enforce the rules because they will then tell 10 friends and those 10 friends will tell 10 friends. He related the experience he himself prefers to know what he can and cannot do when he goes somewhere. He believes that the commission does not need to focus on the number of police but to make the recommendation to Council and it is up to them to hire the needed manpower.

Chair Steffy appreciated that sentiment and he stated that in Fairbanks his rangers were not law enforcement and he referred to them as Karma Rangers, he spoke on verbal signage and visual signage, and further opined in favor of installing a park host and believed that it would be a great deterrent. There are different echelons of camp hosts.

Commissioner Lillibridge recommended closing hours for the park and beach. She noted that anywhere you go there is closing hours. The worst stuff happens at night. Chair Steffy believed that this may be a solution to the problem.

Commissioner Lowney commented on knowing the rules and regulations and that who they are dealing with is the locals. She further noted that what they are doing is not working. They are still dealing with the issues that they did back then. She believed that they need the enforcement or they should shut it down at a certain time.

Ms. Engebretsen stated she will ask the City Attorney regarding closing the beach and park down at night and closing access and the issues that go along with those changes.

Commissioner MacCampbell stated he would support a management tool such as access issue but cautions that they need to make sure they have the prescriptive right to do so. They need to address what is not working and fix it.

Commissioner Roedl commented on comments he has received regarding users taking out the gate and addressing the possibility and probability of someone getting locked in then you have the management issues of making sure everyone is off the beach.

Chair Steffy pointed out that if they do close off the beach and someone wants to go on Bishop's Beach they could get there from Mariner Park if they wanted. He further commented on targeting the actual user group causing the issues.

Discussion was held on the following by the commission:

- issues of education of the rules for all user groups;
- giving the rules teeth;
- providing examples of the result of actions;
- prohibiting certain actions on the beach period;
- placing facilities that encourage good behaviors such as providing convenient trash receptacles and dog poo baggies;
- is there a noise level ordinance; making the city owned tidelands a park as implied in the policy and code;
- zoning is not a solution to the problems; licensed vehicles versus off road vehicles allowed on the beaches;
- all-terrain vehicles are allowed on public easements; applying for additional funding through the Coastal Impact Grant Program for possible avenue to fund a beach patrol;
- use of HART Funds for increased parking; speed limit is not enforced on the beaches;
- the effects of vehicular traffic regarding erosion to the beach and property in general;
- there are minimal laws related to these items; rights of property owners;
- vehicular traffic at mean high tide and impact on habitat.

B. Review and Discussion on Existing Regulations - City, State and Federal Re: Vehicular Traffic on Beaches, Uses, Closures, Pets, Etc.

The following was noted by the commissioners:

- vehicular traffic is limited from Mariner Park to across from the Fishing Lagoon
- no vehicular traffic is allowed from that area south on the west side of the spit and from Mud Bay south on the east side of the Spit
- residents were agreed with these limitations and they did not become a liability

ARCHIBALD/LILLIBRIDGE - MOVED TO ELIMINATE VEHICULAR TRAFFIC EAST OF BISHOP'S BEACH INCLUDING ALL OF AREA FOUR AS SHOWN IN THE BEACH POLICY.

Discussion included providing access to persons of need such as limited income, a government entity or enforcement personnel, and scientific purposes. Establishing a permitting system and policy would be preferable to closing it totally. Staff recommended asking the Chief of Police and noted that the City Manager would not want to be involved with every permit issued. It was also noted that artists use beach rocks and that they should not be removing materials since it is already prohibited. Commissioner MacCampbell pointed out that most agencies are exempted from their regulation and provided examples. Concern was expressed that they would be moving the problem to another location. Further concern was expressed regarding the increased use of the ATV and UTV's and the increased size and power of these machines.

Commissioner Lillibridge suggested inviting the people who are doing the damage to let them know the results of their actions.

Further concern was expressed on the increased use from visitors to the Spit who bring multiple machines for use on the spit.

Staff reminded the commission that they are early in this project and know that there are people who will want to comment on it.

LOWNEY/MACCAMPBELL - MOVED TO POSTPONE UNTIL FURTHER INFORMATION IS RECEIVED, ALLOW THE COMMISSION TO REVIEW FROM A MANAGEMENT PERSPECTIVE AND BRING IT BACK LATER IN THEIR PROCESS.

It was noted that this will be in the paper and maybe encourage that segment of the public to attend a meeting or submit comment since there is no specific user group. Discussion also included allowing time to reach out to the public and notify various outlets to allow those user groups to provide feedback.

The following was requested for clarification:

- Use of electric vehicles on/in city parks and beaches
- Use of all-terrain wheelchairs
- Use of All Terrain Segways
- Campfires on the beach
- Speed limits on the beach or in park
- Public Access/Historical Access in regards to Closing (Staff has this question before the city Attorney)
- Dog Feces - to be discussed at the March 2, 19th meetings

Chair Steffy requested Chapter 1.16 regarding fees/fines. He then asked if the limit was established to limit it to a misdemeanor instead of a felony.

Commissioner MacCampbell inquired if the offense under Chapter 19 is bailable. He provided an example for the commission and staff for better understanding.

Chair Steffy inquired what hours that Ms. Otteson and her staff work during the season and off season. It was believed

Chair Steffy stated it would be nice to have a sheet for cross reference of the fees if the rules are broken. Ms. Engebretsen stated if they could do that they will provide it for the next meeting.

A brief discussion occurred regarding the meeting schedule and changing it at this late date. Staff informed the commission that attendance was allowed telephonically as long as there was a quorum present.

Animal Control will be invited to attend one of those March meetings. The March 19th meeting will be directed at Dogs and Sanitation issues and Commissioner Lowney will invite Dr. Sherwood to be a visitor at that meeting.

Chair Steffy inquired if there were any issues or agenda items the commissioners would like to discuss at the next meeting. The following was requested:

- Right of Way Issues regarding Bishop's Beach
- Legal Access Issues
- Defined Parking Areas

Commissioner Lowney asked for clarification on what they are trying to do for the owners of private property. Ms. Engebretsen explained that there are issues with access prohibiting even the private property owners from refusing or blocking access across their property and that is the question what is exactly they are trying to manage on private property.

Commissioner Lowney also questioned if the commission should consider the issues with the "lower" parking lot that is really well defined and if it is an issue that they want to address since she feels that parking there encourages traveling out onto the beach. It may help them define the parking area with rocks and blocking access to the east so that the only way to go is west.

Chair Steffy said it would be something to discuss when they start working on solutions in the later meetings.

Commissioner Archibald if the private property owners have had their property lines surveyed? Ms. Engebretsen stated that she would like to address that issue at the next meeting.

Commissioner Lillibridge asked if they could start the meeting at Bishop's Beach. In her opinion it would bring forward several ideas that they haven't thought of before.

Chair Steffy thought that visiting the beach was a good idea and advocated for each commissioner to visit the area and consider the concerns and issues citing that they could plan to meet down there before one of the meetings and may not see anything except one guy down there reading his twilight novel who did not want to be seen reading that book. People who visit that area causing problems do so at different times so he feels individual efforts may be more productive to see what happens at the beach. He believes a worksession prior to one of the later meetings in the year would be better overall.

NEW BUSINESS

There were no new business items on the agenda.

INFORMATIONAL MATERIALS

There were no informational materials.

COMMENTS OF THE AUDIENCE

George Matz, commended the commission for the work they are doing, believed they are making progress he is encouraged that they are looking at a physical barrier so vehicles cannot go past. This solution works at Louie's Lagoon area so he believes it will work at Bishop's Beach.

Roberta Highland, city resident, such a great start. She is also president of the Kachemak Bay Conservation Society they have a motto that when in doubt conservation comes first and for the future generations they like to see stewardship and education. She commented on the value to the citizenry of having laws in place with more "teeth" and that those laws can allow for enforcement by residents. Zoning beaches as parks would provide clarification, grants are an idea but they need to be creative in regards to funding enforcement.

Louise Ashmun, city resident, new to Homer, originally from Moscow, Idaho, and currently working in section 8 of the beach for a research group, encourage working in complement with U.S. Fish & Wildlife in the Beluga Slough area and should consider working in cooperation to protect the habitat; also supported strong clear delineation of where vehicles are allowed and agreed that areas should be designated where there are allowed.

Lani Raymond, city resident, suggested that the beach patrol would be more cost effective and augment the police efforts.

Chair Steffy thanked the audience for sticking until the end.

COMMENTS OF THE CITY STAFF

Ms. Engebretsen remarked on the bad behaviors experienced by Anchor Point community on Memorial Day Weekend and what the residents did to change it around for the better to make it attractive for families with hot dogs roasts, big family weekend activities, and entertainment which changed the dynamic of the weekend. Homer can accomplish the same thing with these issues. She reminded the commission about the MAPP and HACA event to be held at Homer Council on the Arts on Tuesday, January 27th at 5:30 p.m. Thank you for your work.

Ms. Krause had no comments.

COMMENTS OF THE COUNCILMEMBER *(If one is present)*

There were no council members present.

COMMENTS OF THE COMMISSION

Commissioner Lillibridge thanked staff for putting together the wonderful notebook for their use. She ends up putting her notes everywhere and loses them so this should keep them all pretty organized.

Commissioner Roedl thanked everyone for a great meeting and the efforts for putting the notebook together.

Commissioner Brann agreed they were off to a good start and lots of public participation and thanked the staff for all they do. He looks forward to working the problems out.

Commissioner Archibald thanked the public for coming out and commented that good social interaction in a conversation will bring out contention and bring up new ideas which can be assimilated and come up with a good decision so he is looking forward to this.

Roger MacCampbell, really appreciates the public input, Anchor Point Memorial Day was driven by the Chamber, Troopers and parks but the key component was community participation. He has a lot of experience on dealing with Hosts and cautioned just putting a Host at Bishop's Beach. A really good training program needs to be available. Hosts can get themselves in trouble really quick. It will be an interesting question for the City Manager and Chief Robl regarding liability. He believes they got a great start.

Commissioner Lowney stated that she will be leaving again however she should be able to attend the meeting of February 19th. Her greatest concern with this whole process is the public issues and addressing those concerns and issues of the public. That they get some teeth into this that can be enforced.

COMMENTS OF THE CHAIR

Chair Steffy commented also in favor of the actions conducted by Anchor Point and spoke on territorial issues regarding the adverse behaviors driving people out of the area and that goes both ways and there are ways to not make that the best place to go for the late night parties for example.

ADJOURNMENT

There being no further business to come before the Commission, Chair Steffy adjourned the meeting at 8:27 p.m. The next **SPECIAL MEETING IS SCHEDULED FOR THURSDAY, FEBRUARY 5, 2015** at 5:30 p.m. at City Hall Cowles Council Chambers 491 E. Pioneer Avenue, Homer, Alaska.

Renee Krause, CMC, Deputy City Clerk I

Approved: _____