

City Council Workshop
March 10, 2014
6:00 P.M.
South Portland City Hall Council Chambers

Councilors Present

Gerard Jalbert, Mayor
Linda Cohen
Thomas Blake
Patricia Smith
Michael Pock
Maxine Beecher
Melissa Linscott

Staff Present

Jim Gailey, City Manager

MINUTES

Mayor Jalbert opened the meeting and welcomed all in attendance. He reminded folks that members of the public are invited to comment on each item as it comes before the Council for a period of no more than two (2) minutes. All questions or concerns would be made through the Chair and if they wished to address the City Council they would be asked to please raise their hand and upon being recognized would state their name and address for the records.

- 1. Bike/Ped Committee Presentation**
- 2. Amending Chapter 27 , “Zoning,” Regarding Zone Texts and Zone Map Changes Creating the Main Street Community Commercial (MSCC) and Thornton Heights Commercial (THC) Districts**
- 3. City Council Standing rules**
- 4. Amending Chapter 2, “Purchasing.” Regarding the Sale of City-owned Property**
- 5. Review of Upcoming Workshops**

1.Bike/Ped Committee Presentation: Jim Gailey, City Manager explained that The Bike-Ped Committee (BPC) is an ad-hoc team formed in 2011 to improve bicycle and pedestrian conditions in South Portland. It began in response to a particular issue regarding bicycle use on the Casco Bay Bridge and also as a way of addressing general and long-standing bicycle and pedestrian needs that residents have been calling attention to for some time.

Tex Haeuser, Planning Director presented the names of the members in the Committee which included the following:

Rosemarie De Angelis, City Council, Chairwoman
Patricia Smith, City Council
Dr. James Tasse, Education Director, Bicycle Coalition of Maine

Jennifer Thibodeau, Director, Rivers Region Healthy Maine Partnership
Jeff Woodbury, Artist and West End Resident
Katie List, Community Planner and East End Resident
Alan Mills, Resident, Rotary Club Member, former South Portland French Teacher and Social Worker, Volunteer
Paul Niehoff, Senior Transportation Planner, PACTS
Sarah Cushman, Planner, Maine Safe Routes to School
Carl Eppich, Planner, PACTS
Tex Haeuser, South Portland Planning & Development Director

In June of 2012, the Committee presented a progress report. On Monday, the Committee made another presentation regarding its work since that time.

Councilor Smith introduced the committee members who were present (Rosemarie De Angelis, Jeff Woodbury, Carl Eppich, Sarah Cushman and herself) she briefly discussed the work and progress that they have made and their goals. She further discussed what areas they have been working on including:

- Forums (2011, 2013)
- Survey
- Events (Bike to work day, etc.)
- Casco Bay Bridge path
- Bike hitches
- Cottage/Pillsbury improvements
- Safe Routes to school/safety education
- SPTV- putting some information on the station
- Bicycle School Bus
- NEA Grant
- Broadway & Evans & Mussey
- Willard/Ferry Village Neighborhood Meetings
- Millcreek improvements
- Broadway 3-way plan
- Flashers
- Warnings
- Bike-Ped Paths
- Multi-use Paths
- Cash Corner
- Thornton Heights

Public Comment Opened:

Russell Lunt Brigham Street felt that this was a good idea and a nice addition to the area to have a group like this.

Carl Eppich 295 Pine Street discussed the Casco Bay Bridge and how this needed attention regarding the sidewalk, he thanked Tex, Rosemarie and Portland and all who have helped with working on this.

Rosemarie De Angelis Pleasantdale agreed that this is a great group to work with and thanked Tex and Councilor Smith for all of the work that they do to help.

Sarah Cushman Portland she is very impressed with South Portland and the work that is being done. She felt that both the staff and residents have done some great work here.

Jeff Woodbury Hobart Street agreed that this is a great group to work with and that they have done a lot of valuable work.

Public Comment Closed:

Councilor Blake thanked all of the committee members for their work. He felt that the trails, parks, etc. are becoming aligned in what we strive to be about within this community. He asked about the flashers and wondered where they would be going in? He wanted to know what the Council could do other than money to help.

Tex Haeuser explained that they would be going at the west end, Brown School, Broadway at Wescott, and North Kelsey Street.

Rosemarie De Angelis added that they do have projects and would be in need of money, data, surveys, grant writings, just general support and letting the group come forward and presenting to the City Council.

Councilor Beecher was pleased to hear about this committee and its many goals. She has heard concern from people on such matters. She further discussed snow plowing with possible fence/barrier.

Councilor Cohen thanked the group for the work that they have done and was happy that they met early on.

Councilor Linscott thanked the committee for their work, she added that there are some great projects, she asked about the light at Anthoine and when it might get fixed. She further discussed the trails, bikes and pedestrians the same time, receiving complaints and education as well.

Tex Haeuser added that they do hear complaints about the bikes and pedestrians at the same time mostly on the bridge, greenbelt and discussed using wider paths as well.

Rosemarie De Angelis discussed the education piece, brochures, flyers, etc. and letting people know about the group and its work.

Councilor Linscott agreed and discussed overall bike etiquette and letting folks know about biking correctly. She discussed Brown & Mahoney and wondered what was happening with that.

Sara Cushman discussed some efforts that they have done to help with these areas as well as having a “celebrity crossing guard week” and safe walking routes.

Councilor Pock asked about a flasher at Broadway & Spring and Virginia & Sanford streets. He further added that having this on the CIP was great.

Mayor Jalbert discussed the questions that were asked and had some of the committee members answer them. He further discussed there being more cyclist on the road in decades.

Jeff Woodbury discussed the west side being hard as well with bicyclist and sidewalks and further discussed SMCC welding students making bike racks.

Councilor Smith thanked all of the committee and staff for their hard work and the Council for support. She added that this is an important group for the city to have and asked about coming to the Council two times per year to speak and present what they have done. She further discussed regionalization of structures here, SPTV being an excellent source to get the word out and key for educating the public.

2. Chapter 27, MSCC and THC Zones: Jim Gailey, City Manger explained that this request is brought forward by the City to rezone an area along Main Street into two new zoning districts. The first is the Main Street Community Commercial (MSCC) District and the second is the Thornton Heights Commercial (THC) District. These changes are as a result of the work of the Comprehensive Plan Implementation Committee. The purpose of the MSCC zone is to provide a higher density, mixed residential and commercial hub within the Thornton Heights neighborhood. This is a destination business district that effectively balances pedestrian accessibility and safety with the need to maintain vehicular mobility. It is a mixed-use center providing services to the surrounding neighborhood as well as to Main Street motorists. The purpose of the THC zone is to provide a higher density residential and commercial services zone that allows a broad range of retail, commercial, service, entertainment, and hospitality uses in an auto-oriented environment. The Planning Board held a public hearing on February 25, 2014. By a vote of 5-1 (Hagan absent, Laidley opposed), the Planning Board recommended approval of these two zone text and map changes. Two revisions were made from the language presented. Extended stay for special exception in two zones was added and 24-hour was removed from new uses in MSCC. Included is a copy of the Planning Board report. Tex Haeuser was at Monday's meeting to answer any questions.

Mayor Jalbert added that he and Councilor Pock are familiar with this item as it has been discussed at committee level where they are both involved and further discussed the enclosed zoning sections and what they are used for. He further discussed this area and the complete transformation of the west side of South Portland, the Main Street area and being about one month away. He discussed the proposed change from Limited Business to help with this transition as well as other (non zoning) changes in this area.

Tex Haeuser discussed the Planning Board Workshop and Meeting (see enclosed minutes) and the gathering of input from several groups. During such process they realized the potential in these areas for residents and current businesses. He further discussed some of the positive changes.

- Lease land to new business
- Residential density
- Mixed use
- Bike parking standard
- Thornton Heights Zoning comparison table (see enclosed)
- Design Standards (how to go about this, not a board to review but put in right with ordinance)
- PB review paved the way to bring this forward as it is now

He further discussed the motels in and around Main Street and possible ways to deal with problem facilities while allowing non-problem places to remain operating. He further discussed extended stay or not with the lodging, Best Western, Anchor complained that this would be a problem to impose. He added that they had tried to change around days when they could stay longer, etc.

Discussion ensued on St. John's Church, residential density, caterer interest, apartments within motels, meeting new design standards for apartments, mixed use and commercial zoning.

Councilor Beecher added that she too was familiar with this item as she was in the Comprehensive Plan Committee for three yeas as well as the Implementation Committee.

Public Comment Opened:

Greg Dugal Maine Inn Keepers Association had concern or this ordinance change being proposed in regards to long-term stays. He discussed the rules involved in extended stay and how this would need to apply to all not just those selected.

Ed Palmer Scarborough had concern for the proposed change being just in one area and asked if this would be the entire city? He added that it is not uncommon at all for people to stay in a hotel for a longer than normal time. He added that they are well aware that there are issues on Main Street and added that there are no competitors other than Best Western for Sable Oaks. He felt that this would be a dis-service to pass this for the city.

Mike Towle South Portland Double Tree Hotel Manager explained that he has long-term stays for many people who are working in the area, relocating or having home repairs done. He added that if this past he would be in violation of the ordinance and felt that this is a minor part of the business here.

Rob Spanos MA (857 Main Street is part owner of Pine Haven Motel) understands that there are issues in certain areas, but felt that they needed to look into other ways of handling such issues for example imposing fines to such businesses. His first concern was on the extended stays and when people are booking such stays online the hotels have no control on how long they will stay or this could hurt their relationship with the online booking companies.

Evantha Spanos Pine Haven Motel owner added that she has construction companies that send their employees to stay at her motel, she has new residents to the area, Doctors who are working here doing Residencies, people here for medical treatments, education training, etc. They are all good people who simply need a place to live for an extended time which works out very well for her as without these extended stays she would not be in business and added that other communities do not have these restrictions.

Jess Donovan 700 Main Street had the same concerns here with the extended stay accounts and many of those being with the Best Western.

Rachel Wonser Anchor Hotel explained that she is only open six months out of the year and had concern for not allowing people have extended stays. She added that if they pass this ordinance it will kill her business.

Taylor Hamlin 15 Thirlmere asked about new projects if there was a zone change or would they be subject to previous zoning?

Public Comment Closed:

Jim Gailey explained that it requires 20 days after a new zone change passes to take effect. He added that if plans are proposed and complete they would fall under the previous zoning laws.

Mayor Jalbert asked if this would be a city-wide proposal. (Yes city-wide)

Tex Haeuser explained that some hotels/motels are in extended stay already and won't be changed.

Councilor Blake added that there was a lot of information here and felt the need for more meetings on this, but over all liked the ideas with the exception of having restrictions on the extended stays at the South Portland hotels/motels, felt that this was non flexible and that it should be removed from the proposal. He had concern with the density problems and special zones and referred to Brickhill and felt that it can create more problems at times. He discussed Rigby Yard and 8 story buildings and that they are too high.

Councilor Cohen agreed with Councilor Blake don't punish all for just a few bad ones. She discussed the idea of having "nuisance" rules to motels/hotels just as we do with the homes or apartments. She felt that 96 units would be too many and did not see a need for this.

Mayor Jalbert asked about the number of calls the hotels/motels receive regarding issues, and how it is hard because it is not always about the same room like the ordinance to nuisance homes would be the same home.

Councilor Smith agreed with Councilors concerns and had no interest in limiting extended stays in hotels/motels. She suggested working on the language to explore the issue and focus on the problems that are occurring.

Councilor Beecher discussed a zone change in one area as well as city wide. She felt that in one area did not work well and would like to see another way to do this by looking at alternatives. She further discussed the residential area here and how people liked living in this area.

Councilor Linscott agreed with her fellow City Councilors and thought that there may be better solutions to this. She did not agree with having limits on stays and would like to watch and plan as they move forward.

Councilor Pock agreed that looking into an ordinance on the behavior rather than restricting times on each stay. He agreed on the idea of taking another look and not punishing all people for the acts of a few but rather impose fines on those few.

Mayor Jalbert discussed the idea of a possible “Disorderly Motel Ordinance” as well as the concern that has brought this forward. He added that there have been major issues and serious crimes as well as underground businesses and that there needs to be changes in this area. He was in support of this idea, and had concern on building upkeep, maintenance, animals in the buildings other problems and how to work with the owners on such issues.

Tex Haeuser discussed the Comprehensive Plan, density and how this fits into the plan. He recommended further discussion in these areas, gather people, businesses, services, etc. for meetings and education such as they did in the Knightville area when those changes were occurring. He explained that the zone changes being in some areas and not the entire city that sometimes there are areas that would be good for this and some that are not.

Councilor Smith discussed density, nice and not drastic changes, as well as height and scale, and agreed with the idea of neighborhood centers.

Councilor Cohen discussed density, parking issues fast growth, cautioned on becoming too dense and changes being done gradual.

Councilor Linscott asked about clarifications regarding MSCC – THC (zones) and what the height guidelines are in a residential area.

Councilor Beecher was happy to discuss these issues and areas regarding changes and further added the issues on truck work and including MDOT on such discussions as well.

Councilor Blake added that overall he liked the plan, but he also likes South Portland, who we are and what we are about, he asked about the calls that have been made.

Councilor Pock discussed how things were 40 or 50 years ago with density and the old Mom & Pop stores on the bottom of a building.

Jim Gailey re-capped the discussion and looking ahead at further discussions, looking at parking, etc. re-tool the density proposal, language for hotel/motel disorderly house model with possible fines imposed.

4. Amending Chapter 2, “Purchasing,” Regarding the Sale of City-owned

Property: Jim Gailey, City Manager explained that this item is brought forward to discuss proposed amendments to Chapter 2, “Purchasing,” regarding the sale of City-owned property. These changes are due to the recent discussion of the sale of Roosevelt School. The current ordinance language authorizes the City Council to decide whether to sell city owned property and stipulates the property be put out to public bid. The new language removes the public bid stipulation and

authorizes the City Council to determine the method of sale and allows proposals to be considered on factors such as price, annual property tax generation, proposed land use, economic benefit, job creation, environmental benefit or detriment, community need or neighborhood benefits. Additionally, the City Council is given the authority to set reasonable conditions on the future use of the property to ensure the property will be used in the best interests of the City.

Public Comment Opened:

Ellen Fontaine Ginn Real Estate questioned the corner lot on Main Street & Westbrook Street and felt that there were a lot of subjective items here. She had concerns and questioned the negotiations on this. She wants to be open on what is for sale and asked for proper notifications to bid process.

Public Comment Closed:

Councilor Linscott asked about negotiations of price after choice and if this was in the bid documents.

Sally Daggett explained that it would depend on how it is written and that this could be added into the bid documents. She discussed when looking at other factors, to make these known up front, when amending ordinances. She discussed Request for Proposals as well depending upon how you sell the property.

Councilor Beecher asked what happens if requirements are not met and asked about the need of a bid document every time a property is sold.

Mayor Jalbert asked about auctioning of properties? (folks did not feel it would be the right direction)

Councilor Blake discussed the real estate business, what is the norm, standards, what are others doing, negative and being clear and upfront always.

Sally Daggett discussed it being all over and not a Town Meeting style, added that some do not address this, others have a few and using maximum flexibility as policy matters here.

Councilor Smith discussed unintended consequences that could be possible in the future. Looking at benefits, community needs and not being wishy-washy, stay open, transparent, creating equity and quality all in being cautious at the same time.

Jim Gailey discussed this being a task that needs a lot of thought and further discussed certain environment benefits as well as re-developments, etc.

Councilor Linscott felt the need to add language to ensure that transparency is in there as well as including all factors.

Councilor Pock discussed some of the words included and may not have to use them, but if you narrow down then we could be stuck with what is there. He was ok with this and letting staff work on details.

Mayor Jalbert asked about the need for Executive Session still with this new proposal (yes still the need).

Councilor Cohen discussed the public perception, cautioned on that and understands Councilor Smith wanting to make sure to keep the transparency and she agreed with Councilor Pock as well on letting Staff lay this out.

Councilor Beecher had concern for having a pre-determination, wordings when working on a sale.

Councilor Blake added that this was a hard one with many different comments and wants to create the best language for this usage here.

Mayor Jalbert discussed how every instance is different and things are not always the best process.

Councilor Smith discussed not having a lot of missed opportunity and some go well in how we choose to proceed.

Mayor Jalbert felt that the current process is broken and would like to take advantage of all methods here. He further discussed the Council and how this will be in their decision-making process.

Councilor Linscott discussed #4, adding deed restrictions on how a property would be used. She also discussed best interest of the City, factors and taking them out completely.

Sally Daggett added that they have the right to change that.

Mayor Jalbert asked about #4 as well and if we could delete that and keep #3 except for the last sentence in #4. (see enclosed)

Jim Gailey discussed the language and giving us the best assistance. He further discussed Roosevelt School and the undertone from that neighborhood, lending proposals, working with neighbors and also brining in the highest amount of revenue for the City Tax Payers. He further discussed keeping some aspects and Executive Session as well.

Councilor Beecher agreed with keeping all of #3 and last part of #4 and further asked about using factors and would this mean more money?

Jim Gailey explained that it gives you tools in the toolbox and added that this is what the City Council will look at when a property goes out to bid.

Sally Daggett discussed confirmation on what the Councilors have been looking toward; Using #3 and part of #4 (last sentence) and make that last part #5.

Councilors Smith and Blake both discussed historical wording, architectural significance and inclusion of this.

Councilor Cohen agreed with #4 and further discussed grant applications and looking at criteria.

Councilor Linscott discussed restrictions, easements, historical, deeds and other areas that will need to be dealt with.

Councilor Pock discussed the historical aspect which he has great interest in, the comprehensive plan, and method of sale all which would drive the criteria. He suggested # 4 to be #2 and have only two bid process as well as deed restrictions to #5.

Mayor Jalbert was in support but felt the need to have changes in the wording.

3. City Council Standing Rules: Continued Discussion: Jim Gailey, City Manager explained that the City Council met twice previously to discuss City Council Standing Rules. The first workshop discussion was held on June 25, 2012 where there was a general review of the standing rules, the areas where suggested revisions might be made and an offering of other topics for discussion were presented;

1. Taking votes in public session after items have been discussed in executive session
2. Public disclosure of executive session privileged information
3. City Councilor interaction with City boards/committees
4. Use of social media and electronic communications
5. Adoption of a Code of Ethics

There were no definitive decisions considered at that first workshop as most felt that this was too much material to be covered at one workshop. A second workshop was held on September 24, 2012 to discuss only the first two items above. At the September 24th meeting Counselor Daggett presented detailed information around Executive Sessions, opinions shared in executive session and the taking of votes in public session. There were no revisions from that discussion that impacted Standing Rules. Recently Counselor Daggett provided detailed information and handouts around social media and electronic communications. This material was quite detailed and I would suggest

that it covered the topic fully enough to not require additional workshop discussion. The topics for discussion on Monday could focus on the following items;

1. **Item #14 ORDER OF BUSINESS** – Citizen discussion (first part) and Citizen discussion (second part) are intended to provide one opportunity for citizens to comment on items on or off the agenda. **(DELETE ON THE AGENDA SINCE CITIZENS ALREADY HAVE THE OPPORTUNITY TO SPEAK ON AN ITEM ON THE AGENDA?)** The item is divided for the convenience of the public. Any member of the public may speak once at either part of Citizen Discussion, but not both. And Councilors' Round Robin, shall provide each Councilor a maximum of 3 minutes to speak on any issue. **(THIS HAS ONLY RECENTLY BEEN ENFORCED. DOES IT NEED TO BE AMENDED)**
2. **Item #35 WORKSHOP MEETINGS** of the Council shall be open to the public but no public comments will be allowed unless recognized by the Chairperson. **(ADD PUBLIC COMMENT 2 MINUTES)** Any Councilor may request an item be placed on a workshop agenda. **(QUESTION: SHOULD THERE BE AT LEAST 3 COUNCILORS WHO SUPPORT THE WORKSHOPPING OF A PARTICULAR ITEM?)** Such request shall be submitted to the City Manager by 8:30 a.m. on the Tuesday of the week preceding the workshop. The City Manager shall place the item on the **(TO BE ON SCHEDULED LIST – NOT ON THE NEXT WORKSHOP)** next workshop for which the deadline has been met. Workshops are normally scheduled on the second and fourth Monday of each month at 7:00 **6:30 p.m. (6:00 P.M.?)**
3. City Councilor interaction with City boards/committees **(SHOULD THERE BE CONSIDERATION TO ADD AN ITEM TO STANDING RULES THAT WOULD PREVENT A CITY COUNCILOR FROM SPEAKING DURING PUBLIC COMMUNICATIONS ON A BOARD OR COMMITTEE MEETINGS THAT THEY ARE NOT A MEMBER OF)**
4. Website information for Boards and Committees.

Susan Mooney, City Clerk further presented the history of Standing Rules, and discussed the proposed changes above.

Public Comment Opened:

Russell Lunt Brigham Street had a citizen discussion question.

Public Comment Closed:

The following discussion took place by the City Council and Corporation

- **Mayor Jalbert** caucus early November after the election, Charter 6
- **Sally Daggett** amend Chapter 2 to change rules, some items need to come out of Executive Session to vote, then back in.
- **# 2 Item #35** – Bringing up items continuous, have a regular workshop review with City Council and City Manager but have two Councilors who support when brining an item forward.

- **Councilor Cohen** discussed what needs to be done for an agenda item to be placed on an agenda, how many needed to support an item, etc., for discussion.
- **Susan Mooney**, City Clerk discussed Boards & Committees for web site, names, addresses, contacts and if they can be provided to the public or not.
- **Sally Daggett** explained that elected officials yes the-right-to-know, not for employees and Boards & Committees. Cannot be placed on Web Site, appointed officials are Quasar-Judicial.
- **Councilor Linscott** did not feel that Board & Committee e-mails should be on the web site.
- **Councilor Pock** was ok with what Sally has suggested.
- **Councilor Smith** felt that people will find people.
- **Councilor Blake** agreed with this as well, but also felt that citizens need to be able to contact them, discussed e-mail accounts and standards as well.
- **Mayor Jalbert** discussed being prohibited to speak on items placed on the agenda in which a board member may know the people coming forward and they would excuse themselves. He discussed transparency.
- **Councilor Linscott** felt that some items are larger deals than others.
- **Susan Mooney** discussed setting up a comment page, which gets funneled in through her to the Committee & Boards. Could have a comment card for each Board/Committee.
- **Sally Daggett** explained that staff gets Quasar-Judicial Committee e-mails and can share at meetings, Non-Quasar-Judicial e-mails could get to comments page. A caution on the comment page would be any discussion of pending applications.
- **Councilor Blake** would like to be able to keep in contact with committee members, agreed with not having names, addresses, and phone numbers of committee members on the web site.

6. Review of Upcoming Workshops: Jim Gailey, City Manager explained that this item was brought forward to discuss upcoming City Council Workshops. This discussion is done on a monthly basis.

Mayor Jalbert discussed the enclosed list of upcoming workshops, agenda items, and dates as well as adding additional agenda items such as City Council Standing Rules continued, Solid Waste Ordinance, Sex Offender Zones, East Broadway Crash Data, to earlier dates in April and in May Knightville/Millcreek Parking and Maine DEP Air Quality Monitor continued.

Councilor Cohen added that on May 15 the Council will be invited to the Chamber of Commerce Municipal Dinner.

The City Council Workshop Adjourned at 10:30 p.m.