

City Council Workshop
May 12, 2014
6:30 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. Stan Cox Land Purchase Request
2. Arts and Historic Preservation Committee Discussion
3. Council Voting After Executive Session'
4. 2015 Budget Wrap-up
5. Review of Upcoming Workshop

1. Stan Cox Land Purchase Request: Jim Gailey, City Manager explained that Mr. Stan Cox of 460 Highland Avenue has requested to purchase two tax-acquired parcels of land that abut his property.

One is 68 Hillcrest Avenue and one is 21 Dresser Road. 68 Hillcrest Avenue is vacant land shown on the Assessor's tax maps as Map 38, Lot 19. It is 1,525 square feet, a buildable lot of record, and zoned A Residential.

21 Dresser Road is vacant land shown on the Assessor's tax maps as Map 38, Lot 20. It is 3,752 square feet, a buildable lot of record, and zoned A Residential.

Mr. Cox would like the property to remain as open space and would be agreeable to a deed restriction against building a house on either of the properties. He has offered \$18,000 for both parcels.

The Planning Board held a public hearing on July 24, 2012 and reviewed forty-six parcels.

The Board recommended that both these parcels be sold.

Mr. Cox was at Monday's meeting to answer any questions. The two immediate abutting property owners were invited to attend the meeting as well.

Linda Vahories Highland Ave. gave a Power Point presentation on the enclosed request to purchase land proposal to be able to sell the lots adjacent to Cox Family Farm. She discussed the proposal, history on the Cox farm and reasons why they would like to do this.

John Vahories Highland Ave. further discussed this proposal for his grandfather's request and added that this has been in the Cox Family Farm since 1939, that there is a great farm heritage here and lots of land behind it. He added that this is a landmark and would like to preserve this space and keep it undisturbed.

Stan Cox 876 Highland Ave. added that he was there to answer any questions folks might have.

Public Comment Opened: No comments

Councilor Blake asked about this being offered to the abutters as well as the Cox family and questioned paper streets and what would happen with that. He asked about the easement and if there was a dirt or gravel road.

Jim Gailey discussed Hillcrest and not land-locking the property as it is not a public-way now. He further added that the work that had been done on the status of paper streets is good for 20 years and this is coming close.

Stan Cox discussed the paper street, not having a house built but possibly a driveway and a garage or some type of storage unit. He further discussed restrictions against building a house.

Councilor Beecher also had concern and questioned whether abutters had been offered a chance to purchase this land and wondered how this would work. She asked about the front field, the amount of acres.

Further discussion on deed restrictions with houses being built, keeping the conservation, no development.

Jim Gailey explained that it is not common practice to present this to abutters in an offer to purchase.

Councilor Smith asked if the abutters do receive a notice of a purchase request (last week) and she asked about this land being used as farm land or open space and felt that this would be great and also added that there are programs that may help to promote this type of use.

Stan Cox added that he has worked on looking for grants and programs, etc. He discussed deed restriction, easement and the road.

Councilor Cohen wanted to be clear on what there is to look at there including the paper street issue which by 2017 needs to be decided upon (vacate, extend or accept the streets). She felt that the abutters would have made contact by either calling or coming in to the meeting and added that she was in support of this request.

Councilor Linscott asked if a paper street could be extended and continued further up the road. She asked about using one of the lots to access his land and had concern down the road for future development.

Councilor Pock added that Stan would be an abutter if he buys the land; he was ok with preserving the land and felt that this was cut and dry.

Mayor Jalbert discussed deeded restrictions, not building a house and access too, concern about purchasing to have the access to build more lots, he had concern that the cost was too low and felt the need to look at that as well. He questioned how restricted the deed would be.

Councilor Beecher was in support of this, discussed abutters, deed restrictions, the piece of land and word done on the land.

Councilor Blake discussed the parcel on Dresser an open bid and added that this is a beautiful estate. He further discussed 68 Hillcrest Ave. and whether these would be valuable, buildable lots. He discussed the building of a garage or storage shed on the lot and was not ok with that and further disused no building at all.

Councilor Pock felt that if Mr. Cox purchases the land and does so then that is ok and it would be his to do what he wants to do with it, either build on it or place it into preservation. He added that this is the American way and he should be able to do this.

Tex Haeuser asked about a driveway to a road and further discussed how wide this would be as far as city standards, etc.

Councilor Cohen felt that it would be a shame to see this farm go into housing but felt that we can not tell them what to do with it and not anyone else has come forward making such a request. She asked about a road from Highland Ave. if this were developed.

Councilor Linscott had concern with abutters, not knowing what is fully here.

Mayor Jalbert discussed fair market value, restricting on no building and moving ahead or having more discussion on this item.

Councilor Blake felt the need for more work, and to revisit this item again, to look into progress with a conservation easement and added that this is owned by citizens and added that we need to do the best that we can with this.

Councilor Pock disagreed and felt the need to move ahead and not delay on this item any further. He added that there is a long family history here and added that we would make more money on this offer.

Councilor Beecher was ok with the price of \$18,000 and further discussed deed restrictions with no buildings and would be ok with that.

Councilor Cohen was ok with no buildings, further discussed making the decision and questioned why they would put it off.

Mayor Jalbert felt the need to do more research and bring this back to another workshop for further informational discussion.

Councilor Smith was unsure on the price and wondered if this should be more, would like to look into this further.

Jim Gailey discussed the road vs. the driveway and the differences here.

Councilor Linscott would like the neighbors to understand this process and to be informed on what is being discussed there.

2. Arts and Historic Preservation Committee Discussion: Jim Gailey, City Manger explained that as part of the continued implementation of the City's Comprehensive Plan that was passed in October 2012, city staff is bringing forward an ordinance to establish an Arts and Historic Preservation Committee. The committee members will be appointed by the City Council and shall have specific responsibilities to preserve the historical and architectural integrity of South Portland, foster beautification of public areas, and promote the educational, cultural and general welfare of South Portland.

Jon Jennings, Assistant City Manger added that the committee would work to identify historic places within South Portland, outline goals and work to preserve the designated buildings. He did not feel that an influx of new residents is ok and would not affect the process as we welcome old and new, as well as cultural assets for now and in the future.

Hilary Bassett Greater Portland Landmarks has been working on the establishment of this committee with Kathy Diphilippo, Director of the South Portland Historical Society.

Public Comment Opened:

Kate Lewis Mussey Street and staff member at Greater Portland Landmarks was very happy to see this being worked on and to see it finally happening. She felt that this would be great for South Portland and for the Greater Portland Landmarks.

Kathy Diphilippo Highland Ave. / Director South Portland Historical Society discussed staying unique to South Portland as she had concern seeing how neighboring communities had worked. She urged keeping the focus on South Portland as there are many new people moving into the area.

Tex Haeuser, Planning Director discussed other areas in South Portland that have some older art around as well.

Public Comment Opened:

Councilor Beecher discussed this being an important piece of the Comprehensive Plan and finally an off paper reality. She felt that this was great work and time to move ahead with the plan.

Councilor Blake agreed that this was great work being done, need to tweak the write-ups and keep moving along with the process. He loved this idea and felt that they should have nine people on this committee and possibly include administration, authorizes, state or local professionals as well.

Councilor Linscott discussed aligning with other boards or taking a look at this from others to help in seeing the focus first and not to have overwhelming duties.

Tex Haeuser, Planning Director explained that there would be more “teeth” coming and would be asking for comments from other groups on proposals which may create some changes and amendments to this.

Councilor Pock had concern for the working or building and having to go through a screening and approvals or would it be only advice (yes).

Mayor Jalbert had concern for things getting torn down or displaced.

Councilor Beecher felt that they should slow down on going in too many directions and find one are for the focus point.

Councilor Blake discussed the time for planning a purpose with the City Council and Planning and agreed that members will help as it occurs.

Councilor Smith agreed with the planning process and involving the committee and others and agreed with more then seven committee members. She asked about Jean McGinnis and involvement with this process. (Tex answered yes she is helping with grant proposal process)

Councilor Cohen was happy to see this proposal, loved the idea of arts and history in the City, felt that it is a great committee to have and would ask for recommendations of people not limited to leading experts in the field.

3. Council Voting After Executive Session: Jim Gailey, City Manager explained that this item was brought forward to discuss the rules and regulations pertaining to executive sessions. Enclosed are memorandum from Corporation Counsel Sally Daggett and an email from Michael Stultz from the MMA Legal Services Department regarding executive sessions. They describe the instances where the City Council may enter into executive sessions, the need for a motion to enter into one, as well as voting after executive sessions. Jim further discussed that the voting is done on property abatements mostly now.

Public Comment Opened: No comments

Councilor Blake added that this is hard to decide and to look at this as a few sentences and to let the public know that the Council would return to vote on the item at some point.

Councilor Cohen felt that they could just let the Mayor know from the start and wondered if it would jeopardize a case to come out of session and take a vote?

Sally Daggett Corporation Counsel felt that yes it could as Judges do read the paper and if it's not unanimous publicly it could jeopardize.

She added Maine law recognizes that there are certain instances where the City should act like a private business and not reveal all of its cards on a particular subject matter publicly so as not to prejudice the City's interests or disadvantage the City in its official business dealings. It is up to the City Council to decide if it wants to vote on matters in public session following an executive session discussion even when the law does not require such a vote in public session, and if so, under what circumstances. In this regard, she could prepare a short "fill-in-the-blank" form for the City Council Chair to read each time the City Council votes to enter into executive session to let the public know if there might be anything further said on the matter after the City Council comes out of Executive session.

Councilor Beecher felt that if something is not broken then why try and fix it?

Mayor Jalbert explained that he had brought this forward to seek direction as public servants. He further discussed coming out of Executive Session and providing this direction to the City Manager and Corporation Counsel to appeal decisions to a higher court, become more transparent which can be a risk but felt the need to let all citizens know how they are spending taxpayer's money and this can be hard.

Councilor Smith felt that they owe their constituents to be open, transparent and agreed with Mayor Jalbert in many of his points as they are here to serve their constituents.

Councilor Linscott asked where would we draw the line in providing others information on this?

Sally Daggett discussed a possible process of announcing "will return" or discuss what the Council will be preparing for.

Mayor Jalbert discussed the process of making a motion, a second followed by the vote. He further discussed words being said and information that may be leaked out during Executive Sessions and the protection of legal strategy. He added that we are here to serve the people of this City and not hide our political positions.

Councilor Beecher had concern on taking a vote for record and putting the City at risk, she felt that they would be asking a lot here and was not ok with this.

Mayor Jalbert added that there is risk here but they are here to serve the people of South Portland.

Councilor Cohen discussed that these are Executive Session items and they need to do this.

Councilor Pock added that they need to have transparency and stand by the vote.

Councilor Blake discussed transparency, voting or not to enter into Executive Session and having the confidence to do so. He further discussed being upfront with the public and had no problem with this but added caution to what they take into session.

Councilor Linscott asked for clarification on process for placing an item on the Executive Session agenda and asked about the process when they get of session?

Sally Daggett explained that the session is not a decision maker.

Jim Gailey discussed the agenda being controlled by the Council, talking themselves on what goes on the agenda and could be compromised if held in public. He added that the discussion takes place until it becomes private then enter into Executive Session.

Councilor Blake discussed the process of entering into session and why this occurs at all. He cautioned about not talking out in the public vs. behind closed doors.

Sally Daggett discussed identifying what the item is that they would be entering into Executive Session for.

4. 2015 Budget Wrap-up: Jim Gailey, City Manger explained that this item was being brought forward to give the City Council the opportunity to discuss items that are on the list pertaining to the FY 2015 Budget. He added that these are items that were not in the original budget presented to the Council and that needed to be looked over for discussion. (Changes in employees, additional income from FDA as well as pending items)

Greg L'Heureux Finance Director discussed updates, changes in the school numbers, tax rate changes, numbers, and if there were any pending items to fall out, also discussed school officer for schools.

Public Comment Opened: No comments

Councilor Smith did not feel strong about the SRO position.

Councilor Cohen felt that the issue is not the SRO's but a wider community problem and added that there are grants to look at many of the issues that the schools are dealing with.

Councilor Linscott would like to continue this discussion but it is not in here now and felt that it was premature to put in without a discussion first.

Councilor Pock asked about the SRO reserve fund and did not feel that they can do this, as the budget would keep increasing.

Mayor Jalbert further discussed the mil rate for South Portland.

Jim Gailey discussed ratios, the need for a re-evaluation, staying between 23-24 and the different values in property.

Councilor Linscott asked about the Circuit Breaker Program? She also went through the pending items to include her input and felt that an SRO would be great if they could receive a grant on this and at the same time possibly put aside money for when the grant is gone.

Councilor Blake was not in favor of an SRO, discussed the 2016 global approach to come forward, increase in the Circuit Breaker and more Library planning.

Jim Gailey added that they have and will have continued Library discussions and updates.

Councilor Smith went over the list with her input, discussed the Circuit Breaker program, the Library and concern of with not having a lot of resources and not having an SRO as well.

Councilor Beecher discussed the Circuit Breaker, the Library needs and agreed with no SRO as this is a community wide issue that needs a larger focus. She also added no on the Police wellness program.

Councilor Cohen agreed with not having the Police wellness fund, the Circuit Breaker program and Library she felt was needed as well.

Mayor Jalbert agreed with the SRO discussion and reasoning, was not sure on what would be best. He also agreed with the Circuit Breaker, the library and PD wellness program.

Further discussion on applying the changes discussed and to further look at to see what is best to bring forward.

5. 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 now on a monthly basis.

The council went on to discuss the following changes in the workshop schedule:

- Move the May 28th Workshop items to June 9th (cancel May 28th)

- Discussed review of items for June 9th Workshop
- Grant for Sustainability Resolve to a later date 23rd
- Food Trucks June 9th
- Chapter 24th & 27th to June 23rd
- Knightville Parking – June 23rd

Councilor Cohen asked about June 30 and would they have this night off as it is the 5th Monday of the month and the week of July 4th.

Discussion ensued on upcoming items that would be scheduled for Workshops:

- Draft Ordinance Committee
- Solid Waste Ordinance (Condo's that would like to have trash/recycle removal)
- SMART meeting (met last week, would like to move ahead with this as well)

The City Council Workshop Adjourned at 9:40 p.m.