Meeting Begins: 6:30 P.M.
Location: City Hall Council Chambers

A. OPENING OF THE MEETING

Subject 1. Roll Call
Meeting Mar 19, 2019 - CITY COUNCIL MEETING
Category A. OPENING OF THE MEETING
Access Public
Type Procedural

Subject 2. Acceptance of Minutes
Meeting Mar 19, 2019 - CITY COUNCIL MEETING
Category A. OPENING OF THE MEETING
Access Public
Type Action, Minutes
Recommended Action Motion for acceptance of the minutes from March 12, 2019.
Minutes View Minutes for Mar 12, 2019 - CITY COUNCIL MEETING

Subject 3. Petitions and Communications
Meeting Mar 19, 2019 - CITY COUNCIL MEETING
Category A. OPENING OF THE MEETING
Access Public
Type Information, Reports

B. APPOINTMENT CALENDAR
POSITION PAPER OF THE CITY CLERK

Rosemarie DeAngelis' term on the Civil Service Commission has expired.

Passage of consent items requires majority vote.
**POSITION PAPER OF THE CITY CLERK**

Jennifer Voisine's term has ended.

*Passage of consent items requires majority vote.*

**Subject**  

**Meeting**  
Mar 19, 2019 - CITY COUNCIL MEETING

**Category**  
B. APPOINTMENT CALENDAR

**Access**  
Public

**Type**  
Action (Consent)

**Preferred Date**  
Feb 26, 2019

**Fiscal Impact**  
No

**Budgeted**  
No

**Recommended Action**  
Motion to postpone.

**POSITION PAPER OF THE CITY CLERK**

Susan Bagley’s term has expired.

*Passage of consent items requires majority vote.*

**Subject**  
5. ORDER #151-18/19 – Board of Assessment Review, District Two (Lewis), for a term which expires March 16, 2022. Passage requires majority vote.

**Meeting**  
Mar 19, 2019 - CITY COUNCIL MEETING

**Category**  
B. APPOINTMENT CALENDAR

**Access**  
Public

**Type**  
Action (Consent)

**Recommended Action**  
Motion to postpone.

**C. CONSENT CALENDAR**

**D. CITIZEN DISCUSSION (PART I)**

**Subject**  
1. Citizen Discussion

**Meeting**  
Mar 19, 2019 - CITY COUNCIL MEETING

**Category**  
D. CITIZEN DISCUSSION (PART I)

**Access**  
Public

**Type**  
Discussion

Members of the public will be given up to **5 minutes** to speak on any item on or off the agenda during Citizens Discussion Part I or Part II. Additionally, the public will have the opportunity to speak for up to 5 minutes on agenda items.
E. PUBLIC HEARINGS AND ACTION

Subject
1. ORDINANCE #10-18/19 - Amending Chapter 27 "Zoning" regarding Nonconforming Lots of Record text amendments. Passed first reading on March 12, 2019. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Meeting
Mar 19, 2019 - CITY COUNCIL MEETING

Category
E. PUBLIC HEARINGS AND ACTION

Access
Public

Type
Action

Preferred Date
Mar 12, 2019

Absolute Date
Mar 26, 2019

Fiscal Impact
No

Recommended Action
Public hearing of ORDINANCE #10-18/19 and final passage.

POSITION PAPER OF THE CITY MANAGER

Nonconforming lots of record (NCLRs) are lots that were legally created, usually through a subdivision and usually at a time prior to the City’s adoption of zoning, that became nonconforming through the adoption or amendment of zoning requirements for minimum lot size, frontage, or other standards. The problem addressed by the NCLR provisions is that when suburban style zoning was adopted by the City in the 1960s, with large minimum lot size requirements, it was imposed on the older neighborhoods as well as the undeveloped areas primarily found in the southern and western parts of the City. This instantly made a large number of lots in the established neighborhoods nonconforming with respect to lot size, frontage, setbacks, etc. As such, it put the City’s land use regulations at odds with the existing pattern and character of many neighborhoods and created a variety of difficulties for property owners.

Despite a requirement that the owner of two or more adjoining nonconforming lots of record merge the lots in order to meet the new minimum lot size requirements, the property rights associated with the legally created lots were never quite able to be extinguished, and homeowners were able to go to the Board of Appeals seeking the ability to build on their NCLRs. According to the records, these requests were successful about half of the time. The problem with this approach is that the Board of Appeals mostly could only say yes or no and did not have the statutory or ordinance enabled means to set standards or attach conditions of approval. As a result, the City started to see “McMansions” and other types of homes that were significantly out of character with the other homes in the neighborhood. This led to amendments to the Zoning Ordinance to require approval by the Planning Board, not the BOA, and the meeting of certain standard in order for NCLRs to be “de-merged” and built on. Additional standards were added in following years, including an architectural standard for neighborhood compatibility.

When Council adopted the aforementioned ordinances changes back in February 2017, it also adopted Order #124-16/17 to require a review of the amendments in two years to determine whether any additional amendments are necessary or desirable. On January 8, 2019, City Council held a workshop on these eleven recommendations, which included:
1. Allowing roof-mounted solar panels, even if dissimilar to other homes in the neighborhood
2. Require that the entire street frontage of the property be treated as a construction entrance
3. Prohibit de-merging of lots prior to Planning Board approval
4. Require parking to be along the side of the home and not in the front yard
5. Require the lot’s stormwater management system be maintained through a recorded Drainage Management Agreement
6. Require utility trenching in the Right of Way (ROW) be milled and filled in a unified manner
7. Require a plan from a licensed arborist to protect any trees greater than 30” in diameter outside the building and parking area
8. Allow compact parking
9. For conforming lots, require new homes served by combined sewers systems to not have basements unless the foundation drain will not be pumping ground water
10. Add a substantial start requirement of one year (with waiver for two years if approved by Planning Board)
11. Retain the existing minimum street frontage lengths for the Residential AA and A zoning districts

At the workshop, Council indicated support for all but one of these recommendations related to extending the prohibition on shared access to parking by nonconforming lots to also include conforming lots. Councilors also recommended retaining the lower minimum street frontage requirement for the Residential AA and A zones. These revised recommendations were then sent to the Planning Board, which voted 7-0 on February 27, 2019 to send a favorable recommendation to the City Council. Council then approved the first read of these amendments on March 12, 2019.

Council is now being asked to approve the second (final) read of the Ordinance amendments, which will require at least five affirmative votes as it deals with the City's zoning ordinance (Chapter 27). Attached please find a memo from Planning Director Tex Haueseuer with additional information on this item. Mr. Haueseuer and Community Planner Justin Barker will be present at the meeting to answer questions. I recommend approval.

File Attachments
Report - Proposed Nonconforming Lots of Record Zoning Amendments - Planning Board.pdf (1,505 KB)
ORDINANCE Amendments - Nonconforming Lots of Record - Ch. 27 Zoning.pdf (245 KB)
Draft Planning Board Minutes of 2-27-19 for the Nonconforming Lots of Record Hearing.pdf (166 KB)

F. ACTION ON OLD AND NEW BUSINESS

Subject
1. ORDER #152-18/19 - Setting the City Manager's annual salary and authorizing the Mayor to sign the City Manager's amended Employment Agreement. Passage requires majority vote.

Meeting Mar 19, 2019 - CITY COUNCIL MEETING
Category F. ACTION ON OLD AND NEW BUSINESS
Access Public
Type Action
Preferred Date Mar 19, 2019
Fiscal Impact Yes
Recommended Action Council passage of ORDER setting the City Manager's annual salary and authorize the Mayor to sign the City Manager's Amended Employment Agreement.

POSITION PAPER OF THE CITY MANAGER

This item is brought forward as a result of an executive session held on March 12, 2019, during which the City Manager received his annual evaluation. The City Council requested an order be brought forward at the March 19, 2019 to set the City Manager's annual salary based on the results of this review and direct the Mayor to sign the City Manager's amended Employment Agreement as established by the City Council.
POSITION PAPER OF THE CITY MANAGER

Charter Section 504 requires that at the meeting after which the Council receives the budget and budget message, a date, time, and place for a public hearing on the budget is to be determined. This public hearing must be scheduled in the month of April. I am recommending this public hearing be held on Thursday, April 2, 2019 at 6:30 p.m. in City Council Chambers and be televised over South Portland Community Television, Channel 1301.

The other relevant dates related to the budget include:

- **Sat., Apr 13: Workshop #1 (8:00 am - 4:30 pm)**
  - 8 – 8:35: Parks, Rec, Waterfront/ Harbor Commission/ Boat Ramp/ Portland St Pier
  - 8:35 – 9:10: Public Works
  - 9:10 – 9:45: Planning, Codes, Street Opening, Sewer Impact
  - 9:45 – 10: BREAK
  - 10 – 10:35: Facilities
  - 10:35 – 11:10: Fire Dept
  - 11:10 – 11:45: Police Dept/ Dispatch
  - 11:45 – 12:10: Library
  - 12:10 – 12:40: LUNCH (staff & Council only)
  - 12:40 – 1:05: Sustainability
  - 1:05 – 1:40: WRP
  - 1:40 – 2:05: City Clerk
  - 2:05 – 2:20: BREAK
  - 2:20 – 3:05: Economic Development/ TIF
  - 3:05 – 3:35: IS, SPTV
  - 3:35 – 4:30: Executive, Corporation Counsel, City Council, Finance, Assessing, Debt, Contingency, Abatement, Reserve, County Tax, Grants, Other

- **Tue., Apr 23: Workshop #2 (6:30 pm)**
  - School (45 minutes)
  - HR, Civil Service, General Assistance, Employee Benefits (30 minutes)
  - Transportation (25 minutes)

- **Tue., May 7: Workshop #3 (6:30 pm)**
Parking Lot Items

- **Tue., May 21:** Public Hearing/Approval of School Budget (6:30 pm)
- **Tue., Jun 11:** School Referendum (Community Center)
- **Tue., Jun 18:** Appropriation Resolve (Approval of General Fund and CIP Budgets) (6:30 pm)

File Attachments
ORDER - Setting Public Hearing - Budget.pdf (129 KB)

**Subject**  
3. ORDER #154-18/19 -Accepting miscellaneous donations. Passage requires majority vote.

**Meeting**  
Mar 19, 2019 - CITY COUNCIL MEETING

**Category**  
F. ACTION ON OLD AND NEW BUSINESS

**Access**  
Public

**Type**  
Action

**Preferred Date**  
Mar 19, 2019

**Fiscal Impact**  
Yes

**Recommended Action**  
Council passage of ORDER accepting miscellaneous donations.

**POSITION PAPER OF THE CITY CLERK**

Attached are miscellaneous donations made to the City of South Portland.

File Attachments
MEMO Donation SPPD K9 Unit -Police Chief.pdf (413 KB)
Library - Donations.pdf (51 KB)
Memo - Bus Service Donation.pdf (1,190 KB)
ORDER #154.pdf (930 KB)

**Subject**  
4. ORDER #155-18/19 -Directing the City Clerk to post notice of the Workshop (G) portion of the March 26, 2019 meeting to be taken up by the City Council will be moved in front of Appointments (B). Passage requires majority vote.

**Meeting**  
Mar 19, 2019 - CITY COUNCIL MEETING

**Category**  
F. ACTION ON OLD AND NEW BUSINESS

**Access**  
Public

**Type**  
Action

**Preferred Date**  
Mar 19, 2019
Fiscal Impact: No

Recommended Action: Council passage of ORDER directing the City Clerk to post notice of the Workshop being moved to the beginning of the meeting on March 26, 2019.

**POSITION PAPER OF THE CITY MANAGER**

This item is being brought forward to give the public notice of moving the Workshop portion of the meeting on March 26, 2019 in front of the Appointment Calendar. The item regarding a Skatepark is expected to generate a large number of younger participants to be present to speak to the Council. Due to the age of the speakers, staff believes it appropriate to move the Workshop portion of the meeting to the front of the meeting. The discussion on banning flavored tobacco products will be discussed at the conclusion of the skate park workshop, after which Council will return to its regular agenda format.

**File Attachments**
ORDER #155.pdf (1,033 KB)

**G. WORKSHOP DISCUSSION**

**Subject**: Discussion Regarding Sidewalks

**Meeting**: Mar 19, 2019 - CITY COUNCIL MEETING

**Category**: G. WORKSHOP DISCUSSION

**Access**: Public

**Type**: Discussion

**POSITION PAPER OF THE CITY MANAGER**

Councilor Pride has requested a workshop on the possibility of amending City ordinance to require all property owners to maintain the area of sidewalk in front of their property during winter months, or possible just in commercial areas.

To assist in your discussion, attached you will find two maps:

- Map-Sidewalk Plow Routes.pdf: shows each of the sidewalk routes that are plowed by City staff and machinery
- Map-Plowed v Non-Plowed Sidewalks: shows (in green) the sidewalks plowed by the City and (in red) those not plowed by the City

The City does its best to maintain these routes to ensure safe sidewalks and crossings for school children, and for that of the general public. On occasion, City staff are called back to treat sidewalks that become slippery or snowed-in by private plows. In the current, FY19 budget, Council approved an additional Public Works Laborer position to improve winter sidewalk maintenance, along with a new sidewalk snow plow machine.

Public Works Director Doug Howard and Economic Development Director Bill Mann will be present for this discussion to answer questions.

**File Attachments**
Map - Sidewalk Plow Routes.pdf (1,243 KB)
Map - Plowed v Non-Plowed Sidewalks.pdf (6,130 KB)
Workshop Request - Sidewalk Maintenance - Councilor Pride.pdf (386 KB)
This item is brought forward to review outstanding items on the workshop list and determine future workshop dates for these items, if applicable.

Administrative File Attachments
3-13-19 Workshop Items List.pdf (446 KB)

H. CITIZEN DISCUSSION (PART II)

Members of the public will be given up to 5 minutes to speak on any item on or off the agenda during Citizens Discussion Part I or Part II. Additionally, the public will have the opportunity to speak for up to 5 minutes on agenda items.

I. COMMUNICATION FROM THE CITY MANAGER

K. EXECUTIVE SESSION

Council is being asked to review the proposed changes to the Dispatchers' Contract prior to ratifying it at the March 26, 2019 meeting.
L. ADJOURNMENT

Subject  |  1. Adjourn
---|---
Meeting | Mar 19, 2019 - CITY COUNCIL MEETING
Category | L. ADJOURNMENT
Access | Public
Type | Action

Recommended Action | MOTION TO ADJOURN

Items may only be introduced after 11:00 p.m. upon a majority vote of Councilors present and voting. Items on a regular meeting agenda not introduced pursuant to this rule shall be placed on the next regular meeting agenda.