

City Council Workshop
December 8, 2014
6:30 P.M.
City Council Chambers

Councilors Present

Linda Cohen, Mayor
Brad Fox
Thomas Blake
Patricia Smith
Maxine Beecher
Melissa Linscott
Claude Morgan

Staff Present

Jim Gailey, City Manager

MINUTES

Mayor Cohen opened the meeting and welcomed all in attendance. She 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. **City Council Board and Committee Assignments**
2. **THC Zoning District**
3. **Review of Upcoming Workshops**

1. City Council Board and Committee Assignments: City Manager Jim Gailey explained that each Council year the Council revisits the various committee assignments to discuss which Councilor would like to serve on which committee. The following is a list of those committees on which City Councilors served last year:

Mayor Cohen added that she would be looking for assignments from Councilors who wish to serve. She also discussed having reports on Committees and Boards following their meetings and at the next Public Hearing of the City Council.

Councilor Smith asked about the Round Robin and issues of when they are to talk during a meeting and when the times are for sharing information.

Councilor Linscott discussed reports from other Committees and Boards as well as certain issues they can speak about.

Councilor Morgan discussed having updates on the Board of Appeals, minutes and information from the Committees and having workshops on the updates.

Councilor Blake agreed and felt that it was important to have each Board/Committee to come and report to the Council yearly if possible.

1. Bus Service Citizens Advisory Committee (Handicapped Accessibility)
2. CATV Regulatory Board

3. City Sustainability Team
4. Comprehensive Plan Implementation Committee
5. Deferred Compensation Committee
6. Ecomaine Board of Directors
7. Fair Hearing Board (General Assistance)
8. Greater Portland Council of Governments (GPCOG) – General Assembly, Executive Committee, Steering Committee, SMART Committee
9. Jetport Noise Advisory Committee
10. Long Creek Revitalization Planning Committee
11. MMA Legislative Policy Committee
12. Maine Service Center Coalition
13. Metro Regional Coalition
14. Open Space Plan Committee
15. School Building Committee
16. Secondary School Facilities Committee
17. Spring Point Lease Committee
18. Trails Advisory Group (TAG)
19. Waterfront Alliance

Included was a copy of last year’s City Council Committee Assignments list and below is the new list for this coming year.

CITY COUNCIL COMMITTEE ASSIGNMENTS: 2014/2015

BUS SERVICE CITIZENS ADVISORY COMMITTEE (HANDICAPPED ACCESSIBILITY)

COUNCILOR PATTI SMITH
 ALTERNATE – COUNCILOR TOM BLAKE

CATV REGULATORY BOARD

COUNCILOR PATTI SMITH
 COUNCILOR MAXINE BEECHER
 COUNCILOR MELISSA LINSKOTT
 COMMITTEE SECRETARY TONY VIGUE (NON-VOTING)

CITY SUSTAINABILITY TEAM

COUNCILOR CLAUDE MORGAN
 COUNCILOR PATTI SMITH

COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE

COUNCILOR CLAUDE MORGAN
 COUNCILOR MAXINE BEECHER

DEFERRED COMPENSATION COMMITTEE

COUNCILOR MELISSA LINSKOTT

ECOMAINE BOARD OF DIRECTORS (three-year terms)

(Meetings held third Thursday each month)
 COUNCILOR MAXINE BEECHER
 RESIDENT LINDA BOUDREAU
 CITY MANAGER JAMES GAILEY
 ALTERNATE: MAYOR LINDA COHEN

FAIR HEARING BOARD (GENERAL ASSISTANCE)

COUNCILOR MELISSA LINSCOTT

COUNCILOR CLAUDE MORGAN

MAYOR LINDA COHEN

ALTERNATES: COUNCILORS PATTI SMITH, AND MAXINE BEECHER, MAYOR LINDA COHEN

GREATER PORTLAND COUNCIL OF GOVERNMENTS (GPCOG)

GENERAL ASSEMBLY

MAYOR LINDA COHEN

COUNCILOR TOM BLAKE

COUNCILOR BRAD FOX

CITY MANAGER JAMES GAILEY

EXECUTIVE COMMITTEE

COUNCILOR TOM BLAKE

CITY MANAGER JAMES GAILEY, ALTERNATE

STEERING COMMITTEE

COUNCILOR TOM BLAKE

SMART COMMITTEE (SOUTHERN MAINE AREA REGIONAL TRANSPORTATION)

COUNCILOR TOM BLAKE

TRANSPORTATION DIRECTOR, ART HAND

JETPORT NOISE ADVISORY COMMITTEE

(Meetings held spring and fall at the Jetport – 5:30 p.m. meetings

Airport Manager will notify with exact dates)

COUNCILOR MELISSA LINSCOTT

ALTERNATE – COUNCILOR BRAD FOX

CITIZEN REPRESENTATIVE ADRIAN DOWLING

LONG CREEK WATERSHED DISTRICT

COUNCILOR BRAD FOX

MMA LEGISLATIVE POLICY COMMITTEE (Possible and look at dates)

ALTERNATE - CITY CLERK SUSAN MOONEY

(COUNCIL MEMBERS WILL BE NOTIFIED OF MEETING DATES SO THAT THEY CAN ATTEND IF AVAILABLE)

MAINE SERVICE CENTER COALITION

CITY MANAGER JAMES GAILEY

ALTERNATE: MAYOR LINDA COHEN

METRO REGIONAL COALITION

CITY MANAGER JAMES GAILEY

ALTERNATE: COUNCILOR PATTI SMITH

OPEN SPACE PLAN COMMITTEE (Will be looking into the feasibility of this committee)

COUNCILOR PATTI SMITH

COUNCILOR TOM BLAKE

SCHOOL BUILDING COMMITTEE (HIGH SCHOOL PROJECT COMPLETION)

COUNCILOR CLAUDE MORGAN

COUNCILOR BRAD FOX

MELISSA LINSCOTT, ALTERNATE

SECONDARY SCHOOL FACILITIES COMMITTEE (FUTURE PLANS, MIDDLE SCHOOL)

COUNCILOR BRAD FOX

COUNCILOR TOM BLAKE

SPRING POINT LEASE COMMITTEE

CITIZEN REPRESENTATIVE TOM COWARD (CHECK-IN WITH TOM ON THIS)

COUNCILOR MELISSA LINSCOTT

TRAILS ADVISORY GROUP (TAG)

COUNCILOR MELISSA LINSCOTT

COUNCILOR TOM BLAKE

WATERFRONT ALLIANCE

(Meetings held second Tuesday of each month except May through August 4:00 TO 6:00)

COUNCILOR CLAUDE MORGAN

ALTERNATE – COUNCILOR TOM BLAKE

CITIZEN - MICHAEL POCK

BIKE/PED COMMITTEE (NEED TO FORMALIZE)

COUNCILOR PATTI SMITH

COUNCILOR TOM BLAKE

2. THC Zoning District: Jim Gailey, City Manager explained that in May of this year, the City Council was presented with an ordinance amendment creating a Thornton Heights Commercial Zoning District. This ordinance failed on 5/19/14 and was reconsidered, amended and referred to the Planning Board on June 2, 2014. The crux of the issue with the first draft of the THC zone was staff proposed the zone for the City owned parcel at the corner of Main and Westbrook Streets. The City parcel was under discussion with the City Council as an alternative site for a new Dunkin Donuts building (instead of St. John Church property). The attached THC zone no longer includes the City owned parcel.

There were several substantive changes made that required the Planning Board to conduct a new public hearing. The amendments are to Chapter 27, Zoning, of the South Portland Code of Ordinances, and to the Zoning Map.

SUBSTANTIVE CHANGES

Staff's redrafting of the THC Ordinance removes the City owned parcel at the intersection of Westbrook and Main Streets out of the proposed zoning district. After the July 8th Planning Board meeting, the Planning & Development Director contacted the property owners of Memory Lane Condominiums, two single-family properties located on Memory Lane, and the Kingswood Park Association to discuss concerns they had over their properties being included in the proposed Thornton Heights Commercial (THC) zoning district. After meeting with the property owners, it was agreed to remove the residential properties along Memory Lane from the proposed THC zoning designation and to keep them in the existing Residential District G zoning district. The Kingswood Park Association members expressed their concern that the driveway entrance of their property would be included in a commercial zone. It was agreed that extending the adjacent Residential Transitional (RT) district would be an acceptable alternative to the proposed THC zoning. One other change is to the wording of the side and rear yard setback standards. Staff were concerned that while the normal THC rear yard setback is 30 feet, an applicant adjacent to a residential zone could be allowed less than a 30 feet rear setback by constructing a building between 31' and 59' in height (because the requirement had been half the height of the building). This potential loophole normally is covered by Section 27- 113, which states that the "more restrictive provision applies." In this case, however, additional wording to be explicit about the more restrictive setback applying was felt to be appropriate.

The Planning Board held a public hearing on August 12, 2014. By a vote of 4–2 (Veneziano, Laidley; Giles absent), the Planning Board recommends to approve the revised Thornton Heights Commercial (THC) Zoning District and to extend the Transitional Residential (RT) District to include the Kingswood Park entrance driveway, all dated July 21, 2014, by amending Chapter 27 Zoning and the City’s Zoning District Map. This recommendation is based on consistency with the City of South Portland’s Comprehensive plan. Enclosed was a copy of the Planning Board report which included information on Zone Text Amendments and Zoning Map Change – Thornton Heights Commercial (HHC) District and Extension of the Transitional Residential (RT) District – City of South Portland – Meeting of August, 2014. Tex Haeuser was at Monday’s meeting to answer questions.

Tex Haeuser, Planning Director discussed the enclosed material and directed his information toward the Comprehensive Plan Thinking:

- Need to maintain the tax base
- Values on commercial/residential property
- Related considerations including:
 1. Business and job creation
 2. Population
 3. Climate – Smart Growth

THC Key Features/Shared Key Features:

Proposed Thornton Heights – Commercial Zoning District: Would allow many businesses that could come in to this area, meeting venues, conference centers, tourist attractions.

Design Standards – Existing in Willard Square Zoning, parking and buffering requirements, relationship of building to site, significant of protectors when planning projects and working with the Planning Board.

Jim Gailey discussed the police and fire calls that are made from this area and need responders.

Public Comment Opened:

Paul Farren 49 Memory Lane had worked with Tex on several of the issues regarding this item and further discussed having no access off Memory Lane and had concerns regarding tall buildings, wetlands and keeping it quite in the neighborhood.

Russell Lunt Brigham Street felt that there was a lot of nice information included in this presentation.

Public Comment Closed:

Councilor Blake was not in support of this proposed change and further discussed extending the zone that was enacted last year down Main Street. He asked why they want to do this when the Comprehensive Plan says not to build it big and not to increase density, but more so help to keep the neighborhoods nice with wide streets and walkways. He discussed fixing certain areas without increasing density and asked why this area for density. He further asked about single-family homes and had questions about possible drive-thru restaurants. He added that we are a great city with what

we have and who we are so felt that this change was not needed and that development would increase taxes. Density leads to Development which leads to Increased Taxes and he was not in support of this.

Councilor Morgan discussed the value of South Portland and how the economy drives the house market, the City functions and affects the mil rate as well. He further discussed the appraised value of businesses which can be loose on paper. He agreed with putting this on the back burner to address the issue at hand regarding the hotels.

Further discussion on the City as a whole and looking where the need may be, such as behind the hotels, how much land is wetland in the areas, slopes, and what kind of shape it is in for being buildable or not.

Councilor Smith felt that this was a complex area here and felt the need to see what could happen here with the current issues by looking at them in much more depth. She felt that we are fortunate with the tax base here and with the many large companies that we work with and felt that others could follow suit. She stressed the importance of the quality of lives, neighborhoods and was not sure if this change is really needed or more so to focus on the troubling issues at hand and some redevelopment in this area. She felt that creating a Main Street Zone and increasing density is increasing confusion, more people, and what is needed is a slower pace of life here as it is a nice area to live and work in. She was confused on what this Zone 3 is about and felt the need for more information which may or may not change her mind but more information would be needed to support so many changes.

Councilor Fox asked why they would not change just one area rather than a major change, just focus on the one or two businesses that do have the issues.

Councilor Linscott asked what would be gained here with such changes and how can it be for the good? She asked for further specifics on the parcel and what they would want to do here and asked about single-family homes in the area and further discussed design standards.

Tex Haeuser discussed a hotel that would be open to make some changes in the area, he was not sure exactly what but added that the interest is there. He further discussed combining or separating the problems in the area or what had triggered it.

Councilor Linscott felt that they did not have an exact idea of what would go on this site, which seemed backwards to her and wondered what the benefit would be. She was unsure if this would be helping to do what they wanted to accomplish.

Councilor Beecher had concern with the area being unkempt and in need of a “clean-up”. She further discussed this being a problem area here and having businesses that may be more negative than positive for the area. She felt that this was important information here and asked about the Kingswood Park Condo and density.

Tex Haeuser understood the hesitance here on changes with zones and clearly heard the message. He added however that this is a commercial area here and is open for businesses to come in as well as having convenient accesses from the Maine Turnpike and the plan says that it could happen here much easier. He added that this was not a residential area but just happens to have a few small homes directly in the area. He discussed the need to reduce emergency calls to this area, re-develop a failing area and open it up to more businesses.

Claude Morgan thanked Tex for the work done on this item and agreed that several hotels do need changes, and suggested a change in business model for the area but some may be out of our control but this one possibly could be done and could lift appraisal values.

Councilor Blake thanked Tex as well and was in favor of changes to fix places up here but not by doing zigzag zone changes such as the Skillin School area. He felt the issues need to be dealt with and changes first before major area changes.

Councilor Smith discussed the slope to the railroad area in regards to density and asked about this being too steep to fix this up.

Mayor Cohen discussed the hotel area issues and how at one point there were animals going in and out of one of the buildings. She added that Route 1 is unique in its steep slope and would not want to see 60-70 feet buildings all along this corridor but maybe a nicer hotel in there. She asked about the possible creation of a nuisance business ordinance and being a responsible owner. She agreed that Tex and his staff have done great work here and that they do not intend to pick it apart.

3. Review of Upcoming Workshops: Jim Gailey, City Manager explained that this item was brought forward to discuss upcoming City Council Workshops.

Mayor Cohen discussed how items become placed on a Workshop agenda and the need for a second Councilor to agree to place an item on the agenda.

Councilor Fox asked about the Policing Matters and reports on what or how we would react to protesting on a higher level if something like that were to happen in this area.

Further discussion on having changes made on an item and the need to workshop that item again, as well as the enclosed list of upcoming items including a January 14, 2015 joint School Board & City Council Meeting and having questions go to Jim for this upcoming workshop.

The following City Council Workshop Items were added to the agenda:

January 12, 2015

- Knightville Parking and Circulation
- Zone Map Change – Map 47, Lot 1 from IL to CCR

January 26, 2015

- Nuisance Business
- Police Matters/Business Policy
- Marijuana Vote Legality

February 9, 2015

- Waterfront Advisory Committee
- Main/Westbrook Street Property
- Air Monitoring/Air Quality
- Workshop Review

The City Council Workshop Adjourned at 9:05 p.m.