

City Council Workshop
August 11, 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. Community Garden Collective**
- 2. Clear Skies Ordinance – Next Steps**
- 3. Amending Chapter 9, “Garbage and Refuse” Regarding Solid Waste**
- 4. Review of Upcoming Workshops**

1. Community Garden Collective: Jim Gailey explained that The Community Garden Collective (CGC) is a nonprofit organization committed to creating and supporting opportunities for all residents, regardless of circumstances, to have access to organic gardens within the city. In 2011, the group proposed establishing a community garden at the Hamlin School site where gardeners may grow and harvest organic produce and flowers. Funding for this endeavor is through plot rentals, grants, fundraising activities and donations. The group made presentations to the City Council at the January 24th and March 15, 2011 workshops to discuss its mission, its proposal to the City and proposed Community Garden site plan. The City Council raised a few concerns during the workshops regarding such things as parking, costs, repairs, maintenance, water supply and termination. Staff had worked with the CGC on all of the concerns and felt comfortable moving the item forward to a lease agreement with the Collective. Now that, in 2014, the Hamlin School garden is well established; the Collective would like the opportunity to expand the garden by up to five plots. These five plots would all be within the existing 100’ x 100’ fenced in area that is currently under lease by the Collective. Additionally, the Collective would like to seek approval by the City Council to expand to a second garden site. Back in 2011 some discussion, by the Council, was around providing this type of service to residents in the Redbank/Brick Hill neighborhood. Over the last month, the Collective has reached out to Rick Towle, Parks and Recreation Director and I to

begin the conversation around locating a garden within the Redbank Community Center complex (see attached map). Both Rick and I believe this would be a great addition to the neighborhood and a tremendous benefit to the citizens. As the Redbank Community Center complex makes up land owned by Home Properties and the City, Rick Towle is currently having discussions with Home Properties concerning a user license in hopes of expanding City sponsored programming on the complex. Once the license is obtained by the City, the City Council, if amendable, could provide the Collective a license to operate an organic garden on the site. Being located in Redbank, this project would be eligible for CDBG funding. On Monday evening the Collective provided the City Council with an update on how its Hamlin School garden is going as well as provide information concerning its interest in the Redbank Community Center complex. Attached was a copy of the Hamlin School garden lease for the Council understands of the current arrangement.

He added that there are three areas for discussion that include:

1. An update on how things are going with the current gardens,
2. Would like to add five (5) more beds at the Hamlin School site
3. Propose another Community Garden at Redbank

A video presentation was shown of the gardens and explaining how they serve so much of our community including the South Portland food cupboard, a program called harvest for homeless as well as they many families who come together to care and grow their own food.

Councilor Smith disclosed that she was one of the founders of the Community Garden Collective and has worked on the gardens as well as the H4H committee.

Steven Marx South Portland added that he was an educator for years in Orono, Maine and further discussed how the community gardens had started at the Hamlin School from leasing the property for gardens, raising the funds for working on the plots, providing education on the gardens and being able to sustain and now the gardens going into their 3rd year are a great success, fully occupied providing local, fresh foods for families, the food cupboard as well as food for the homeless. The gardens help reduce air pollutions, and create a healthy, prospering environment for family activity and helping all who are involved who would not be able to do soon their own and would love to see more gardens in the future.

Further discussion on what the group would like to ask for:

1. Renew lease for five (5) more years at Hamlin School
2. Ask for five (5) more beds at Hamlin School
3. Ask for a second garden in the Redbank Community (asking them first to be assured of interest)

Public Comment Opened:

Sybil Remensnider, Director of South Portland Food Cupboard was wonderfully honored at the work being done here and added that this project helps so many people in our community.

Rachel Bergman 17 Churchill discussed the H4H Team which is a project that helps to plant, care for and harvest fresh foods for the homeless population and added that having a new garden would really help out with the project.

Ashley Jensen, Collin Kelley Road agreed that this would help to have an additional garden in the Redbank Community.

Russell Lunt Brigham Road agreed that this is a wonderful project and so nice helping many people out.

Helen Slocum 12 Smith Street added that she is a founding member with the Community Gardens and also encouraged an additional one at the Redbank Site.

Susan Chase 63 Parrott Street was also a founding member of the Garden and is so very happy to be part of a wonderful project.

Discussion ensued on how the gardens are great for health and well being of people.

Katherine Chapman Beaufort Street agreed that this is great work and encouraged them to add a garden at Redbank.

Crystal Goodrich 17 Highland Ave. was also part of the founding group for the community gardens, she explained about the hard work involved in starting a garden. She added that working toward helping to feed the homeless and the hunger issue is a large part of what the project is about and invited folks to look at their Facebook page for more information.

Rose Marie De Angelis Pleasantdale added that she too is a big gardener, she loves it and felt great value in this tradition, and she is in support of a new garden in the Redbank Community and felt that this would also help the lower income families with food and being part of the effort as well.

Public Comment Closed:

Rick Towle Director Parks/Recreation/Transportation further discussed this area at Redbank being a nice green space there and added that he has talked to Home Properties who manages this space. He added that he needs to meet with Sally Daggett to continue this work and to get this done. He discussed going door to door and talking to folks about this next phase and described the areas for planting the gardens in more detail.

Councilor Beecher asked if there was any water issues at all (yes will need and additional water source) and asked about Hinckley Park.

Councilor Linscott felt that the gardens are great and was very interested in expanding and liked the idea of looking a Hinckley as well.

Councilor Cohen felt that this was a very simple item; it is a wonderful thing that we have here and fully supports looking at Redbank for additional gardens as well as Hinckley Park.

Councilor Pock was too in full support.

Councilor Blake asked about parking and if it would be the same as the gymnasium, he also asked about the use of rain barrels. He thought this was great work and was very supportive.

Rick Towle added that he would check with the Police Chief to ask to see about parking on the street.

Councilor Smith has a passion for gardening and has been involved with this project from the start, she discussed future fundraising, and she added that there is a great need for support.

Rick Towle discussed proceeding, having input, support and the great need for the community and was not sure how many beds.

Helen Solcum added that there are 39 beds at Hamlin right now and would like to look at Redbank for about the same.

Jim Gailey added that he felt good about the process and would continuing moving ahead.

2. Clear Skies Ordinance – Next Steps: Jim Gailey, City Manager explained that on July 21, 2014, the City Council passed Ordinance #1-14/15, implementing Par 1 of the recommendations

of the Draft ordinance Committee. The Mayor has requested a workshop for the City Council to discuss “next steps” with the regards to the adopted Clear Skies Ordinance. He further discussed a case in Kennebunkport with an issue regarding Goose Rocks Beach and how this was a very costly legal matter that went on for some time.

Mayor Jalbert discussed maintaining support and the use of other funds for this matter rather than the use of property tax, further discussed establishing a reserve account and being able to accept donations online which would be set-up on the web site as well as the access channel.

Greg L’Heureux Finance Director discussed the legal reserve that has been established and having it be specific for defense of this ordinance.

Sally Daggett discussed having the Council set-up a certain reserve account but to be able to access the account the Council will need to authorize this use s well.

Mayor Jalbert asked what happens if they do not spend all of the funds and would also like to have a joint City Council and Planning Board Workshop on this.

Jim Gailey discussed having the Comprehensive Planning Committee meet as well.

Public Comment Opened:

Crystal Goodrich 17 Highland Ave. felt this was a good idea which would bring the community together.

Russell Lunt Brigham Street felt that this was a good idea for both groups.

Evan LaRose Buchanan Street felt the need to be clear on what the intentions are for here and if there is a legislative intent.

Rachel Bergman 17 Churchill discussed the three different proposals in regards to this issue.

Public Comment Closed:

Councilor Beecher felt that this could become a big law suit and did agree with the need to gear up here for this, the need to be ready and starting early here as well.

Mayor Jalbert added that there are request each day under the Freedom of Information Act for communications to Sally Daggett and the Jim Gailey.

Councilor Blake discussed setting precedence here and cautioned against this, as well as asking if this was the normal way to proceed by using the reserve account.

Sally Daggett discussed having no tax advice here as this would be a donation granted.

Greg L’Heureux added that they would need to see what the balance is and make a request on what to spend it on.

Councilor Smith discussed setting up an account as well as an outside group setting up a donation, intervening and helping out as well as disbursement of the funds. She further added that this is good to be discussing this now and becoming prepared and proactive in this process.

Discussion ensued on a past lawsuit within the City regarding the Longcreek/Watershed area.

Councilor Cohen asked about the process and about Tort Law, and felt the need to be cautious and the need to look ahead which includes setting up this fund, etc.

Councilor Linscott was in support of this idea/concept but was not sure on the actual solicitation of funds for this and felt awkward about the process.

Councilor Pock had no comment on this item.

Councilor Blake discussed coinciding this effort with another effort and was not convinced that a lawsuit would come forth. He felt that the Council did not do wrong, that they were right in this vote and added that they need to reach out to people communicate and negotiate, work with them. **Mayor Jalbert** discussed the first day that the ordinance took effect which was today and they have not heard anything yet.

Councilor Cohen suggested reaching out to the folks, communicating just as Councilor Blake discussed.

Mayor Jalbert asked about the IT function here with this proposal.

Greg L'Heureux discussed the process and how he and IT Director Chris Dumais looked over how this would work and added that they would need to use a 3rd party for the credit card processing to avoid dealing with the credit card numbers, etc.

Chris Dumais IT Director discussed the pros and cons to do this type of program and further discussed the idea of using a web site for donations called "Go Fund Me" which could be set up with not cost. He added that they would need to do some marketing for our own web site for donations but not with a site like "Go Fund Me".

Jim Gailey discussed using the old fashion method of a paper flyer that gets stamped and put in the mail with a donation.

Councilor Cohen agreed and thought that having a mail in form would be good; she asked if this would be discussed at the following Monday meeting.

Sally Daggett asked about the Draft Ordinance Committee and if they are done with their meetings and work.

Councilor Smith discussed credit card issues, donations and how it is done currently. She felt that if there is an account set-up then that would work find.

Greg L'Heureux discussed the exploration of each method here and added that there are fees with the credit card process. Discussion ensued on the process, ordinance issues, etc.

Mayor Jalbert discussed other items regarding the ordinance that were not previously discussed.

Jim Gailey added that the Comprehensive Plan would need to be addressed and looked at; he further discussed a Council Order for recommendation.

Councilor Blake discussed the document and presenting parts 2, 3, & 4 and to look at and understand fully the entire process and added that this would be a process of development and not implementation just yet.

Councilor Smith discussed looking at each area very closely and gathering the details on each, added that they need to be up on the process and kept up-to-date on what is being done as well as sticking with what the Council has voted on and moving ahead.

Councilor Cohen asked about the facilitator and the cost to hire him (\$30,000) and felt that they would not have any further funding for this but maybe solicit volunteers that have come forward.

Councilor Linscott agreed with Councilor Smith on the process and asked about inviting the Planning Board in on a next meeting or workshop for further discussion.

Councilor Blake agreed that there is not a further need to fund a facilitator as well as meeting with the Planning Board.

Mayor Jalbert agreed with having a workshop with the Planning Board and Draft Ordinance Committee without the facilitator, and further discussed a timeline and moving forward.

3. Amending Chapter 9, Garbage and Refuse Regarding Solid Waste: Jim Gailey, City Manager explained that this item is brought forward to discuss proposed amendments to Chapter 9, Garbage and Refuse regarding the collection of solid waste from apartment and condo complexes with four or more units. Some background information on this is in the early 1990

Ge Erskine, then Public Works Director for the City, went before the City Council requesting new ordinance language concerning solid waste pickup. The reason for the request was two-fold. The number of apartment and condominium complexes that had been built in the 80s and 90s increased significantly and a service that once was provided by the City soon became overburdened. The second reason was the developers of the complexes built substandard driveways within the complexes that did not meet City road standards. Access driveways and parking lots within the complexes could crack and break apart with the weight of City trucks, placing the liability and financial responsibility on the City to repair.

The ordinance outlined the type and/or size of complex eligible to receive City pickup. Consistent with the ordinance, those who previously received solid waste pickup were grandfathered. This Ordinance is still in place today, even though we have changed the solid waste collection model and adopted a recycling program here in South Portland.

Many apartment and condominium complex Planning Board applications and Findings of Fact state the complex/association will be responsible for its solid waste collection and disposal. In addition the association by-laws reflect similar language. This has been a consistent practice since the mid 1990s. The collection of solid waste had not been an issue until the beginning of the recycling program in the early/mid 2000s. Since that time, staff has periodically been contacted by different condo/apartment complexes requesting the City begin the collection of their dumpsters. In all instances staff has denied the request.

The collection of solid waste was brought forward in 2008 and 2009 to the City Council a year after the City went with automated solid waste and recycling and contracted the services through Pine Tree Waste. As a result of the workshops, the City Council directed staff not to break the current practice of collecting solid waste; however, the City Council directed staff to offer apartment/condo complexes recycling automated totes. The Council was willing to work with the complexes for the collection of recycling in hopes of increasing recycling efforts within the city. A requirement of the recycling program for these complexes would be that the totes would have to be brought to the city curb for collection. To date, a few complexes have taken advantage of this offering.

Significant change has occurred since the existing Ordinance was written in the early 1990s. Contracting out the solid waste and recycling weekly collection has brought a slightly higher expense to the solid waste budget over and above the cost of disposal. Potentially adding additional dumpster locations or to stops along the weekly route would increase the budget for collection as well as tipping fees and ecomaine (\$70.50 a ton). Staff felt that it is time to amend the Ordinance to reflect current practice and deter future requests that could have significant budget impacts.

Proposed Amendment

The proposed amendments to the Solid Waste Ordinance would eliminate the collection of solid waste to apartment/condo complexes larger than 4 units. Those who receive collection today will continue to receive collection in the future as they have been grandfathered since the 1990s. In addition, language is included in the amended ordinance that outlines the allowance of recycling containers for those complexes that are interested in recycling as long as the complex transports the containers to the city curb for weekly collection.

Public Comment Opened:

Russell Lunt Brigham Street recalls this issue very well and added that it is a hard situation; he felt that Public Works is taxed and understands why they cannot offer the condo garbage pick-up.

Public Comment Closed:

Councilor Cohen has been torn on this issue from the start and added that she can directly relate going from a house to a condo the basic services that are there for a home may not be for the condo owner.

Mayor Jalbert asked about the pay per bag that is used in other communities.

Councilor Linscott asked about commercial properties and how they are dealt with, she discussed other possible ways of making this work and how she wants to encourage the recycling as much possible with all residents.

Councilor Smith agreed and felt that they needed to increase the recycling and work to make it accessible to small business, condos, etc. She felt very strongly about making this happen and added that this is owed to the residents.

Councilor Blake asked about the Energy/Recycling Committee and if they have been involved with this issue, he felt that this needs to go to that committee for discussion.

Jim Gailey clarified that this mostly solid waste that is being discussed here as they have increased the recycling already.

Discussion ensued on cost per pound.

Councilor Beecher agreed that this was hard to do here and that when this began the roads were not ok t drive down into, but was open to looking at ways this could work out better for people.

Councilor Linscott felt that they should provide bins for businesses and try to encourage the recycling.

Jim Gailey explained that there is too much out there and it would be very hard, he would need to discourage a move into the commercial area but would offer assistance to the association with recycling, but with solid waste it would be hard to expand the program that we do not have.

Councilor Smith she was ok with the language and would like to be able to look at the policy as a whole here and felt that recycling is so very important to our community.

Mayor Jalbert discussed the overall pick-up for garbage, how other communities operate and what we might learn from this.

Councilor Pock discussed new businesses starting out and how they might pick-up on the recycling.

Councilor Blake wanted to clarify that the current situation will not change right now? (yes correct no change)

Councilor Cohen wanted to add that condos are homes not apartments and that we really need to think globally with recycling issues.

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

The following items were discussed and placed on the upcoming calendar for workshop discussion:

Maietta Zone change to come back on agenda soon:

Councilor Linscott asked if this is the same issue but with more details.

Councilor Beecher discussed having a neighborhood meeting first and wanted to know what the difference would be.

Councilor Smith noted that they do site walks all the time and felt that there was not a big difference here.

Councilor Blake was not ok with all of the changes unless it was going to be significant.

Councilor Cohen did not feel rushed on that issue and did not feel the need for a site walk but if neighbors wanted this then she would understand.

Councilor Pock agreed with all of the Councilors comments.

Bob Foster added that Energy & Recycling Committee would be at the August 20th and September 8th meeting.

Other upcoming workshop items discussed were as follows:

SMCC Site walk 6:00 p.m. - September 8, 2014

SMART Initiative (SP Bus/Metro) - September 8, 2014

Climate Action Plan - September 8, 2014

Draft Ordinance Committee Presentation (possible) with other professional in the business,

Planning Board and Comprehensive Plan Committee - September 22, 2014

Solar Farm update - David Critchfield October 15, 2014 possible

The City Council Workshop Adjourned at 9:30 p.m.