

City Council Workshop
January 27, 2014
6:30 P.M.
South Portland Community Center “Senior Wing”

Councilors Present

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

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. Financial Audits**
- 2. 81 Sunset Avenue – Purchase Request**
- 3. Amending Chapter 15, Regarding Wreckers and Vehicle Towing**
- 4. Electronic Communications – Training Session Presented by the Corporation Counsel**

1.Financial Audits: Jim Gailey, City Manager explained that Hank Farrah of Runyon Kersteen Ouellette (RKO) made a presentation on the results of the City’s June 30, 2013 audit. The audit covers the fiscal year July 1, 2012 through June 30, 2013.

Enclosed was a copy of the audit letter, School Department’s Financial Statements, Reports, Required by Government Auditing Standards and OMB Circular A-133 as well as the Comprehensive Annual Financial Report (CAFR).

Hank Farrah, RKO explained the process they use in verifying numbers and gathering information to look over findings. He further discussed an overview of financial audits and added that there were no disagreements or discrepancies. (Noted some lunch allowance issues)

Greg L’Heureux, Finance Director further discussed the lunch issues and how the problem came with the free/full price documentation as well as tracking. He discussed unassigned balances as percentages and added that it is down this year and how they are fortunate to not have to go to bond

all of time for items. He further discussed the Tax Rate Stabilization Reserve and how this has dropped down from year to year.

Fund Balance: Discussion on this item by item.

School: is not a stand alone, but is part of the larger one which is the City.

Public Comment Opened: No comments

Councilor Linscott had a school amount question with the listed amount how will this carry over or will it?

Councilor Blake thanked all for this very helpful information. He too asked about the school lunch program issue and wondered if it was different from last year or the same? He discussed a spreadsheet error and about testing again due to this finding.

Councilor Beecher asked about two amounts listed in the report, a surplus and amount that they have already. She thanked them for the work that is being done as well.

Councilor Cohen thanked the Finance staff for the work that is being done.

2. 81 Sunset Avenue Purchase Request: Jim Gailey, City Manager explained that last October he received a request from Donald and Nancy Bernier, requesting to purchase a parcel of tax acquired property abutting their property at 71 Sunset Avenue. (see enclosed letter) The lot is located at 81 Sunset Avenue, in the G Residential zone and is approximately .06 acre. It is shown on the City's tax maps as Map 53, Lot 58A. The Berniers would like to obtain the lot in order to provide space to build a driveway and park vehicles off the road. They have maintained the property since their lot was purchased in 1965. They would like to purchase it for the minimum cost of the required application fee. The application fee is \$150.00. This parcel was included in the Planning Boards review of tax acquired property and which the recommendation was made to sell the property. This item is brought forward to discuss the disposition of this parcel of property. Mr. and Mrs. Bernier were invited to attend the meeting. Further discussion ensued on tax acquired property, how this process works, how it is sometimes left to heirs of the property owner, etc.

Public Comment Opened:

Donald Bernier 71 Sunset Ave. explained that the driveway is the reason that they are making this request so that they could have a space to park vehicles off the road. He added that he has spoken to his neighbors and they are all ok with this request.

Public Comment Closed:

Councilor Beecher asked about notifying neighbors and if they City had done that? (yes Planning Board) Further discussion on the new owner beside them and being fair to them.

Jim Gailey added that they would let the new neighbor know about the sale.

Councilor Blake asked about this being sub-standard with the width sizes and wondered what the smallest size was to be able to build on.

Councilor Cohen asked if the abutters had any interest at all and felt that she needed more information with the neighbor situation before moving ahead.

Councilor Pock asked about the taxes here and if they had been paid and if not what it might be at now.

Councilor Linscott asked about a fence being there. (yes 3 ft. on property line) Further discussion on easement for the fence and if it would be needed as well as reaching out to all neighbors to be certain. Also discussed the value of this parcel.

Councilor Smith felt that all abutters needed to be notified before moving forward.

Councilor Blake discussed looking at other communities to see how they handle this type of request, was not sure on the \$15.00. Felt the need to be up-to-date with communications to neighbors.

Mayor Jalbert discussed the policy and looking at this as a whole, being consistent and making a full attempt to contact others as well.

Jim Gailey asked the Mayor if they would be looking at another Workshop or be able to go right to Public Hearing after findings?

Councilor Smith felt that they should keep moving the process along and that they could do a one item Workshop before a meeting.

Councilor Linscott asked about the process of prevention to build/sell as before.

Councilor Blake agreed with Councilors Smith and Linscott on their comments.

Mayor Jalbert was opposed to deed restrictions that may take away value and agreed that they could do a Workshop prior to a meeting.

Councilor Blake discussion ensued on not wanting to allow property owner/abutter to be able to make a profit on this land in the future.

3. Amending Chapter 15, Regarding Wreckers and Vehicle Towing: Jim Gailey, City Manager explained that the City Council discussed proposed amendments to Chapter 15, regarding wreckers and vehicle towing at its November 13, 2013 workshop. The amendments discussed at that workshop were in the following sections: Sec. 15-270 Definitions Sec 15-271 Minimum Continuous Regulations Sec 15-273 – Rates for Services Sec 15-279 Investigation: Issuance or Denial The City Council shared concerns regarding the rates for services and requiring licensees to forward copies of receipts on a monthly basis for all services provided. Included is a memorandum from Police Chief Ed Googins in response to these concerns. This item was brought forward for further discussion. Police Chief Ed Googins, Sgt. Todd Barlow and License Administrator Jessica Hanscombe were at the workshop to answer any questions.

Chief Googins, South Portland Police Chief discussed other communities and ordinances that they have in place such as this one and added that they worked on aligning this one with others in the area. He discussed fees, use of equipment, submitting receipts, transaction information, etc. He added that the issue had been in receiving receipts from the tow company.

Discussion ensued on rates, parking and crashes.

Public Comment Opened:

Brian Beaulieu B&B Towing had no problem with the requests and checking receipts and felt that they could all play by the same rules with this process. He further discussed the time it requires on a normal tow and how the amount accepted for a crash tow is low and felt that any increase is better. He asked if this could be looked at further as well.

Robert Maietta Pleasant Hill Auto discussed other communities not having ordinances such as this one and felt that his company was being targeted with this proposed ordinance. He added that he has 12 companies that he reports all of his receipts to as well.

Jessica Hanscombe Licensing Administrator discussed cost and new fees, (difficult extraction) and added that she had supplied all of the new information to all of the towing companies that the City licenses.

Public Comment Closed:

Councilor Blake asked about the \$70.00 per hour for a “difficult extraction” and who is determining if it is difficult or not?

Edward Googins South Portland Police Chief explained that all calls have individual slips on them. He added that there were companies that had been previously cited for violating the ordinance as well with one reapplying. There can be conditions placed on licenses so that such violations may not reoccur.

Jessica Hanscombe explained that she had met with all of the towing companies except the Maietta Towing Companies as he forwarded a letter with his changes and thoughts on the issue.

Councilor Smith asked how they audit ten companies.

Edward Googins explained that it is on a rotation with a few each month to look at.

Councilor Linscott asked about fees (\$240.00 per year)?

Councilor Cohen asked about the process of second hand calls and if they have instant entries for these. She asked about other areas and if they too require the process of collecting receipts?

Edward Googins discussed that there were only conditions on several companies and that this is a new ordinance and all companies would be required to follow this process. He further discussed group meetings vs. meeting one by one and understands that several would like to meet as a group but not all of them could be present at this meeting. They can however meet to talk again.

Councilor Beecher asked about receipts and who looks these over? She asked about the readings for the Council Meetings.

Mayor Jalbert explained that staff and Councilors can be contacted to ask questions about this process. He felt the need to look at the next two meetings to have the readings and they can talk again on this matter. He added that the public can only have 5 minutes and he understands that this is not very long and is hard to explain things in this amount of time that is why folks call and email as well.

Councilor Cohen also added that she was open to receive further input, emails, comments etc.

Councilor Blake asked about the placement of conditions and how this works?

Edward Googins explained that they are part of the license to make certain that people are treated fairly when being towed due to an accident, breakdown or violation which makes them unable to drive the motor vehicle. They also have a follow-up procedure with this process.

Mayor Jalbert understood that several folks were missing at this meeting due to a death in the family and he expressed his condolences. He added that more examination and looking further at this would be in place as they move ahead.

4. Electronic communication – Training Session Presented by the Corporation

Counsel: Jim Gailey, City Manager explained that at the workshop, Sally Daggett provided training to the City Council on the public record, public meeting and record retention rules governing electronic communications.

Public Comment Opened: No comments

Sally Daggett, Corporation Council discussed a general overview of e-mails that Councilors receive as many of these e-mail communications could influence each Councilors vote or discussion. Further discussion on informing the decision making process and collecting the summary for communications before they actually vote on an issue. Sally added that they should use their South Portland e-mail account as much as possible even if you are away.

Sally Daggett further discussed the following areas:

- Coverage of Right-to-Know Law
- Public records Open to Disclosure
- Are Electronic Mail, Text Messages and Other Electronic Communications Covered?
- Is Your Facebook a Public Record?
- Steps to Minimize your Risk of Facebook as a Public Record
- Public Records Compliance
- Public Meetings
- Social Networking Sites (City's Use)
- Electronic Communications in the Workplace
- Record Retention

Councilor Linscott felt that they should be cautious on mass e-mails that people send on certain issues and how important it may or may not be. She added that the State employees do not need to archive their voicemail, messaging and social media.

Councilor Smith discussed differences between union and non-union employees for this policy

The City Council Workshop Adjourned at 9:15 p.m.