

City Council Workshop
March 9, 2015
6:30 P.M.
City Council Chambers

Councilors Present

Linda Cohen, Mayor
Brad Fox
Thomas Blake
Patricia Smith
Maxine Beecher
Melissa Linscott, Absent
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. Martins Point Proposal**
- 2. Amending chapter 14, “Licenses, Permits And Business Regulations Generally” Regarding Inter-Departmental Reviews and Suspension/Revocation Standards**
- 3. Council Meeting Minutes – Public Comments Added**
- 4. Review of Upcoming Workshops**

Councilor Smith disclosed that she is part of the Community Gardens Council as a volunteer but in no way benefits financially from this.

Councilor Blake also disclosed that he is part of the South Portland Land Trust.

Councilor Morgan moved to allow Councilor Smith partake in the discussion of this item, Councilor Blake seconded, 4 in favor Councilor Beecher opposed, Councilor Smith abstained.

Councilor Smith moved to allow Councilor Blake to partake in the discussion of this item, Councilor Fox seconded.

Councilor Beecher asked why the Land Trust would be an issue, and Councilor Blake explained that he has been part of communications on easements, etc. regarding the property.

Vote: 5-0 Councilor Blake abstained.

1. Martins Point Proposal: Jim Gailey, City Manager explained that The City received a request from Martin’s Point to purchase the former Hamlin School located at 496 Ocean Street. This building currently houses the Planning and Development Department. The City Council was asked a number of months ago whether they would entertain a workshop item on a request from

Martin's Point to purchase the City-owned parcel on the corner of Ocean and Sawyer. The Council was willing to listen to a proposal, but held all further opinions/actions until such time as the process became public. From the on-set of Martin's Point approaching the City concerning our willingness to transfer the City-owned property; staff had the following conditions:

- The City is kept whole in the transferring of the site – Martin's Point would have to secure an alternate site and move the City's Planning and Development Department at no cost to the City.
- The Community Gardens that currently occupies a 100' x 100' pad of the City property remain viable at the site and any plans for the redevelopment of the site incorporate the community garden use.

Not that the City was exploring moving from the site, but staff never saw the Planning & Development Department having a permanent home at the former Hamlin School building. Ideally this building was a short term solution until such time as a consolidation of City Hall services was explored at either Mahoney Middle School (if it closed) or another location. The building was built during a similar time period as the former high school annex and Memorial Middle School. Structures during this time era (60's) are very inefficient and tend to have had long term maintenance issues.

The intent of Monday's workshop is to have an opportunity for the City Council and staff to learn more about Martin's Point's proposal and undergo a process of fact finding aiding a decision process on the proposal.

At Monday's workshop, representatives from Martin's Point made a presentation to the City Council regarding its proposed plans for the property as well as an open discussion on the concept, public comment, ideas, lease with community gardens and Council interest in next steps.

Dick Daigle, Vice-President Martin's Point Health Care introduced folks with him Lynn Roberts and Dr. Sarah Friedman, he added that this is not a final plan but rather something to work with in starting discussion, he went on to discuss the following PowerPoint Presentation items:

- Community/Public Outreach approach – Neighborhood Meetings
- Overview about Martins Point Health Care
- Design considerations – (solar)
- Who they serve
- Similar projects; Gorham, Biddeford
- Plan for South Portland Health Center

Public Comment Opened:

Russell Lunt Brigham Street felt that this was a good thing, and added that he is a patient of Dr. Edwards and also understood the concern for the community gardens, he agreed that it is a good idea to keep them there and wondered where the Planning Department would go if this did happen. **Helen Solcum** 12 Smith Street added that she was part of starting the original gardens back in 2010 and now they are up to 16 people who have gardens, they love these gardens and they serve a great need in the area. She added that the gardens are very busy with wait lists of people as well as grants being applied to start another garden. She thanked the City for their support and explained that he gardens donate to the food cupboard each year and have added 4 beds for this purpose. She has

concern with the proposal of moving the gardens and the shade that is in this section and felt that it would not be good to relocate the gardens from where they are. She added that this is the only space for them on this side of the City and that they have a lease with a 90-day kick out so she was not sure where they would go. She discussed becoming separate from the school itself for a Land Trust Easement and keeps the open space as they are not certain of what the future would bring.

Laura Phillips 143 Providence was not in support of Martins Point Health Care coming into this spot.

Adam Lampton 47 Heather Road was also not in support and felt the need to keep the open space.

Patricia White 7 Orchard Street felt the need to put something in place for the gardens and green space to keep this safe forever.

Greg Lewis Mussey Street was skeptical of private/public deals and zoning issues. He noticed that in the new proposed section there is no sun which gardens will need. He was not in support and felt that they need to give back green space to equally what is taken.

Billy Balley 27 Simmons Road is a community gardener and they love it there, and added that the open space is good so he too was not in support of this item.

Seth Currans 99 Parrott Street loves this area and the gardens and was not in support of this item.

Susan Chase 63 Parrott Street had concern with traffic with a health facility and many people coming and going. She loves this area and helped with the start of the Community Gardens in which they felt this to be a perfect spot and a wonderful place. She had concern with this proposal as well as Trout Brook run off and would like to carve off a portion for green space.

Jackie Hildredth is a bee keeper and urged the Council to keep the gardens as it helps for the bees and would also like to see the green space maintained for the future.

Amy Turner 82 Pitt Street was not in favor of the proposal for this area and felt that they should keep the facility in Millcreek she was in support of the gardens.

Sandy Pableu 95 Parrott Street was not in support of the proposal and felt Millcreek was a better spot she felt Martins Point is fine but just not for this location.

Catherin Chapman 40 Beaufort Street was not in support of the proposal.

Dan Pableu 95 Parrott Street was not in support of the proposal and felt that it would be unfair to the gardens, that there would be too much shade, not enough parking and no space for kids to play and overall not a good idea.

Heather Coon Colchester Drive likes coming to the community gardens and had concern with traffic and congestion in this area.

Mary Lineman 102 Simmons liked the gardens and would like to keep that space forever, likes the neighborhood and felt that it was all great. She felt that there would be too much pavement and had concern with Trout Brook as well.

Erin McGregor Forrest Street, Allagash Brewing Company was in support of the community gardens and green space for this area. She added that her company has donated toward the garden keeping this in place to preserve is best.

Crystal Goodrich 17 Highland Ave. helps with the community gardens and loves it, she agreed with carving out green space, having it set aside alone and possibly having the building more dense.

Peter Turner Boothby Ave. also loves the green space, has brought his daughter up using this space and letting her play there, he does not want to see this go.

Rachel Berger 17 Churchill felt that Millcreek area needed this building and added that she helps with the hunger program that the gardens feed and would like to see the community garden remain permanently with no parking lot on it.

P.J. Stable Anchorage Place had concern with this proposal and added that she too is part of the community gardens here and wants to see them kept forever.

Paul Cunningham 20 Edwards Street agreed with keeping the green space forever and agreed that Millcreek is the better place for this.

Carter Scott Vincent Street/Land Trust would like to see green space kept safe in our safe, she added that she was impressed with Martin's Point and would like to see them in the areas somehow. She added that people choose areas because they love the area and felt that there could be a win/win situation here.

Meg Braley 33 Beech Street was in support of green space and asked that they look for another space as this is an irreplaceable gem within our City.

Jody Jordan Jordan's Farm Cape Elizabeth would like to be kept informed about this process as his farm takes part in the winter Farmer's Market at Hamlin School so he has a great interest.

Deane Wilkes D Street is a founding member of the community gardens and would be most happy to keep them there.

Nancy Cooper 156 Boothby Ave. added that she loves the community gardens and was not in support of this proposal.

Public Comment Closed:

Councilor Blake asked why Martin's Point wants to change from the Millcreek area and wondered if it was because of parking.

Dick Daigle explained that they are only a tenant there and do not own and can not expand as well as parking issues in this area. He further discussed parking for design standards 60 to 80 spaces.

Councilor Smith asked how many employees that they have more then 30 (yes a few more). She asked if they would plan to have radiology there (exploring, would not be in there) and she asked how small of a parcel would they consider (not sure yet).

Councilor Fox had concern with the garden and having enough sunlight and wondered how they could do this. (Need to ask Sebago Technics and the gardeners)

Councilor Beecher asked about bees (focus is on landscaping now but there are options and plans to come up with as well as ideas.)

Councilor Morgan asked further about the size of a building needed, thanked Mr. Daigle for the presentation and asked about having discussions with neighbors regarding the issues of easements, carving off the size and felt that there may be enough positives to further discuss. He asked about the parking lot and what they would use and wondered about another parcel that may interest them.

Dick Daigle explained that there was not another parcel that they are looking at, that porous would be used in the parking lot and that they are familiar with easements.

Councilor Beecher discussed the LB Zone and wondered about the rotation of the building on the site.

Mayor Cohen agreed that this was a great presentation, she values their business and that this organization is needed here. She liked the idea of having a Community Room for meetings, classes, etc. and asked about the hours that they are open and understands the concerns being raised.

Lynn Roberts Martins Point added that they are open Monday – Thursday 7:00 a.m. – 7:00 p.m. Friday 7:00 a.m. – 5:00 p.m. and Saturday 8:30 – 4:00 p.m.

Councilor Blake thanked Martins Point for approaching the City Council and asking for the time to solicit public input and to provide a preliminary presentation and likes their willingness. He added that in South Portland there is a fight for Open Space, parks, etc. He asked about other sites that may be intriguing to them and hoped that they could have a win/win situation. He questioned if the City has an Open Space philosophy or plan and did not think that was so but would like to create such a plan and was in support of continued dialogue. He had questions regarding zoning, grandfathered zones, and liked the idea of a Community Room. He asked about other spaces in

South Portland as well as LB Zones. He discussed previous conditions in the area, enhancing Trout Brook, solar panels, greener spaces, a playground and gardens needing to stay forever as well as having more gardens, other improvements and continuing communications.

Councilor Beecher agreed that this was a great presentation and asked about land coverage: 2,88 acres, 11,744 (gym) and 7,858 (school). She would like to have further discussions and with the neighbors as well.

Councilor Fox felt that this is a hard spot here and understood both sides. He agreed on continuing discussions and keeping the garden where the sun shines, he likes green space forever and would need this inclusion to fully support.

Councilor Smith thanked everyone for all of the input and added that there were about 39 people who came out to speak on this issue. She loves this area and felt that it is rare to have this in a city. She was not sure that this would be the right space for a new Martins Point as there are mainly small businesses in this area. She felt that the citizens had spoken and that they do not want the gardens to go away. She asked how small of a space that they could use and further discussed this being in a neighborhood center, the Comprehensive Plan as well as working out a compromise by thinking outside the box, by looking at other areas and further discussing a business plan, more detail about Martins Point.

Councilor Morgan was in support of further dialogue and felt an uphill struggle here. He added that they would need to know the parameters, if there would be an option to trim down, to maintain green space and keep the gardens and added that situations and people are always changing.

Mayor Cohen explained that the City Council did not bring this forward; Martins Point came to them for a discussion, to listen to public input and further discuss. She felt that at some point this building would be sold, developed in some way and understood that it would be hard to look at a new business here and did not feel that it would fit. She felt that the neighborhood was overwhelmed and that the gardens do need sun and community growth and that they can't lose that. She suggested that they come back with new plans, more details and felt that they had a long way to go and more work to accomplish.

Jim Gailey explained that the next steps would be for Martin's Point to reevaluate, meet with and neighborhoods, groups, the Garden Collective and the Land Trust.

Councilor Blake discussed making a contact with someone on Sawyer Street who maintains a neighborhood list and e-mails.

2. Chapter 14 – Licensing Ordinance Update: Jim Gailey, City Manager explained that at the January 26, 2015 City Council workshops, proposed amendments to Chapter 14 relating to lodging establishments were discussed. As a result of City Council feedback at the workshop, representatives of the City Clerk's Office, Police Department, Fire Department, Code Enforcement Office and the Corporation Counsel met to discuss proposed alternative amendments to the licensing ordinance as well as ways to improve internal communication about problems with existing business licensees that arise midlicense term. (Currently, issues tend to be addressed only at license renewal and not during the license term.)

The proposed Chapter 14 amendments discussed at the January workshop dealt only with lodging establishments. City staff is now proposing that the ordinance amendments deal more generally with all businesses, and so staff started afresh with proposed new Chapter 14 amendments that attempt to do the following: (i) codify the Clerk's Office current practice of circulating license applications to certain departments for review (*see* Sec. 14-3); (ii) add additional standards for license denial, suspension or revocation (*see* Sec. 14-8); and (iii) add a permissive (not mandatory)

meeting between a problem licensee and a City official at the same time that the City Clerk is considering suspension or revocation proceedings (*see* Sec. 14-13).

The City's Licensing Administrator, the Corporation Counsel and a representative of the Police Department was present at the workshop for questions and discussion.

Public Comment Opened:

Avantha Spanos Pine Haven Hotel discussed what she would like to see included in the proposal for her business as well.

Peter Daigle Best Western Manager explained that he has had limited contact with the Police Department and what he has had is all good. He encourages Community Outreach and would like to see this continue on.

Public Comment Closed:

Councilor Morgan agreed on the outreach program and added that this was nice to hear. He too would like to see this ongoing with them and with us. He asked about changes and was in support of the proposed changes.

Sally Daggett discussed improved communications with businesses as issues arise and not when it becomes too late, but realizes that it may need immediate attention on occasions. She further discussed addressing some issues more directly and flushing out standards to all businesses as well as the process of denial, suspension and revocation proceeding.

Councilor Beecher was impressed by this work and in support of this item as well.

Councilor Smith was also in support and felt that this was on a path of clarity and is what people would want.

Councilor Blake also agreed and supported the clarity as well as making a suggestion on the wording.

Sally Daggett discussed the wording in more detail and added that it is similar to State Liquor Licensing.

Councilor Fox was in support and ok with this item.

Mayor Cohen was too in support of this item and felt that it was out-front with no surprises and well done.

3. Council Meeting Minutes - Public Comments Added: Jim Gailey, City Manager explained the enclosed position paper from Susan Mooney, City Clerk that recently there was a concern raised by a resident that there was nothing recorded in the minutes of the meeting when a citizen made comments at Citizen's Discussion Part 1, Part 11 or when they spoke on an item on the agenda. It was noted that comments made at Councilor Round Robin were included but not comments made by members of the public.

Several Councilors wished to bring the matter forward to a workshop for discussion and Roberts Rules provides the following in regards to minutes;

Minutes

The official record of the proceedings of a deliberative assembly is usually called the minutes, or sometimes – particularly in legislative bodies – the journal. In an ordinary society, the

minutes should contain mainly a record of what was done at the meeting, not what was said by the members. The minutes should never reflect the secretary's opinion, favorable or otherwise, on anything said or done. The minutes should be kept in a substantial book or binder.

Public Comment Opened:

Patricia White 7 Orchard Street felt that what occurred at a meeting is what the public say and felt the need to have that recorded within the minutes. She felt it helpful to include the members of the public who were speaking.

Bob White 7 Orchard Street was in support of including names and comments made in the minutes, reflecting what was spoken. He understood the issue of too much detail but felt that it would help with discussions and debates at meetings. He further discussed intense after action discussion which he felt would be good for citizens as well.

Public Comment Closed:

Councilor Fox asked about letters, notes, e-mails and how they get from the Councilors to the public?

Councilor Morgan added that all letters, e-mails, etc. are public that Councilors receive and felt that minutes are a quaint artifact, a small part of what was discussed as there is a recorded DVD of each meeting.

Councilor Beecher discussed reading letters, e-mails, etc. into the meeting minutes

Councilor Smith felt that the DVD's can be hard to follow and that minutes are a qualifier, something visual with a name and shows the efficiency of the work.

Councilor Blake discussed the requirement of minutes be taken and watching the DVD. He added that he reads the Planning Board public comments and had concern about people with no TV or internet. He felt that reading letters, etc. into the minutes and having the names with comments would cause no harm.

Councilor Morgan added that minutes are only part of the record when they become accepted and felt that they served as a summary of what was said.

Mayor Cohen felt that minutes serve as a journal of the City Council's actions just as financials are to auditors. She added that these serve as a record of action from the Council not what the public has said. She added that the City Council is transparent but not the public and she was not in support of this proposed item and felt that it is hard to capture all of what is done.

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

Councilor Blake discussed open space and bringing this forward, Councilor Smith seconded this idea.

Mayor Cohen felt that it would be helpful to visit the spaces in the City as well.

Jim Gailey gave an update on dates:

- March 16 – Budget passed out
- March 16 – CIP Presentation (Workshop)
- March 23 – Budget Meeting #1

- March 30 – Budget Meeting #2
- April 13 – Budget Meeting #3
- April 27 – School Board Budget Conversation, Minimum Wage Discussion
- May 11 – Storm water presentation

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