

Town Council Special Meeting

Minutes

April 11, 2016

The meeting was called to order at 5:00 pm.

Roll Call

Councilors King, Hemphill, McBrady, Anderson and Goldberg were present and answering roll call.

Councilors Kitchel and Farber arrived at 5:10 pm.

Item 1 Order to go into Executive Session pursuant to the Laws of Maine to discuss and consider the disposition of real estate rights and economic development, both pursuant to 1 M.R.S.A. § 405 (6) (C).

Councilor Anderson moved to enter executive session; Councilor Hemphill seconded. Motion carried 5-0.

The Council returned to public session at 7:00 pm.

Councilor Farber moved to suspend Council rules to add an item to the end of the agenda; Councilor King seconded. Motion carried 7-0.

Item 2 Public hearing on amendments to the Code of Ordinances, Section 19-1 relative to permitting housing for older persons in the Elementary School Redevelopment District. Amendments include changes to 19-1-2, Definitions, 19-25, Elementary School Redevelopment District, 19-41, Dwelling Unit, 19-42, Multiplex and 19-69, Residential Growth Permit.

Chair Goldberg opened the public hearing; there was no public comment.

The Council recognized that the amendment language was updated since the introduction. They agreed to forward the revised amendment language to the Planning Board for their MRA hearing.

An order was scheduled for May 9.

Item 3 Introduction of amendments to Section 19-1 of the Code of Ordinances, Zoning and Site Plan Review Ordinance, to create a new Retirement Community Overlay District to facilitate the expansion of the Avesta Blackstone housing development on Squidere Lane.

Councilor King introduced the amendment. Avesta has worked with staff on the proposed amendment language, which would allow them to renovate the existing 20 units, plus add 19 new units. This would help satisfy a need for housing for older persons at less than 60% AMI. This is in the growth area, and is a good project.

Drew Wing of Avesta Housing said they have received feedback from the residents and have made changes to their proposed plan to provide additional parking. They were originally suggesting a 0.7:1 ratio of parking, and they believe that this ratio would largely suffice for this property, based on their experience with other developments. Residents have been in touch with them and feel that is not enough, so they have raised it to a 1:1 ratio. Their proposed plan shows that they have the space to build out that much parking, but still feel it would not be necessary.

Councilor Farber asked if this is a substantive change for purposes of the ordinance amendment; Town Manager Nathan Poore said he didn't think it is.

Councilor Farber asked how much latitude the Planning Board would have in regards to parking; could they require more or less than the ordinance amendment lists. It is for the Planning Board to decide the details.

Community Development Director Amanda Stearns said it depends on how the amendment is written; they can keep it at 0.7 and give the Planning Board latitude to request more. Typically parking requirements in the ordinance are minimums; the Board could require more, but not less, than is listed in the ordinance.

Councilor Anderson felt it was important to listen to the residents and their concerns about the project. He was interested in hearing more about the renovation of the existing units.

Mr. Wing said \$800,000 of the total budget is allocated for the renovation, which is around \$40,000/unit. It will be on a case-by-case basis; they will review each unit with their architect one at a time to determine what each one needs. He listed potential projects including new windows, drywall, siding, etc.

Councilor Anderson asked how long Avesta has been responsible for the management of this property.

Mr. Wing said largely since its inception. They acquired the property in 2013; since then they have spent \$124,000; total expenditures in capital improvements since 2006 total \$200,000. When this project gets financed there will be a certain amount that gets put into a capital improvement fund; every year funds will be dedicated to this purpose to provide for adequate upkeep.

Councilor Kitchel asked what would happen to current residents during renovation; Mr. Wing said residents will largely stay in place during renovations; they may be displaced during the day during construction. In some cases, residents may have to be displaced for a week or two.

Councilor Kitchel asked how these renovations will impact the rent structure; Mr. Wing said it will not change.

Councilor Farber asked if this is an enlargement of the current district, or an overlay. Ms. Stearns said the ordinance allows for a retirement community overlay district. That overlay will be over the top of this parcel.

Councilor Farber asked if these amendments will also impact Oceanview's overlay district. Ms. Stearns said no; they are adding a permitted use for housing for older persons. There are generalized district standards that apply to all, and they are adding a section that will apply only to this Avesta district.

A public hearing was scheduled for May 9.

Item 4 Ordinance to amend the Zoning and Site Plan Review Ordinance to remove the sunset provision for minor site plan review, to amend the thresholds to clarify certain items, and to increase the maximum building footprint for any one application from 500 to 1,000 square feet.

Councilor Farber said this amendment would remove the sunset provision on the minor site plan review amendment, as well as make some minor changes identified by staff.

Councilor King moved the ordinance; Councilor Hemphill seconded. Motion carried 7-0.

Item 5 Ordinance to amend the Zoning and Site Plan Review Ordinance Sec. 19-23.11 Master Development Plan Time Limits, in order to extend the Tidewater Master Plan Development District an additional six months.

Councilor Farber said they are hopeful that they can get the remaining items cleaned up with the developer within the next 6 months.

Councilor Hemphill said the developers have met with staff and received a list of the items remaining.

Councilor Farber moved the ordinance; Councilor King seconded. Motion carried 7-0.

Item 6 Ordinance to amend the Zoning and Site Plan Review Ordinance to permit off-premise signs in the Business Professional District where access to a lot is located off-premise.

Councilor McBrady explained that this amendment would allow a property in the BP district to have a sign at the entrance to their location, even though that entrance is not located on the actual property.

Councilor Kitchel moved the ordinance; Councilor McBrady seconded. Motion carried 7-0.

Item 7 Order to authorize property rights related actions required for the Mill Creek Pump Station and associated force main wastewater collection project.

Mr. Poore said this order accomplishes the acceptance of Mussel Cove Lane, the release of certain easement rights in the subdivision, acceptance of a new sewer line and access easement at the end of Mussel Cove, and the execution of certain agreements with the Homeowners Association (HOA). All these actions are in keeping with previous Council guidance and direction.

Chair Goldberg opened a public comment period.

Bill Welch of Bernstein Shur, representing the HOA, notified the Council that all the homeowners have reviewed and signed the HOA resolution in the Council's packet.

Public comment period closed.

Councilor Hemphill moved the order; Councilor Kitchel seconded.

Mr. Poore added that this takes care of all the right, title, and interest issues with the Mill Creek pump station project. Financing for the project is also settled. The Town will be able to award a contract soon, and construction will follow shortly thereafter.

Motion carried 7-0.

Item 8 Discussion and review of the proposed FY2016-17 budget.

Councilor McBrady was hopeful that the Finance Committee could find a way to get the mil rate down to as flat as possible, if not completely flat. He asked if they can find alternate ways to fund open space to make that happen.

Councilor Anderson said currently the municipal piece of the budget calls for a 4 cent increase on the mil rate. The Finance Committee has discussed if there are any ways to get that to a 0 increase, since it is so close. He has discussed with staff whether there is any way to accomplish that while also funding open space. He wondered if they can rely on a projected surplus in this year's budget to do that.

Mr. Poore said there are other options to funding open space, including dedicating the sale of the Hadlock property to open space, as well as a one-time appropriation from the unassigned fund balance. They have also discussed the monies that may be coming back from the LMF fund. They would need to cut \$85,000 to get to a flat mil rate.

Chair Goldberg thought the proceeds from Hadlock were already dedicated to open space acquisition. Mr. Poore said Councilor Farber had asked for a separate resolution at the time of the budget vote to do that.

Chair Goldberg asked about the possible budget surplus.

Mr. Poore said they could designate an amount from unassigned fund balance as a one-time transfer to open space; they have had to do that in the past for the capital improvement fund. Unassigned fund balance is the same as a "surplus". Mr. Poore said he was the one that put an increase in the budget for open space funding

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for this year and he advocated for some increase remaining in the budget, based on the guidance from the Council.

Councilor Anderson said they pass a balanced budget every year; the practice when there is a surplus is for that money to go into the unassigned fund balance. There is a projected surplus in this year's budget of more than \$300,000; he proposed that they use some portion of that to fund open space in the next year and hold the mil rate flat in the FY2017 budget.

Chair Goldberg said they need \$300,000 for open space; if they get 1/3 of that from the Hadlock sale, 1/3 from the surplus from FY2016, they would have 1/3 in the FY2017 budget and get them to a flat mil rate. The downside would be that this would prevent them from adding that much of the surplus to the unassigned fund balance.

Councilor Hemphill said this would accomplish the goal of a flat mil rate from the municipal side. Mr. Poore confirmed that is correct. He said the cleanest way would be to take \$200,000 from the fund balance, and let the Hadlock sale roll directly into the fund balance. He thought that could be built into the budget itself.

Councilor King asked if this would set a precedent for future years.

Councilor Anderson felt this action set the goal of a flat mil rate every year.

Councilor Farber said it also showed an interest on the part of this Council to set aside money for open space acquisition by some means.

The Council will vote on the budget on April 25.

Item 9 Order to approve the sale of a certain 2.01 acre of undeveloped land at 55 Hadlock Road to EC Builders, LLC, and to authorize the Town Manager to execute and deliver a Municipal Quitclaim Deed, and to execute and deliver such other documents as may be reasonably necessary to accomplish the transfer of the Property.

Chair Goldberg opened a public comment period; there was no public comment.

Councilor Anderson moved the order; Councilor Hemphill seconded. Motion carried 7-0.

Item 10 Order to go into Executive Session pursuant to the Laws of Maine to discuss and consider the acquisition of real estate rights, pursuant to 1 M.R.S.A. § 405 (6) (C).

Councilor Farber moved the order, Councilor King seconded. Motion carried 7-0.

The Council entered executive session at 8:02 pm and did not return.

Respectfully submitted,

Melissa Tryon
Recording secretary