

Town Council Special Meeting

Minutes

July 11, 2016

The meeting was called to order at 6:30 pm.

Roll Call

All Councilors were present and answering roll call.

Item 1 Order to go into Executive Session pursuant to the Laws of Maine to discuss legal rights and duties with the Town's attorney pursuant to 1 M.R.S.A. § 405 (6) (E).

Councilor King moved the order; Councilor McBrady seconded. Motion carried 7-0.

Item 2 Ordinance to amend the Code of Ordinances and the Town of Falmouth Zoning Map to implement Year 1 Comprehensive Plan strategies as identified by the Town Council.

Councilor King summarized the work done to develop these amendments. Community Development Director Amanda Stearns has made some modifications to bring the language in line with the intent of the changes.

Councilor King moved the ordinance; Councilor Hemphill seconded.

Councilor Hemphill said this is the result of a lot of well thought out recommendations. It follows the comp plan and opens new opportunities for the town. A lot of work has gone into it. He thanked staff for their hard work. Chair Farber thanked the members of the public for their attention and input during this process.

Councilor Ferrante was concerned that it was extensive change. She worried about unintended consequences and negative impact. She wanted the Council to stay aware of and responsive to any impacts that come up. Councilor Svedlow agreed.

Chair Farber felt the Council has been very responsive to problems; they have modified many ordinances in the past, not just to address problems but also if something isn't working well. She thought they might consider implementing something in the noise ordinance that would prevent construction in established neighborhoods early in the morning.

Councilor McBrady thanked CDC and citizens for the hard work. He struggled with these changes, but after careful review he came to the realization that this is good for the town.

Councilor King said this was a very good attempt, and if there are problems they can fix them. She said this best follows the guidance of the comp plan.

Councilor Ferrante agreed that change was sorely needed. She hoped that residents know that, if they have problems, they can come to the Council for help.

Motion carried 7-0.

Item 3 Introduction to amendments to the Code of Ordinances, Section 9.92, to change the membership of the Harbor/Waterfront Committee.

Councilor King introduced the proposed amendment. This amendment would change the membership requirements of the committee, allowing for up to three members to be non-residents of Falmouth. The

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Committee felt that, to get representation for both Handy Boat and Portland Yacht Club, and to recognize that many non-residents use and enjoy the harbor, they should allow non-residents to serve. The amendment further states that, in order for any motion to pass, at least three resident members would have to vote in favor.

Councilor McBrady asked about the overall motivation for the change.

Councilor King said they are having trouble getting a resident to represent Handy Boat. They can get an employee, but the present ordinance requires a resident. They felt that there are non-residents who have boats that take an interest in the Committee.

Councilor McBrady pointed out that when they addressed this last year, they were able to get an employee to take the Handy Boat seat.

Councilor King said there is one person on the committee who is considering moving away but feels he has a lot to offer; they also thought that there were other non-residents that might have an interest.

Chair Farber asked Town Clerk Ellen Planer whether there have been vacancies on the Committee that they haven't been able to fill. Ms. Planer said just the Handy Boat representative.

Councilor Ferrante felt that three non-residents would be too many. One or two might be okay.

Chair Farber said they should send a notice to Handy Boat and the Yacht Club to notify them of this proposed change and the date of the public hearing. She agreed with Councilor Ferrante about the number of non-residents.

Councilor King pointed out that there are many non-residents with boats moored at Town Landing. She asked if they should have a voice on the Committee.

Chair Farber said the landing is operated by the Town, and there is an argument that this is Town business.

Councilor McBrady pointed out that anyone can attend the Harbor Committee meetings and have a voice, even if they don't have a vote. He agreed that three felt like too many. It wouldn't feel right to him, if they had to turn away a resident interested in serving on the committee because a non-resident was on it.

A public hearing was scheduled for August 8. The Council asked for the Harbor Committee to attend that meeting and deliver a report on their request for the change. Notices will be sent to Handy Boat and the Yacht Club.

Item 4 Discussion about a victualer's license application for a vendor participating in the Cumberland Farmer's Market Association.

Chair Farber explained that, due to a miscommunication, the public notice was not placed in the newspaper in time for the Council to take action on this application tonight. While the applicant was hoping for action at tonight's meeting, that is not possible due to the public notice.

The public hearing and order was scheduled for July 25.

Item 5 Order for a supplemental appropriation from the OceanView and Natural Gas TIF in the amount of \$85,000 for expenses related to the celebration of the Town's 300th anniversary of its incorporation.

Erin Cadigan, Tercentennial Coordinator, said the Committee is moving along with their plans. They want to establish a strong presence in the community, including developing a brand, logo, social media presence and marketing strategy. This year they want to get the celebration on the community's radar, so they can engage local businesses, non-profits, and volunteers. She said the biggest project they will work on this year is the

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multi-media history project. One of the main goals of the celebration, as revealed in the outreach done by the committee, is educating the public about the history of the Town.

Mr. Poore discussed the appropriation from the TIF district; this TIF includes all the valuation captured by the expanded development of Oceanview as well as the expansion of the natural gas lines. This TIF district includes language that allows funding for community events such as this.

Councilor King asked how this pairs up with the previous appropriation; she wanted to be able to track where the money is coming from and how it's being used.

Mr. Poore said the Finance Director is going to create a sub account for this so that they will be able to track and reconcile it, especially since they expect to be receiving revenue in the future. This phase of funding is to keep the development phase of the project going. The next phase of funding will be through the normal budgeting process.

Councilor McBrady said this appropriation will keep the committee going through June; Mr. Poore said that was correct.

Councilor McBrady asked about the initial \$30,000; Mr. Poore said that money got them to the Committee's report. This \$85,000 is included in the estimated budget published in the report.

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

Chair Farber wondered if there was a way to break this appropriation up, so that they can get a better handle on the final budget.

Mr. Poore explained that, if they had had a better grasp of the needs of this project during the Town budget process, it would have been included in the budget package, but the report wasn't due from the Committee until after the budget was developed. They are confident that this request will get them through the current fiscal year.

Chair Farber asked who would own the materials of the multi-media history project. Ms. Cadigan said she assumed the Town would. Chair Farber felt that should be made clear to the Historical Society, since it is not a town entity and is a separate non-profit. Either the Library or the Town should house it, since this is very expensive.

Ms. Cadigan said this history project is more of a legacy project, that people will be able to use and reference for a long time. She anticipated applying for grants for this piece to help with the cost. She saw it staying with the Town.

Chair Farber asked what percentage of the total history project is represented by the requested \$25,000; Ms. Cadigan said this is the bulk of it. She anticipates income to offset the cost of it, both in grant funding and book sales.

Councilor Svedlow asked if the schools would have access to it; Ms. Cadigan said yes, and they will participate in creating it.

Councilor Svedlow asked if the schools would contribute financially to it; Ms. Cadigan didn't know, but she could ask.

Councilor King asked for updates on how the work is progressing, perhaps quarterly. Ms. Cadigan said they can, and Councilor Hemphill said he would bring updates to the Council as the new liaison.

Councilor King moved the order; Councilor Kitchel seconded. Motion carried 6-1 (Ferrante).

Item 6 Resolution to continue the work of the Route 100 Committee.

Mr. Poore said this was discussed at the organizational meeting in June. This resolution will maintain the charge of the Committee and keep them going, on an as-needed basis, as a sounding board as the Town goes

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through final design of the project. It would be helpful if staff need feedback on design choices that need to be made.

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

Councilor Ferrante asked if Committee members will be appointed or whether the current members would be able to continue.

The consensus of the Council was that the current appointees can continue without being reappointed. Staff will contact them to see if there are still available and interested in continuing.

Chair Farber asked if a year would be enough; Mr. Poore felt that the Council would have more to discuss if it went on longer than a year.

Councilor Kitchel moved the resolution; Councilor Ferrante seconded. Motion carried 7-0.

Item 7 Discussion about the upcoming Council retreat.

Chair Farber announced that the Council retreat is scheduled for Thursday, July 14 beginning at 8am at the Central Fire station at Bucknam Road. The focus is to create the workplan for the upcoming year.

Adjourn

Councilor Hemphill moved to adjourn; Councilor Kitchel seconded. Motion carried 7-0.

Meeting adjourned at 8:09 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary