

CAPE ELIZABETH TOWN COUNCIL AGENDA
Regular Meeting # 9-2012
Cape Elizabeth Town Hall
Monday, July 9, 2012
7:00 p.m.

Roll Call by the Town Clerk

Sara W. Lennon, Chairman	Term Expires	12/2012	slennon@maine.rr.com
Frank J. Governali	Term Expires	12/2013	frank.governali@capeelizabeth.org
Caitlin R. Jordan	Term Expires	12/2013	caitlin.jordan@capeelizabeth.org
Katharine N. Ray	Term Expires	12/2014	retbank@maine.rr.com
David S. Sherman, Jr.	Term Expires	12/2014	dsherman@dwmlaw.com
Jessica L. Sullivan	Term Expires	12/2012	jsullivan08@maine.rr.com
James T. Walsh	Term Expires	12/2012	jim.walsh@capeelizabeth.org

The Pledge of Allegiance to the Flag
Town Council Reports and Correspondence
Citizen Opportunity for Discussion of Items Not on the Agenda
Town Manager's Report

Review of [June 11, 2012 Draft Minutes](#)

Proposed Charter Change Public Hearing

Item# 106 -2012 Proposed Charter Change

The town council will consider approving the draft amendment below for submission to the voters on November 6, 2012.

ARTICLE VIII
Initiative and Referendum

Sec. 1. Petition for overrule of ordinance. ~~action of council.~~ All ordinances, except emergency ordinances passed pursuant to Article II, Section 12, or any vote for a single capital expenditure or a single capital improvement, the total cost of which exceeds 0.05 percent of the last state valuation, shall be subject to overrule by a referendum, as hereinafter provided; ~~except the following shall not be subject to referendum:~~

1. If, within 20 days after the enactment of any such ordinances ~~or passage of any such vote,~~ a petition signed by not less than 10% of the registered voters of the Town of Cape Elizabeth is filed with the town clerk requesting its reference to a referendum, the council shall call a public hearing to be held within 30 days from the date of the filing of such petition with the town clerk and shall, within 14 days after said public hearing, designate a time and place for the purpose of submitting to a referendum vote the question of adopting such ordinance, ~~or approving such vote.~~ Pending action by referendum, the referred ordinance ~~or vote~~ shall be suspended from going into operation until it has received an affirmative vote of the majority of the voters voting on said question.

~~**1. The annual budget;** provided, however, if a single capital expenditure or a single capital improvement, the total cost of which exceeds 0.05 percent of the last state valuation, is~~

~~included in the annual budget, then that part of the annual budget shall be subject to referendum;~~

Sec. 2. Referendum for approval of certain capital expenditures. Any vote by the council for a single capital expenditure of town funds or a single capital improvement not arising from a fire or other casualty loss, nor arising from a federal or state mandate, the total cost of which exceeds One Million Dollars (\$1,000,000), whether as a separate vote or included in the approved annual budget, shall be submitted to a referendum vote at a time designated by the council. Pending action by referendum, the referred vote, or budget item, shall be suspended from going into operation until it has received an affirmative vote of the majority of voters voting on said question. This section shall not apply to the refinancing of previously authorized debt.

(The sections which follow will be renumbered as needed.)

Explanation

The intent of this proposal is to require most single capital expenditures exceeding \$1.0 million in value to be approved by the voters. The current provision is that a binding citizen vote occurs only after the town clerk receives a petition signed by 10% of the registered voters asking for a council approved capital expenditure valued at more than 0.05% of the state valuation to be overridden. Currently, approximately 750 signatures of voters are needed to attempt to override an expenditure exceeding \$855,375 in value.

Item# 107 -2012 [Good Table Annual Licenses](#)

It is proposed to approve the annual licenses for the Good Table Restaurant.

Item# 108-2012 **Short Term Rentals**

Ordered: The Cape Elizabeth Town Council thanks the planning board for its review of the short term rental property issues and refers to the ordinance committee the planning boards [recommended provisions](#) to the zoning ordinance regarding rentals of property on a short term basis. [Link](#) to Cape Elizabeth Planning Board memorandum to town council.

Item# 109 -2012 [Property Boundary Surveys](#)

Ordered: The town council thanks the ordinance committee for reviewing issues relating to property boundaries and refers to the planning board a review of the ordinance committee proposal. [Background Information](#)

Item# 110-2012 **MMA Legislative Policy Committee**

In December 2011, the town council approved Kathy Ray as the town's delegate to the Maine Municipal Association Legislative Policy Committee. As it typical before each even numbered year election, MMA is asking the town council to confirm the town's representative for the next biennium. See [MMA Letter](#)

Item# 111-2012 [Status Update on 2012 Town Council Goals](#)

The town council will review progress on 2012 town council goals.

Item# 112-2012 **Hardship Abatement-Executive Session**

It is recommended the Town Council in conformance with 1 MRSA §405 6 F enter executive session to review an application for a hardship abatement.

Citizen Opportunity for Discussion of Items Not on the Agenda

Adjournment

Public Participation at Town Council Meetings

After an item has been introduced, any person wishing to address the council shall signify a desire to speak by raising their hand or by approaching the lectern. When recognized by the chairman, the speaker shall give his or her name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. All remarks should be addressed to the Town Council. Comments shall be limited to three minutes per person; however, the time may be extended by majority vote of councilors present. For agenda items that are not formally advertised public hearings, the time for public comments is limited to 15 minutes per agenda item. This time may be extended by a majority of the Town Council. The chairman may decline to recognize any person who has already spoken on the same agenda item and may call on speakers in a manner so as to balance debate. Once the Council has begun its deliberations on an item, no person shall be permitted to address the Council on such item.

Speaking at the meeting on topics not on the agenda at regular Council meetings

Persons wishing to address the Council on an issue or concern local in nature not appearing on the agenda may do so at a regular Town Council meeting before the town manager's report and/or after the disposition of all items appearing on the agenda. Any person wishing to address the Council shall signify a desire to speak by raising their hand or by approaching the lectern. When recognized by the chairman, the speaker shall give his or her name and address or name and local affiliation if the local affiliation Council. Comments in each comment period shall be limited to three minutes per person and 15 minutes total; however, the time may be extended by majority vote of councilors present.

Decorum

Persons present at Council meetings shall not applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting. Persons at Council meetings may only address the Town Council after being recognized by the chairman.