



Cape Elizabeth Town Council Agenda

Monday, June 11, 2018

7:00 p.m. Cape Elizabeth Town Hall

Council Chambers

Jessica L. Sullivan, Chairman
James M. "Jamie" Garvin
Caitlin R. Jordan
Penelope A. Jordan
Sara W. Lennon
Valerie A. Randall
Christopher M. Straw

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 is pertinent. 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.

Convening by Town Council Chairman Jessica L. Sullivan

The Pledge of Allegiance to the Flag

Roll Call by the Town Clerk

Town Council Reports and Correspondence

Finance Committee Report

[Dashboard](#) and Financial Reports as of 5/31/2018

[Appropriation Control](#)

[Expense Distribution](#)

[Revenue Control](#)

[Revenue Distribution](#)

Citizen Opportunity for Discussion of Items Not on the Agenda

Town Manager's Monthly Report

Review of Draft Minutes of May 14, 2018

Review of Draft Minutes of April 9, 2018 (Tabled from 5/14/2018)

The minutes of the meeting held on April 9, 2018 were tabled at the May 14th meeting pending council discussion of what documents/correspondence should be included in the minutes and how public comments are documented. A workshop was held on June 5th. The council provided guidance that council minutes will continue to provide a synopsis of citizen comments during public hearings and citizen comments, emails and correspondence received by citizens (referred to by subject) will be noted at meetings during town council reports and correspondence, attachments to council minutes will relate directly to the council action e.g. the text of an approved ordinance, policy, contract, agreement. Meeting materials posted on the town's website will relate directly to an item on the agenda provided for recommendations, background and resource materials.

Item #95-2018 Request for a Zone Change to Business Zone A – 560 Shore Road Relating to Used Car Sales

Public Hearing

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 and shall be limited to three minutes per person.

Cape Elizabeth Service Center located at 560 Shore Road is requesting consideration of a zone change to allow used car dealer plates. On February 12, 2018 the town council referred the request to the planning board for review and consideration.

The planning board held two workshops on the proposed amendment and held a public hearing and vote on April 23, 2018. The planning board (7 – 0) voted to recommend an amendment for town council consideration. On May 14, 2018 the town council scheduled a public hearing for June 11, 2018.

Sec. 19-1-3. Definitions

Repair garage: Any building, structure, improvements or land used for commercial purposes to repair, rebuild, recondition or maintain automobile engines, motor vehicles, trailers or similar vehicles.

Sec. 19-6-5. Business District A (BA)

B. Permitted Use

3. The following nonresidential uses:

h. Repair Garage (In the Shore Road Business A District, a repair garage may include up to three (3) vehicles at any time for sale) (Effective July 8, 2009)

The town council may approve, edit or defer action for continued review and consideration.

Item #96-2018 The Good Table – Liquor License [Renewal](#)

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

The Good Table located at 527 Ocean House Road is requesting approval of the malt, spirituous and vinous liquor license.

The application has been reviewed by police, fire and code enforcement. There are no concerns to report relating to the application.

Proposed Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the renewal malt, spirituous and vinous liquor license for The Good Table located at 527 Ocean House Road as presented.

Item #97-2018 Request for Fund Raising – Pond Cove Playground

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

[Link](#) to Fundraising Memo 7/26/2012

[Link](#) to Chapter 2 Administrative Code Article IV

The Pond Cove School is requesting the town council to authorize fundraising to improve the playground at Pond Cove. The school board approved the request at the May 8, 2018 meeting. Pond Cove is now pursuing the town council's approval in accordance with town policy.

Item #98-2018 Discussion on Implementing a Pay/Display Parking System at Fort Williams Park

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

The concept of pay/display parking at Fort Williams Park has been recently discussed at several meetings and workshops; 2/5/2018, 4/9/2018 and 5/1/2018.

The town council will continue the discussion of how to proceed and possible next steps.

Item #99-2018 Fort William Park Foundation Request for Naming the Historic Stone Bandstand in the Children's Garden at Fort Williams Park

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

[Link](#) to Fort Williams Park Committee Minutes 5/3/2018

On April 9, 2018 the town council referred to the Fort Williams Park Committee for review and comment the recommendation of the Fort Williams Park Foundation to name the historic stone bandstand in the Children's Garden at Fort Williams Park as "Council Ring." On May 3, 2018 the Fort Williams Park Committee voted 6-0 to support naming of the historic stone bandstand as "Council Ring."

The town council will consider the recommendation.

Item #100-2018 Consideration of a Standing Renewable Energy Committee

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

[Link](#) to Ordinance Committee Recommendation

A recommendation of the ad-hoc Alternative Energy Committee to create a standing renewable energy committee was reviewed by the town council at the 5/1/2017 and 10/2/2017 workshops. At the October council meeting the recommendation was referred to the ordinance committee for review. The ordinance committee reviewed the amendments at the 10/19/2017 meeting. On 12/11/2017 the town council referred the recommendation back to the ordinance committee.

The ordinance committee discussed the recommendation on 1/22/2018 and 3/22/2018. The committee voted 3-0 to move forward with the recommendation to create the renewable energy committee and refer the recommendation to the town council.

The town council will consider the recommendation.

Item #101-2018 Spurwink School Reuse Committee [Recommendation](#)

The Spurwink School Reuse Committee was established by the town council to review reuses and make a recommendation for the use of Spurwink School. The committee met May 2016 – March 2018 (with a hiatus during that time). At the May 14, 2018 town council meeting, the council referred the recommendation to workshop.

The council held a workshop on June 5th. It was a consensus to begin review of the committee's recommendation that the Cape Elizabeth Historical Preservation Society be located in the Spurwink School and direct the town manager to begin further review of cost estimates, possible funding sources and arrangements with the CEHPS. The town manager will report back to the council.

Item #102-2018 Nomination – Voter Registration Appeals Board Chairman

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

Municipalities with a population of 5,000 or more must have a Registration Appeals Board (Title 21-A §103) to hear appeals of persons aggrieved by a decision of the registrar to either remove a name from the voting list or refuse to place a name on the voting list.

The chairman of the registration appeals board is nominated by the town clerk and appointed by the municipal officers for a term of 4 years.

The town clerk recommends the reappointment of Anne E. Swift-Kayatta, 14 Stone Bridge Road.

Proposed Draft Motion

ORDERED, the Cape Elizabeth Town Council confirms the nomination from the town clerk to appoint Anne E. Swift-Kayatta to serve as the chairman of the Registration Appeals Board for a term until June 11, 2022 and until a successor is sworn.

Item #103-2018 Consideration of an Additional Town Council Workshop

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

The dates for council meeting and workshops were established in December however due to the number of items pending council review, an additional workshop is needed for the summer. A recommended date is Monday, July 16, 2018 at 7:00 p.m.

Item #104-2018 Consider Entering into Executive Session to Discuss Labor Contracts for Police and Public Works Employees

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

The town manager would like to update the town council on the status of labor negotiations for police and public works employees.

Proposed Draft Motion

ORDERED, the Cape Elizabeth Town Council enters into executive session pursuant to 1 M.R.S.A. §405 6 D to receive an update from the town manager relating to labor negotiations between the town and the Cape Elizabeth Police Benevolent Association and Teamsters Union Local #340 Representing the Cape Elizabeth Public Works Department.

Citizens may at this point in the meeting raise any topic that is not on the agenda that pertains to Cape Elizabeth local government.

Adjournment