



## **Cape Elizabeth Town Council Agenda**

**Monday, February 11, 2019**

**7:00 p.m. Council Chambers**

**Cape Elizabeth Town Hall**

**James M. "Jamie" Garvin, Chairman**  
**Valerie J. Deveraux**  
**Jeremy A. Gabrielson**  
**Caitlin R. Jordan**  
**Penelope A. Jordan**  
**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 of the Meeting by Town Council Chairman James M. "Jamie" Garvin**

### **Roll Call by the Town Clerk**

### **The Pledge of Allegiance to the Flag**

### **Town Council Reports and Correspondence**

### **Finance Committee Report**

**[Dashboard](#) and Financial Reports as of 1/31/2019**

**[Appropriation Control](#)**

**[Expense Distribution](#)**

**[Revenue Control](#)**

**[Revenue Distribution](#)**

### **Citizen Opportunity for Discussion of Items Not on the Agenda**

### **Presentation – Raise the Floor Coalition**

## Town Manager's Monthly Report

Review of Draft Minutes of [January 14, 2019](#) and Special Meeting [January 23, 2019](#).

**Item #39-2019            Citizen Petition – Petition for Enactment of Ordinance to Limit  
Disposition of Shoreline Access Real Estate**

[Link](#) to Citizens Petition

[Link](#) to Town Clerk Certification

[Link](#) to Mr. Bryant Letter January 18, 2019

[Link](#) to Edits by SOS and Town Attorney

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

On January 2, 2019 a citizens' petition was submitted to the town clerk by Save Our Shoreline Access Coalition (SOS) entitled Petition for Enactment of Ordinance to Limit Disposition of Shoreline Access Real Estate to amend Chapter 18 Conservation to add a new article VII.

The petition was submitted pursuant to the Town of Cape Elizabeth, Maine Council-Manager Charter Article VIII Initiative and Referendum Sec. 3 Petition for Enactment of Ordinance.

Sec. 3. Petition for enactment of ordinance. Subject to the provisions of Section 1, not less than 10% of the registered voters of the town may at any time petition over their personal signatures for the enactment of any proposed lawful ordinance by filing such petition including the complete text of such ordinance with the town clerk. The council shall call a public hearing to be held within 30 days from the date of filing of such petition with the town clerk and shall, within 30 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, unless prior to the referendum vote, such ordinance shall be enacted by the council. Such ordinance shall take effect on the 10<sup>th</sup> day after the conclusion of such referendum provided a majority of those voting thereon shall have voted in the affirmative.

Any such proposed ordinance shall be examined by the town attorney before being submitted to referendum. The town attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions and to assure accuracy in its text and references and clearness and preciseness in its phraseology, but the attorney shall not materially change its meaning and effect.

Pursuant to the charter the town council shall call a public hearing within 30 days from the date of filing such petition. On January 14, 2019 the town council set a public hearing for January 23, 2019.

Pursuant to the charter the town council shall within 30 days of the public hearing designate a time and place for the referendum vote, unless prior to the vote the ordinance is enacted by the council.

The town council will discuss next steps which may include setting a referendum vote or review of the ordinance by the town council for possible action.

**Item #40-2019**      **Thomas Memorial Library [Donation](#)**

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

William and Joan Schmitz, Mount Kisco, NY have offered to donate \$2,000 to the Thomas Memorial Library as a remembrance to their grandchildren who live in Cape Elizabeth. The funds would be used for a bench with the balance of the funds to be used for the purchase of books for the Children's Library. Other donated library funds may be used for additional installation costs such as a concrete pad. The bench would be located just outside of the existing Children's Garden.

The town council will consider the request.

**Item #41-2019**      **To Consider Funding Participation for the Pond Cove Elementary School Playground Project**

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

Chairman Garvin recommended this item be considered by the town council in workshop session on January 16, 2019. Members of the playground committee were present at the workshop to provide an overview of the project. It was a consensus of the town council to consider funding participation of \$50,000 with possible additional funding of up to \$50,000 as a matching grant.

Members of the playground committee will be present to provide an overview of the project including timeline and fundraising efforts.

**Item #42-2019**      **Receipt of [Comprehensive Plan](#)**

**[Link](#) to Comp Plan Review Schedule**

**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 council approved the charge of the Comprehensive Plan 2019 Committee on September 12, 2016. Committee members were appointed December 12, 2016 and the first meeting was held on January 11, 2017.

After months of meetings, forums, and public input the comprehensive plan committee has completed the draft comprehensive plan.

On December 10, 2018 the town council received an update from Town Planner Maureen O'Meara on a comprehensive plan review process and set the item to workshop on December 19, 2018. At the workshop there was a council consensus to submit the draft future land use plan to the state in January 2019 for review, following the public hearing the complete draft will be submitted, and to review a schedule with suggested dates after the budget process with a target date to wrap up early summer.

**Recommended Motion:**

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the draft Comprehensive Plan 2019 as recommended (9-0) by the Comprehensive Plan 2019 Committee with thanks to the committee for their work. In addition, the comprehensive plan review schedule is approved as presented.

**Item #43-2019 Fort Williams Park – 2019 Group Use [Requests](#)**

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

On January 17, 2019 the Fort Williams Park Committee voted 6-0 to approve 2019 group use requests at Fort Williams Park.

**Recommended Motion:**

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Park Committee to approve the following 2019 group use requests at Fort Williams Park as presented.

Cape Elizabeth High School Graduation  
Sunday, June 9

Cape Elizabeth Family Fun Day  
Saturday, June 15  
Rain Date – Sunday, June 16

Cape Elizabeth Little League  
2019 Season – Opening April 1, 2019

Beach to Beacon 10K Road Race  
Tuesday, July 30 – Saturday, August 3

**Item #44-2019 Review of Funding for the Construction for Pedestrian and Parking Lot Improvements Within 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.)**

On October 10, 2018 the town council approved recommendations as proposed by the Fort Williams Park Committee relating to commercial van, bus and vehicle traffic at Fort Williams Park.

On January 14, 2019 the town council reviewed a proposal to construct pedestrian and parking lot improvements in Fort Williams Park.

The town manager will present funding options for town council review.

**Item #45-2019 Commercial Bus Fees 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 Updated Draft](#)**

On November 14, 2018 the town council approved the 2019 commercial vehicle fees at Fort Williams Park, see below.

<b>Vehicle Category</b>	<b>Capacity Max</b>	<b>2019</b>	
Vans & Limos	14 Seats	\$25/Single Visit	\$550/Season
Mini Buses	20 Seats	\$50/Single Visit	\$2100/Season
Trolleys	30 Seats	N/A	\$3000/Season
Motor Coaches*	>30 Seats	\$150/\$140 Single Visit	N/A
<i>Motor Coach volume discount triggers at 75 visits for any operator.</i>			

At the December 10, 2018 town council meeting during citizens’ discussion of items not on the agenda the council was asked to reconsider the commercial fees relating to motor coaches.

At the town council workshop on December 19, 2018 it was a consensus of the town council to review the 2019 motor coach fees and consider requesting the Fort Williams Park Committee to provide a draft fee schedule with a gradual approach to increasing fees, other management policies and objectives e.g. online reservation system for motor coaches and designated bus parking. Safety for pedestrians and vehicles is a priority.

The town council will review the 2019 commercial bus fees at Fort Williams Park.

**Item #46-2019 Pay and Display Parking 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.)**

Pay and display parking at Fort Williams Park has been  
June 11, 2018 - The town council tasked the Fort Williams Park Committee to craft a proposal for pay/display parking at Fort Williams Park.

August 13, 2018 - The town council referred the report to a workshop on September 17.

September 17 & October 2, 2018 Workshops - The town council continued review of the feasibility of pay and display parking at Fort Williams Park and possible next steps.

October 10, 2018 - The town council voted to refer to the ordinance committee Chapter 13 Traffic Regulations to address pay and display parking regulations at Fort Williams Park in order to have ordinances in place if pay and display is approved.

November 13, 2018 Workshop - The workshop provided additional discussion to review the possible structure of pay and display.

November 14, 2018 – The town council authorized the town manager to issue a request for proposals for parking management including equipment and enforcement as well as issue a request for proposals to purchase equipment for pay and display parking including installation as well as request for proposals for providing enforcement services for pay and display parking.

The town council will review the results from the response to the request for proposals and determine next steps.

**Item #47-2019      [Chapter 13](#) Traffic Regulations 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.)**

In the context of reviewing pay and display parking at Fort Williams Park, on October 10, 2018 the town council referred to the ordinance committee Chapter 13 Traffic Regulations to address pay and display parking regulations at Fort Williams Park. If parking fees are approved ordinances will need to be in place.

The ordinance committee reviewed Chapter 13 Traffic Regulations at two meetings. At the January 9, 2019 meeting, the committee voted (3-0) to recommend amendments to the town council which authorize the town council to manage parking and circulation in Fort Williams. Specific proposals such as pay and display would be implemented under management authority.

The town council will review the recommendations from the ordinance committee and determine next steps.

**Item #48-2019      Update on the Reuse of the Spurwink School**

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

On May 14, 2018 the town council referred the recommendation of the Spurwink School Reuse Committee to locate the Cape Elizabeth Historical Preservation Society in the Spurwink School to workshop which was held on June 5<sup>th</sup>.

On June 11, 2018 the town council directed the town manager to begin further review of cost estimates, possible funding sources, and arrangements with the Cape Elizabeth Historic Preservation Society.

On January 14, 2019 the town manager provided an update and indicated a proposal to determine the cost of renovating the building would be before the town council in February.

The town manager will present a proposal relating to funding an architect to determine the cost of renovating the building.

The town council will consider authorizing the town manager to enter into a contract for services agreement with Josef Chalot to provide cost estimates for the renovation to the Spurwink School for an amount not to exceed \$12,000 paid from the undesignated fund balance.

**Item #49-2019**      **PACTS Grant – Town Center Sidewalk Improvements**

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

On December 12, 2016 the town council authorized a grant application to PACTS for sidewalks in the town center segments 7 and 8. The application was selected for funding which is now available.

The town council will consider accepting the grant to construct town center sidewalks segments 7 and 8.

**Recommended Motion:**

ORDERED, the Cape Elizabeth Town Council accepts the \$450,000 PACTS grant for town center sidewalk improvements with the town's 25% match to be funded by the Town Center TIF account.

**Item #50-2019**      **Town Council Goals 2019**

**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 council in workshop sessions on January 16 and February 4, 2019 reviewed goals for 2019.

It is anticipated the town council will adopt goals for 2019.

**Item #51-2019**      **Regional Voice Committee for GPCOG**

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

At the February 4, 2019 workshop the town council discussed the opportunity for a town councilor to serve on the Regional Voice Committee for GPCOG. The town council's selection would be forwarded to the GPCOG Executive Committee for confirmation. It is anticipated this appointment will be included in the annual council caucus.

Chairman Garvin is interested in serving on the committee.

**Recommended Motion:**

ORDERED, the Cape Elizabeth Town Council appoints Chairman Jamie Garvin to serve on the Regional Voice Committee for GPCOG. Chairman Garvin will be submitted to the GPCOG Executive Committee for confirmation.

**Item #52-2019          Alternate for Maine Municipal Association**

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

At the February 4, 2019 workshop the town council discussed an alternate to the Maine Municipal Association in the event the councilor appointed is unable to attend. Councilor Valerie Randall is the delegate for 2019. It is anticipated an alternate appointment will be included in the annual council caucus.

Councilor Penelope Jordan is interested in serving. It is also recommended the town manager be considered as an alternate.

**Recommended Motion:**

ORDERED, the Cape Elizabeth Town Council appoints Councilor Penelope Jordan and Town Manger Matthew Sturgis to serve as alternates on the MMA Legislative Policy Committee and Convention Delegate.

**Item #53-2019          Annual Evaluation of the Town Manager**

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

**Recommended Motion:**

ORDERED, the Cape Elizabeth Town Council enters into executive session in conformance with 1 MRSA §405 6 A to begin the annual evaluation of the town manager

**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**

