

CALAIS CITY COUNCIL
FEBRUARY 11, 2016

The first regular monthly meeting of the Calais City Council was held this date in the Council Chambers of the Calais City Building at 6:00 p.m.

Present was Mayor Moore presiding over Councilors Geel, Rogers, Mingo, Moreside and Nixon.

On a motion by Councilor Moreside and a second by Councilor Mingo, it was unanimously voted to approve the following consent agenda:

- A. Previous Minutes
- B. Treasurer's Warrants City through February 10, 2016
\$ 174,294.76
- C. Treasurer's Warrants School through February 10, 2016
\$ 648,091.37
- D. Treasurer's Warrants Water through February 10, 2016
\$ 9,353.20
- E. Monthly Departmental Reports
- F. Chase Fund for February - \$150.00

The Mayor then called for a Public Hearing to consider the repeal of the existing Shoreland Zoning Ordinance and adopting an updated Shoreland Zoning Ordinance using the 2015 State Guidelines.

INSERT PUBLIC COMMENT

Following public comment, the Mayor closed the Public Hearing and asked the Council for their consideration. It was moved by Councilor Mingo, seconded by Councilor Geel, and unanimously voted to adopt the proposed Shoreland Zoning Ordinance, omitting the lots designated as Map 14, Lots 39, 40 and 41 from the Limited Commercial District.

The City Manager then gave his report on the following:
--update on the St. Croix Apartments HUD Violations
--Public Works Department Equipment Problems

The City Manager also asked that the Council consider suspending the Council Rules in order to add a Legal Issue to the Executive Session.

Attendance

Consent Agenda

Public Hearing – Shoreland
Zoning Ordinance

City Manager's Report

Suspend Rules – Add Agenda
Item

On a motion by Councilor Moreside, and a second by Councilor Mingo, it was unanimously voted to suspend the Council Rules.

It was then moved by Councilor Mingo, seconded by Councilor Moreside, and unanimously voted to add a legal Issue to the Executive Session.

There were No Council Committee Reports submitted

The CDRC is working on Signage and Banners

It was moved by Councilor Nixon, seconded by Councilor Geel, and unanimously voted to appoint Christine Phillips as an alternate on the Planning Board and appoint Michael Seymour and Brian Nichols as members of the Zoning Board of Appeals and Donald Dinsmore as an alternate on the Zoning Board of Appeals.

On a motion by Councilor Mingo and a second by Councilor Rogers it was unanimously voted to authorize the City Manager to solicit bids on Interim Financing for the South and Harrison Street Sewer Project.

It was moved by Councilor Moreside and seconded by Councilor Nixon to approve the Sewer Commitment for the Quarter Ending 12/31/2015 in the amount of \$213,371.28. Voting in favor of this motion were Councilors Geel, Mingo, Moreside and Nixon. Councilor Rogers was opposed. Motion carried.

The next agenda item was a discussion and explanation by the Fire Chief, of why more than one ambulance is dispatched on some calls. No motion needed.

Other items addressed with no Council action being taken at this time included:

- Traffic light at corner of Main and North Streets in need of repair.
- question of whether or not water lines will be included in the South and Harrison Street "Sewer Project"
- Draft Ambulance Audit Figures. (tentative special meeting 2/22/16.
- Fire training offered.
- Why not police training?
- Fire Dept. annual award ceremony Friday at 5:30

On a motion by Councilor Nixon and a second by Councilor Moreside, it was unanimously voted to retire into Executive Session at 7:08 p.m. for the following:

No committee reports

CDRC

Board Appointments

Solicit Bids – Interim Financing

Sewer Commitment

Fire/EMS discussion

Other Items

Executive Session

- A. Personnel Issue Pursuant to Title 1 MRSA, 405 6 (a)
- B. Legal Issue Pursuant to Title 1 MRSA, 405 6 (e)

Open session resumed at 7:33 p.m.

There being no further business to come before the City Council at this time, it was moved by Councilor Moreside, seconded by Councilor Geel, and unanimously voted to adjourn this meeting at 7:33 p.m.

ATTEST: _____
Theresa M Porter, City Clerk

Adjourn

Public Comment

Mayor Moore opened a public hearing on a new shoreland zoning ordinance and asked the City Manager to give the background on the reasons for the new ordinance and highlight the changes from the old one.

The City Manager explained that shoreland zoning has been around for many years and affects all land areas within 250' of water bodies. The State has adopted minimum guidelines that towns must follow in enacting shoreland zoning ordinances. Those minimum standards are updated every five years or so. They were updated in 2015, so now the City must update its ordinance. He went on to explain that the current version had become so marked up over the years it was difficult to read. Therefore, the proposal is to repeal the existing ordinance and replace it with one that closely follows the State's model. He went on to add that he was informed by the State that about half of the towns had completed their updates.

He summarized the proposed changes as opting to having the State Forest Bureau enforce timber harvesting, as most towns do, and opting not to regulate piers, docks and wharfs because most of ours are temporary or grandfathered or, in the case of the river, regulated by the State and Army Corps of Engineers. Other changes include the elimination of the volume calculation in the expansion of nonconforming structures, while imposing height restrictions. It also sets standards for the removal of hazard trees where replanting may be required, and replanting standards where over cutting has occurred.

The Manager went on to explain that the ordinance proposes a Limited Commercial District which is described as "areas of mixed, light commercial and residential uses, which should not be developed as intensively as the General Development Districts. This district would include areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses would be prohibited."

The area proposed for this designation is the area from the golf course to Taylor's Furniture. This designation best describes what is going on and has been going on in this area since the 70's. The comprehensive plan has identified and proposed this area for commercial going back at least 40 years. It was recently pointed out at a Planning Board meeting that the Shoreland Zoning Ordinance does not support the Comprehensive Plan because the area is designated Limited Residential. Since we were mandated to update our Shoreland Zoning to meet the standards at this time, it makes sense to align the ordinance with the comp plan to the greatest extent allowed by the standards.

Uses already in this area include cabin rentals, used cars, landscaping, takeout, a car dealership, a boat storage facility, college, high school, and retail as activities not allowed in residential neighborhoods.

Porter then requested that the golf course and lots 40 & 41 be removed from the proposed changes so as to better follow the comp plan, and pointed to the map of proposed land use from comp plan (insert).

The Mayor then opened up the public hearing to receive comment from the public.

Tom Webster asked if someone could rebuild a home in the newly create district. Yes was the answer. He said he saw nothing wrong with this zoning if it could support both business and residences.

Melbourne Greenlaw, who owns land that has a portion within 250 feet of the river, asked if his lot of approximately six acres could be built upon. Yes, was the answer. He also asked how this would affect his taxes. The Manager explained that the assessor bases the assessment on the value of the property compared to other similar properties and that would not change with this proposal.

Joseph Benedetto asked for clarification on the properties proposed to be removed from the proposed district. It was explained that, as outlined in the comprehensive plan, map 14, lots 39, 40 and 41 should remain limited residential.

Dan LaCasse explained that he was an attorney who represents Vaughn Eldridge whose property abuts that of the owners of a former takeout that recently was proposed for expansion. He said his client objects to the proposal and opposes the reuse of the takeout. They also object to the changes made to this proposal. He said, when first proposed, they tried to work with the new owners, but were unable to reach an agreement. He said the recent change of the town wide zoning just to accommodate one owner was illegal and spot zoning and he had filed a notice of suit against the City. He went on to say that this proposal was just part of an attempt by the City to accommodate a new business. He also said that he has another client in the proposed zone, Mary Reiss, who objects to commercial activity because it would negatively affect the view of the river.

John Foster explained that he represents Lucy and Rob Feldkircher who own the property with the takeout that Mr. LaCasse spoke about. He said he was surprised that his clients were named in a suit against the City, but felt the lawsuit was frivolous because the City Council is performing a legislative act and, as long as it is done properly and legally, they have the power to enact or change ordinances. He added that proposed use is consistent with what has been there at least since the 70's and at one time there were several takeout stands in this area, so it is more consistent with the comprehensive plan.

City Manager Porter added the Growth Management Act required municipalities to enact ordinances that are consistent with their Comprehensive Plans and this proposal corrects an inconsistency.

Joan Perry said she felt the City Council was trying to act on behalf of the city as a whole by encouraging growth with this proposal

Christine Phillips agreed with the prior speaker, and appreciates the City Council's efforts to bring in more businesses to help young families like hers. In regards to the takeout previously mentioned she said she has taken her family there many times and always enjoyed the view.

There being no further public comment the Mayor closed the public hearing.