



## Cape Elizabeth Town Council Agenda

Monday, July 13, 2020

7:00 p.m.

Zoom Online Meeting

Valerie A. Adams, Chairman  
Valerie J. Deveraux  
Jeremy A. Gabrielson  
James M. "Jamie" Garvin  
Caitlin R. Jordan  
Penelope A. Jordan  
Christopher M. Straw

Please click the link below to join the webinar:

<https://zoom.us/j/98206724054>

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Dial (for higher quality, dial a number based on your current location):

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Webinar ID: 982 0672 4054

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### *COVID-19 Update*

In response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) the Governor signed [LD 2167, An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency](#), which is now PL 2019, c. 617.

Part G enacts Title 1, section 403-A, Public proceedings through remote access during declaration of state of emergency due to COVID-19. It authorizes conducting public proceedings through telephonic, video, electronic or other similar means of remote participation with specific conditions. The section is repealed 30 days after the termination of the state of emergency

### **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 the Chairman**

### **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 June 30, 2020**

### **[Appropriation Control](#)**

### **[Expense Distribution](#)**

### **[Revenue Control](#)**

### **[Revenue Distribution](#)**

**Citizen Opportunity for Discussion of Items Not on the Agenda** (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

### **Town Manager's Report**

### **Review of Draft Minutes of the Following Virtual Meetings-**

- **[June 8, 2020](#)**
- **[June 15, 2020](#) Special Meeting**
- **[June 22, 2020](#) Special Meeting**

### **Item #94-2020      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.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

The Good Table, Inc. located at 527 Ocean House Road is seeking renewal of the malt liquor (beer), wine and spirits licenses.

No concerns have been reported by the code enforcement office, police and fire departments.

**Draft Motion:**

Moved by and Seconded by

ORDERED, the Cape Elizabeth Town Council approves the renewal malt liquor (beer), wine and spirits licenses for The Good Table, Inc. located at 527 Ocean House Road as presented.

**Item #95-2020          Short-Term Rental Ordinance Amendments**

Link – Draft Memorandum to Planning Board

**Opportunity for Public Comment** (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

On May 11, 2020 the town council referred to workshop proposed revisions to the zoning ordinance relating to short-term rentals as recommended by the ordinance committee. Subsequent workshops were held on June 1 and June 18.

The town council will consider forwarding the recommendations to the planning board for review.

**Draft Motion:**

Moved by and Seconded by

ORDERED, the Cape Elizabeth Town Council forwards proposed amendments to the zoning ordinance relating to short-term rentals to the planning board for review with a report back to the town council.

**Item #96-2020          Short-Term Rental Permit Fees**

**Opportunity for Public Comment** (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

As part of the short-term rental ordinance review, the town council has indicated that short-term rental fees should be changed.

At the town council’s direction, the town has solicited proposals and will contract with Hamari for one year of third party enforcement of short-term rentals. The intent has been for short-term renewal fees to be adjusted to fully fund third party enforcement.

Concurrent with the third party enforcement, the town council may want to address STR fees. The current STR fee, which only applies to come STR operations is \$50.00 annually.

The town manager recommends the town council consider the following fees.

**Draft Motion:**

Moved by and Seconded by

ORDERED, the Cape Elizabeth Town Council amends the Town Fee Schedule as follows:

Short-Term Rental Permit	\$250.00 (effective immediately)
Short-Term Rental Permit	\$500.00 (effective January 1, 2021)

**Item #97-2020      Consider Appointments Committee Recommendations Relating to a Diversity and Inclusion Committee**

**Opportunity for Public Comment** (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

[Link](#) – Appointments Committee Recommendation

Reference to Chapter 4 Boards and Committees

**SEC. 4-1-8. Ad Hoc Committees.** Committees formed by the Town Council to complete defined tasks and then be disbanded are ad hoc committees. The Town Council may create an ad hoc committee as needed. When creating an ad hoc committee, the Town Council shall adopt a committee charge that includes the name, composition, and purpose of the committee, tasks to be completed, a deadline for completion of committee work (which may be extended by the Town Council), and direction to the Town Manager to assign staff support as needed. Ad hoc committees shall perform their duties in compliance with Sec. 4-1-5, Operation of Boards and 3 Committees.

On June 22, 2020 the town council referred to the appointments committee the task of drafting a charge and composition of a diversity and inclusion committee for town council review and action.

The appointments committee met on June 29 and drafted a recommendation for town council review to create an ad-hoc committee IDEAA (Inclusion, Diversity, Equity, Anti-racism and Awareness Committee) reporting back to the town council within 12 months.

**Draft Motion:**

Moved by and Seconded by

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the appointments committee to create an ad hoc committee IDEAA (Inclusion, Diversity, Equity, Anti-racism and Awareness Committee) reporting back to the town council within 12 months.

**Item #98-2020      Fort Williams Park Committee – Recommended Vendor for the Master Plan Update**

**Opportunity for Public Comment** (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

[Link](#) – Richardson & Associates Proposal

[Link](#) – Fort Williams Park Committee Draft Minutes June 18, 2020

The Fort Williams Park Committee met via Zoom on Thursday, June 18 relating to the selection of a vendor to assist in the update the Fort Williams Park Master Plan. The committee voted (6 – 0) to recommend selection of Richardson & Associates of Saco, ME.

**Draft Motion:**

Moved by and Seconded by

ORDERED, the Cape Elizabeth Town Council confirms the selection of the Fort Williams Park Committee to contract with Richardson & Associates of Saco, ME for the update of the Fort Williams Park Master Plan.

**Item #99-2020      Town Center Traffic [Study](#) – Refer to Workshop**

**Opportunity for Public Comment** (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

The town manager is recommending the town council refer to a future workshop for review and discussion the Town Center Transportation Study performed by Tom Errico of T.Y.Lin.

**Draft Motion:**

Moved by and Seconded by

ORDERED, the Cape Elizabeth Town Council refers to workshop the Town Center Transportation Study dated June 2020 performed by T.Y. Lin International.

**Item #100-2020      Renewal of the Spurwink Rod & Gun Club [License](#)**

**Opportunity for Public Comment** (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

Pursuant to Chapter 24 Shooting Ranges Sec. 24-6-2 (Renewal). After inspection by Chief Paul Fenton and Code Enforcement Officer Benjamin McDougal, the recommendation is to renew the license as presented.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council approves the 3-year renewal of the license for the Spurwink Rod and Gun Club located at 1250 Sawyer Road as presented.

**Item #101-2020      Referral to Conservation Committee Relating to Cliff House Beach Use and Management of Cliff House Beach**

**Opportunity for Public Comment** (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

Neighbors of Cliff House Beach have voiced concerns about the use and management of Cliff House Beach and traffic concerns during the COVID-19 pandemic.

**Citizens may at this point in the meeting raise any topic that is not on the agenda that pertains to Cape Elizabeth local government.** (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

**Adjournment**