

**Town of Cape Elizabeth  
DRAFT Ordinance Committee Minutes**

July 18, 2022

7:00 p.m.

Remote

Members Present: Penny Jordan, Chair  
Caitlin Jordan

Staff: Maureen O'Meara, Town Planner

Councilor Penny Jordan called the meeting to order at 7:00 p.m.

Ad Hoc Housing Diversity Study Committee Consultant RFP

Chair Penny Jordan invited Kimberly O'Neil, Giving Blueprint and K Sheray LLC, to make a 5-10 minute presentation, to be followed by questions.

Ms. O'Neil introduced herself and reviewed her experience working at the municipal level in New York, Maryland and Texas, including as a member of the Community Relations Commission for Plano, Texas. The RFP aligns with her past work and her emphasis on equity in race, housing and employment. She confirmed that she can attend all committee meetings in person, provide meeting materials in a timely manner and generally support the committee.

Chair Penny Jordan about the committee public participation plan? Ms. O'Neil noted her experience with non-profits using focus groups (virtual and in-person) and structured or open-ended approaches, use of survey data and interviews with community leaders.

Councilor Caitlin Jordan asked about compliance with state FOAA (Freedom of Access Act) requirements? Ms. O'Neil said she has previous experience as a compliance coordination monitor preparing written recommendations and was the Fort Worth point for FOI requests.

Councilor Caitlin Jordan confirmed that she could attend committee meetings in person. Ms. O'Neil it was not an issue, she has a schedule, and already travels for clients.

Chair Penny Jordan asked about her experience as a committee staff person? Ms. O'Neil has experience as a staff person and also as a town manager.

Councilor Caitlin Jordan asked if she could prepare meeting materials within the time frame? Ms. O'Neil responded that her fear is that a meeting would be cancelled if materials are not ready, and she will always have materials prepared in a timely manner.

Chair Penny Jordan asked if Ms. O'Neil had questions. Ms. O'Neil asked if the community culture is laid back, accommodating, structured?

Chair Penny Jordan responded that community volunteers are energized. We want a consultant that can help the group gel with goals/objectives, be collaborative, and help with bumps to complete a plan.

Councilor Caitlin Jordan agreed. Ms. O'Neil described her role as a "guardian" team player. She understands that government groups have less flexibility.

Chair Penny Jordan noted that the consultant is not alone, and will be supported by the Town Council and Town Manager. The consultant brings a broader view. Ms. O'Neil emphasized her experience is as a *small* city administrator.

The committee thanked her and moved to the second interview.

Kristina Musante, JD, and Joshua Biehler, K & J Strategic Solutions made a presentation, starting with introducing themselves. Ms. Musante used to run trainings for the National Community Reinvestment Coalition (NCRC), started the Wyoming Kids Coalition to expand health care access to low-income children, and generally has worked with coalitions to promote housing equity. Mr. Biehler also worked at NCRC, is data driven and has participated in fair housing classes. Community equity is the partnership's passion.

Councilor Caitlin Jordan asked about the consultant's responsibility to support the committee in complying with FOAA and Ms. Musante said it would not be a problem. Asked to provide an example regarding FOAA guidance, she said that society is learning and local governments don't have any wiggle room. Meeting date and notice requirements must be followed but she encourages going beyond minimum compliance.

Councilor Caitlin Jordan asked about committee staff experience? Ms. Musante mentioned work in Alabama and Jackson Mississippi, to address consent decrees. They worked through issues, developed policies and procedures and it was an overall positive experience to rectify. When you are "moving the cheese," it takes time, not blame. We had uncomfortable conversations and people can feel attached but you process in time.

Councilor Caitlin Jordan asked about getting meeting materials prepared in advance of the meeting? Ms. Musante committed to getting materials prepared in advance of deadlines. They have the time, love projects advancing equity, and housing is tough.

Chair Penny Jordan asked about focus group experience? Ms. Musante said that would be driven by the committee. For example, focus groups can be used at the start before surveying, or can be used after the committee has done some work to narrow down something that keeps coming up to drill down. It depends on the data. She has managed groups of 5-8 people, 1-2 hours, with an incentive to attend, and can focus on specific people or groups.

Ms. Musante asked what you are hoping to get out of the process?

Chair Penny Jordan said it is key to get community supported direction for housing options needed/desired to get housing developed from our cultural and economic perspective. She said there are also community members who cannot commit the time to be a committee member, but are in the wings to participate. The committee thanked the interviewees.

### Minutes

The minutes of the May 25, 2022 meeting were approved 2-0.

### Public Comment

Cynthia Dill, 1227 Shore Rd – She provided written comments. The advice the committee has received is flawed and you should get direct legal advice regarding LD 2003. Both candidates are impressive but the committee should form, then get a consultant. She is offended that we need to hear about equitable and just. Our community model produces wealth for low-income families. LD 2003 allows the private sector to produce housing, so wait.

Chair Penny Jordan clarified that the consultant is not making decisions, but rather guiding the process and staffing the committee that sets the direction. We are dovetailing the consultant selection with the committee selection.

Tim Thompson, 6 Pine Ridge Rd – Both candidates are good. The Virginia team sounds like it has experience working with committees and getting feedback. The committee should help with organizing community input.

Cynthia Dill – She would love to work with either consultant, but the suggestion is that it's implicit there's a problem. Cape people think there's a different approach. We are a unique community and economy and we should not do what everyone else is doing.

### Ad Hoc Housing Diversity Study Consultant Recommendation

Councilor Caitlin Jordan liked the 2-person approach of K&J, but thought O'Neil was good too.

Chair Penny Jordan said she loved O'Neil's background and experience. She is willing to work with the committee as staff and would do a great job. However, she is leaning toward K&J on the strength of their engagement and capacity, plus she loved the "cheese" book.

The committee voted 2-0 to recommend K&J as the Ad Hoc Housing Diversity Study Consultant to the Town Council.

### LD 2003

Chair Penny Jordan said she really appreciated the Dill emails because they trigger thinking. She wants to proceed to review the Zoning Ordinance, impact in each of the zones, and look at the

definitions. She clarified that these are ordinances you follow and this is not Cape [government] building affordable housing.

Ms. O'Meara introduced a matrix displaying the LD2003 text and relevant Cape Elizabeth Zoning Ordinance amendments description. The committee agreed to begin review of the matrix.

Row 2: Fair housing goal changes on hold

Row 3/4: Retain all definitions that support the existing Mandatory Affordable Housing provisions. Add the state definitions for affordable housing development.

The committee discussed how to handle the pending Town Center Affordable Housing Amendments, which are the subject of a November referendum vote. The committee agreed to keep them on hold until after the vote and to proceed with the state definitions in the draft.

Row 5: The committee discussed the use of terms "multifamily housing" and "multiplex housing" in the Zoning Ordinance. These terms and the state term all use the measurement "dwelling" in the definition. Ms. O'Meara said the difference is that the term "multiplex" is used in residential zones and "multifamily" is used in business zones, but no substantive difference exists. Using one term will avoid confusion that occurs. Councilor Caitlin Jordan recommended that the common term "multifamily housing" be used and the committee agreed.

The committee asked about growth areas. Ms. O'Meara said they are designated on page 237 of the 2019 Comprehensive Plan. She also explained that "base" density appears as a chart in each district, and is different from densities that are allowed if a project meets certain public goals as defined in other sections of the ordinance. The Town Center Affordable Housing Amendments are not base density and are tied to a different definition than LD 2003.

Row 6/7/8: The committee discussed the different long-term affordability requirements and agreed to keep the affordability requirements for LD 2003 changes and the Mandatory Affordable Housing Provisions separate.

Row 9/10/11/12: The committee agreed no amendments were needed to comply with these provisions of LD 2003.

The committee agreed this was a good point to stop review until the next meeting.

#### Next meeting

Based on polling completed after the meeting, the next meeting of the committee will be held on Wednesday, August 10<sup>th</sup>.

Public Comment

Cynthia Dill – She disagrees with the density interpretation and there should be an attorney review of the multiplex/multifamily interpretation.

The meeting adjourned at 8:43 p.m.