

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 18
AUGUST 15, 2016

Roll Call: Mayor Blake called the meeting to order at 7:00PM. All Councilors were present.

A. Acceptance of Minutes

Smith moved to accept the minutes, seconded by Fox. The motion passed 7-0.

B. Communications from City Manager

Don Gerrish clarified that the City Clerk had authorization by the City Manager to contact the City Attorney on seeking legal opinion regarding the Ocean Street traffic petition.

C. Petitions and Communications

The City Clerk announced that absentee ballots requests may now be made for the November election.

Mayor Blake recognized Eagle Scout Tim Small, and Councilor Cohen for her recent acceptance of her role as VP of MMA. Councilor Beecher recognized Mary Perry for her role and effort in organizing a successful Art in the Park event. Councilor Morgan updated the public on the GPPCD's recent decision to seek dissolution.

D. Appointment Calendar

1. ORDER #86-14/15 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 11/20/17. Postponed since 02/18/15. Passage requires majority vote.

Smith moved to postpone, seconded by Fox. The motion passed 7-0.

2. ORDER #114-14/15 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 3/3/18. Postponed since 4/22/15. Passage requires majority vote.

Morgan moved to postpone, seconded by Rose. The motion passed 7-0.

3. ORDER #91-15/16 - Energy & Recycling Committee, District Two (Smith), for an unexpired term which expires on 05/05/18. Postponed since 02/01/16. Passage requires majority vote.

Smith moved to postpone, seconded by Beecher. The motion passed 7-0.

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4. ORDER #114-15/16 - Board of Assessment Review, District Two (Smith), for an unexpired term which expires on 03/16/19. Postponed since 03/21/16. Passage requires majority vote.

Smith moved to postpone, seconded by Fox. The motion passed 7-0.

5. ORDER #157-15/16 – Energy & Recycling Committee, District One (Morgan), for an unexpired term which expires on 05/05/18. Postponed since 06/06/16. Passage requires majority vote.

Morgan moved to postpone, seconded by Cohen. The motion passed 7-0.

6. ORDER #30-16/17 – Nomination to the Governor for the Appointment of Don Legere to the Greater Portland Public Development Commission for a term which expires on August 8, 2021. Passage requires majority vote.

Morgan moved for passage, seconded by Cohen. The motion passed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

The following spoke:

Russ Lunt, Brigham St.
Kathy Chapman
Lee Smilovich, Willow St.
Rosemarie DeAngelis

G. Public Hearings and Action

7. ORDER #31-16/17 – Granting Lyric Music Theater, 176 Sawyer Street, a Food Establishment/Restaurant with Vinous license. Passage requires majority vote.

Beecher moved for passage, seconded by Fox. The motion passed 7-0.

8. ORDINANCE #9-15/16 – Amending the Code of Ordinances establishing Chapter 32, “Pesticide Use Ordinance”. Passed first reading on 4/4/16 and postponed on 4/20/16. ROLL CALL VOTE. Passage requires majority vote.

Cohen made a motion to have the order read by title only, seconded by Beecher. The motion passed 7-0.

Cohen made a motion to postpone indefinitely, seconded by Morgan. The motion passed 7-0.

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H. Action on Old and New Business

9. ORDER #32-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

The following spoke on this item:

Russ Lunt, Brigham St.
Bob Whyte, Orchard St.

Beecher moved for passage, seconded by Morgan. The motion passed 7-0.

10. ORDINANCE #2-16/17– Amending the Code of Ordinances establishing Chapter 32, “Pesticide Use Ordinance”. First reading. Passage requires majority vote.

The following spoke on this item:

David DanDrea
Donna Herzig, Portland
George Corey, Franklin Terrace
Russ Lunt, Brigham St.
Jesse O’Brien, Portland
Jim Cohen, Verrill Dana
Greg Lewis, Mussey St.
Patricia Whyte, Orchard St.
Rachel Burger, South Portland
Bob Whyte, Orchard St.
Paul Cunningham, Edward St.
Priscilla Skerry, South Portland
Tom Estabrook, Estabrook Farms
John Hanscome, Westbrook
Gail Rice, CMPC
Phil Roberts, Broadway Gardens
Roberta Zuckerman, South Portland
Kathy Lewis, Mussey St.
Kathy Chapman
Judy Kline, Breakwater Ave.
Phil Smilovich, South Portland
Terri Eddy, Scarbrough

Morgan motioned to have the Ordinance read by title only, seconded by Cohen. The motion passed 7-0.

Morgan moved for passage, seconded by Fox.

Fox motioned to make an amendment to add a medical doctor or nurse practitioner to the PMAC committee, seconded by Rose. The amendment failed 2-5 (Morgan, Smith, Cohen, Beecher, Blake).

The main motion passed 6-1 (Cohen).

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11. ORDER #33-16/17 - Setting the date of the public hearing on proposed amendments to Sections 1101 and 1103 of the City Charter. Passage requires majority vote.

Cohen moved for passage, seconded by Smith. The motion passed 7-0.

12. RESOLVE #1-16/17 - Supplemental Appropriation for the Upgrade and Conversion of Police Department radio equipment to be fully compatible with City of Portland's new 800 MHz radio system. Passage requires majority vote.

Fox moved for passage, seconded by Beecher. The motion passed 7-0.

13. ORDER #34-16/17- Accepting \$8,054 under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

Smith moved for passage, seconded by Fox. The motion passed 7-0.

14. ORDER #35-16/17 – Award of Bid #04-17 to Whalley Computer Associates Inc., of Southwick, MA, for technology upgrades for the School Department. Passage requires majority vote.

The following spoke on this item:

Russ Lunt, Brigham St.
Andy Wallace, SPSD IT Director

Cohen moved for passage, seconded by Beecher. The motion passed 7-0.

15. RESOLVE #2-16/17 – Approving an Appropriation Transfer Resolve for FY 2016. Passage requires majority vote.

Fox moved for passage, seconded by Beecher. The motion passed 7-0.

16. RESOLVE #3-16/17 – Approving an Appropriation Transfer Resolve for FY 2016. Clear Skies Ordinance. Passage requires majority vote.

The following spoke on this item:

Russ Lunt, Brigham St.

Fox moved for passage, seconded by Rose. The motion passed 7-0.

I. Citizen Discussion (Second Part)

The following spoke:

Patricia Whyte, Orchard St.

J. Councilor's Round Robin

Mayor Blake recognized the City Clerk's upcoming wedding.
Councilor Morgan apologized to the City Clerk.

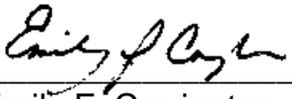
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Councilor Cohen mentioned the upcoming festival event on 8/27.
Don Gerrish mentioned the public City Manager search meeting on 8/17 at 7pm in Council Chambers.

K. Executive Session

Fox moved to adjourn at 10:40pm, seconded by Beecher. The motion passed 7-0.

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ATTEST 

Emily F. Carrington