

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 39
OCTOBER 17, 2016

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

A. Acceptance of Minutes

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

B. Communications from City Manager

Joshua Reny, Assistant City Manager, filled in for Don Gerrish who went home ill. Mr. Reny let the Council know that a meet and greet for the finalist candidates for City Manger will be organized 11/3.

C. Petitions and Communications

The City Clerk reminded residents of absentee voting until 11/3.

E. Appointment Calendar

1. ORDER #62-16/17 – Appointment to the Board of Education, District Five, to fill a vacancy until Inauguration Day, December 4, 2017. Passage requires majority vote.

Cohen moved for passage, seconded by Morgan.

Rose motioned to have votes taken by secret ballot. The motion did not receive a second and failed.

Cohen motioned to amend the order to nominate Ryan Edwards as the appointee. The motion did not receive a second and failed.

Morgan motioned to amend the order to nominate Elyse Tipton as the appointee. Beecher seconded. The motion passed 5-2 (Cohen, Fox).

The main motion passed 7-0.

Morgan moved to have items 2-11 and 14 read and voted on as an aggregate, seconded by Beecher. The motion passed 7-0.

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2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. ORDER #36-16/17 – Arts & Historic Preservation Committee, At-Large (Beecher), for an unexpired term which expires on 10/20/17. Postponed since 09/07/16. Passage requires majority vote.
8. ORDER #37-16/17 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 03/03/18. Postponed since 09/07/16. Passage requires majority vote.
9. ORDER #38-16/17 – Conservation Commission, District Three (Rose), for an unexpired term which expires on 03/03/19. Postponed since 09/07/16. Passage requires majority vote.
10. ORDER #48-16/17 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 11/20/17. Postponed since 09/19/16. Passage requires majority vote.
11. ORDER #51-16/17 – Economic Development Committee, District Two (Smith), for an unexpired term which expires 03/23/18. Postponed since 09/19/16. Passage requires majority vote.
14. ORDER #61-16/17 – Arts & Historic Preservation Committee, District One (Morgan), for a term which expires 10/20/19. Passage requires majority vote.

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Morgan moved to postpone items 2-11 and 14, seconded by Rose. The motion passed 6-0 (Fox out of the room).

12. ORDER #59-16/17 – Arts & Historic Preservation Committee, District Five (Fox), appointing **Adrian Dowling** for a new term which expires 10/20/19. Passage requires majority vote.

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

13. ORDER #60-16/17 – Arts & Historic Preservation Committee, Greater Portland Landmarks representative, appointing **Alessa Wylie** for a new term which expires 10/20/19. Passage requires majority vote.

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

E. Consent Calendar

15. ORDER #63-16/17 – Street closure request for Veterans Day Parade on 11/11/16.

16. ORDER #64-16/17 – Street closure request for Mill Creek Park Tree Lightening 12/2/16.

Rose moved for passage of the Consent Calendar, seconded by Cohen. The motion passed 7-0.

F. Citizen Discussion (First Part)

The following spoke:

Frederick Lancaster, Hillside Ave.
Russ Lunt, Brigham St.
Charles McNutt, Dunphy Drive
Rosemarie DeAngelis
George Corey, Franklin Terrace

G. Public Hearings and Action

17. ORDER #65-16/17 – Public hearing and action on a public nuisance complaint regarding 611 Main Street. Passage requires majority vote.

Cohen moved to postpone to December 19, 2016, seconded by Beecher. The motion passed 7-0.

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18.ORDINANCE #3-16/17 – Amending Chapter 16, “Nuisances Generally”, regarding the process for filing a Nuisance Complaint. Amended and passed first reading 10/3/16. ROLL CALL VOTE. Passage requires majority vote.

Morgan moved for passage, seconded by Fox. The motion passed 7-0 on a roll call vote.

19.ORDINANCE #4-16/17– Amending Article VIII of Chapter 18, “Parks and Recreation,” and Article I of Chapter 23, “Streets and Sidewalks,” of the Code of Ordinances regarding smoking/tobacco use in parks and recreation facilities and at school bus stops. Passed first reading 10/3/16. ROLL CALL VOTE. Passage requires majority vote.

Cohen moved for passage, seconded by Beecher.

Smith moved to amend to change any mention of “25 feet” to “20 feet”, seconded by Blake. The motion passed 6-1 (Morgan).

The main motion passed 7-0 on a roll call vote.

H.Action on Old and New Business

20.ORDER #66-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

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

21.RESOLVE #4-16/17 – Asking that bells be rung at 11:00 a.m. on Veterans Day. Passage requires majority vote.

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

22.PROCLAMATION #1-16/17 – Free Speech Week. Passage requires majority vote.

Beecher moved for passage, seconded by Cohen. The motion passed 6-0 (Morgan out of the room).

23.ORDINANCE #5-16/17 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally” and Chapter 15, “Motor Vehicles and Traffic,” regarding wreckers and vehicle towing. First reading. Passage requires majority vote.

Cohen motioned to have item 23 read by title only, seconded by Beecher. The motion passed 7-0. Morgan motioned for passage, seconded by Cohen. The motion passed 7-0.

24.ORDER #67-16/17- Accepting \$660.00 under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

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Beecher moved for passage, seconded by Smith. The motion passed 6-0 (Cohen out of the room).

25.ORDER #68-16/17 – Amending the Transit Exclusion Policy on transit buses regarding prohibiting smoking at bus stops. Passage requires majority vote.

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

26.ORDER #69-16/17 – Authorizing the Interim City Manager to sign an LED StreetLight Use Agreement between the City of South Portland and RealTerm Energy US,L.P., of Annapolis, MD. Passage requires majority vote.

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

I.Citizen Discussion (Second Part)

There was no public comment.

J.Councilor's Round Robin

Beecher reminded the public of the Police Department's drug drop off on Saturday, 10/12.

Morgan thanked Maxine for bringing that medicine drop off into existence.

Smith mentioned the free clinic on how to build organic healthy soil on Sat, 10/29 at the Hamlin School gardens.

Cohen expressed deep condolences to the family of Santo DiPietro.

Fox mentioned the community dinner at Redbank on Weds at 6pm, open to the public.

K.Executive Session

Cohen moved to adjourn at 9:30pm, seconded by Morgan. The motion passed 7-0.

A TRUE COPY ATTEST



Emily F. Scully