

**IN COUNCIL REGULAR MEETING VOL. 75 PAGE 125**  
**JUNE 16, 2014**

**Roll Call:** Mayor Jalbert called the meeting to order at 7:00 P.M.

**A. Acceptance of Minutes**

Motion to accept the minutes from the June 2nd City Council Meeting was made by Councilor Cohen. Councilor Linscott seconded. The motion passed 7-0.

**B. Communications from City Manager**

**C. Petitions and Communications**

Department and Committee reports

**D. Appointment Calendar**

1. ORDER #124-12/13 – Board of Assessment Review, District Two (Smith), for a term which expires on 03/16/16. Postponed since 04/01/13. Passage requires majority vote.

There was no public discussion.

Councilor Smith moved to postpone. Councilor Blake seconded. The postponement passed 7-0.

2. ORDER #139-13/14 – Energy & Recycling Committee – Associate, At Large (Beecher), appointing **Clyde Barr** to fill a term which expires on 05/05/17. Postponed since 05/05/14. Passage requires majority vote.

There was no public discussion.

Councilor Beecher moved to appoint Clyde Barr. Councilor Smith seconded. The order passed 7-0.

3. ORDER #154-13/14 – Civil Service Commission, District Two (Smith), to fill an unexpired term which expires on 03/01/15. Postponed on 06/02/14. Passage requires majority vote.

There was no public discussion.

Councilor Smith moved to postpone. Councilor Blake seconded. The postponement passed 7-0.

4. ORDER #156-13/14 – Planning Board, District One (Pock), appointing **Linda Boudreau** to fill an unexpired term which expires on 04/01/16. Postponed on 06/02/14. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 75 PAGE 126**  
**JUNE 16, 2014**

There was no public discussion.

Councilor Pock moved to appoint Linda Boudreau. Councilor Linscott seconded. The order passed 7-0.

**E. Consent Calendar**

5. Street Closure - The Willardfest Committee is requesting the closure of Preble Street at Willow Street, Pillsbury Street up to 444 Preble Street for Willardfest on July 12, 2014, with a rain date of July 13, 2014. Passage requires majority vote.

There was no public discussion.

Councilor Cohen moved for passage. Councilor Pock seconded. The street closure passed 7-0.

**F. Citizen Discussion (First Part)**

Russ Lunt, Brigham Street

**G. Public Hearings and Action**

6. ORDINANCE #13-13/14 - Further Action on Ordinance #13-13/14, amending Chapter 27, "Zoning," creating the Thornton Heights Commercial (THC) District after reconsideration vote on June 2, 2014. ROLL CALL VOTE. Passage of ordinance requires five (5) affirmative votes.

Councilor Cohen moved to have the ordinance read by title only. Councilor Beecher seconded. The motion passed 7-0. There was no public discussion.

As a reconsideration of Ordinance #13-13/14 this item opened as it stood just before roll call vote on May 19, 2014. Councilor Beecher moved to amend the ordinance to remove the THC designation from the City owned property on the corner of Main and Westbrook Streets and to revise the front yard setback currently proposed within the THC space and bulk requirements to 5 feet; referring this change to the 07/08/14 Planning Board Meeting, have first reading of the revised ordinance on 07/21/14 and possible final passage on 08/04/14. Mayor Jalbert seconded the amendment. The motion passed 7-0.

7. ORDINANCE #17-13/14 – Amending Chapter 27, “Zoning,” regarding district representation for Board of Appeals members. Passed first reading 05/05/2014. ROLL CALL VOTE. Passage requires five affirmative votes.

There was no public discussion.

**IN COUNCIL REGULAR MEETING VOL. 75 PAGE 127**  
**JUNE 16, 2014**

Councilor Cohen moved for final passage of Ordinance #13-13/14. Mayor Jalbert seconded. The ordinance passed roll call vote 7-0.

8. ORDER #162-13/14 - Public hearing on proposed amendments to Sections 424, 703 and 1001-1004 of the City Charter and action to submit the amendments to the voters on the November 4, 2014 ballot. Passage requires majority vote.

There was no public discussion.

Councilor Cohen moved for passage. Councilor Linscott seconded. The order passed 7-0.

9. BUSINESS LICENSE - David's 388, Terra Cotta Pasta Co., South Portland House of Pizza and Elsmere BBQ & Woodgrill are seeking a waiver to allow them to operate an FE/Temporary License at 12 Pillsbury Street that is within 500' of other licensed food establishments. Passage requires majority vote.

There was no public discussion.

Councilor Cohen moved for passage. Councilor Linscott seconded. The license passed 7-0.

- 9A. BUSINESS LICENSE - Cia's Café Ocean Street, for a Use of Public sidewalk for outdoor seating license. Passage requires majority vote.

The following person addressed this item;

Jeff Peterson, 72 Ocean Street

Councilor Blake moved for passage. Councilor Beecher seconded. The license passed 7-0.

10. ORDER #163-13/14 – Public hearing and action on a public nuisance complaint regarding 35 Mildred Street. Passage requires majority vote.

The following people addressed this item;

Kevin Alvarez, 40 Mildred Street

Guy Frenette, Mildred Street

Carol Frenette, Mildred Street

Dawn Pacillo, 39 Mildred Street

Christopher Muse, 35 Mildred Street

Russ Lunt, Brigham Street

Stacy Alvarez, 40 Mildred Street

Ed Googins, Police Chief

Patricia Doucette, Code Enforcement Officer

**IN COUNCIL REGULAR MEETING VOL. 75 PAGE 128**  
**JUNE 16, 2014**

Councilor Linscott moved for passage. Councilor Pock seconded. Councilor Cohen moved the following amendments;

- (g) The Code Enforcement Officer testified that water service to the Premises has been shut off sometime after May 12, 2014; and
- (h) An inspection of the Premises on June 16, 2014 by the Code Enforcement Department revealed that the sewer pipe is still not fixed but that Mr. Muse is still occupying the garage (side) apartment on the Premises.

Councilor Linscott seconded. The amendments passed 7-0. The order passed as amended, finding that the premises did constitute a public nuisance, by a vote of 7-0.

**H. Action on Old and New Business**

- 11. ORDER #164-13/14 – Award of sole source bid to Hussey Seating, of North Berwick, ME, for the conversion of bleachers in the South Portland Community Center gym. Passage requires majority vote.

There was no public discussion.

Councilor Blake moved for passage. Councilor Beecher seconded. The order passed 7-0.

At the completion of Item #11 at 9:42 P.M. Mayor Jalbert left the meeting and Councilor Cohen continued to Chair the remainder of the meeting.

- 12. ORDER #165-13/14 – Authorizing the City’s participation in submitting an application for a 2014 COPS Hiring Grant to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

Councilor Beecher moved for passage. Councilor Smith seconded. The order passed 6-0 (Jalbert left).

- 13. ORDER #166-13/14 - Authorizing the method of sale of the former Armory property located at 682 Broadway (Tax Map 19, Lot 158) as listing of the property for sale by the City as owner pursuant to Sec. 2-171(2)(b) of the Code of Ordinances and authorizing the City Manager to take any and all such further action necessary to proceed with such listing and sale of the property. Passage requires majority vote.

The following people addressed this item;

Robert Schwartz, Scamman Street  
Russ Lunt, Brigham Street

Councilor Blake moved for passage. Councilor Smith seconded. The order passed 6-0 (Jalbert left).

**IN COUNCIL REGULAR MEETING VOL. 75 PAGE 129**  
**JUNE 16, 2014**

14. ORDINANCE #18- 13/14 – Amending Chapter 2, “Administration and Legislation”, Article III, Division 9, regarding an Arts and Historic Preservation Committee. First reading. Passage requires majority vote.

Councilor Blake moved to have the ordinance read by title only. Councilor Beecher seconded. The motion passed 6-0 (Jalbert left). There was no public discussion.

Councilor Beecher moved for passage of first reading of ordinance #18-13/14. Councilor Blake seconded. The motion passed 6-0 (Jalbert left).

15. RESOLVE #25-13/14 – Approving the FY 2015 Appropriation Resolve. Passage requires majority vote.

There was no public discussion.

Councilor Beecher moved for passage. Councilor Pock seconded. The resolve passed 6-0 (Jalbert left).

16. ORDER #167-13/14 – Setting the sewer user fees for Fiscal Year 2015. Passage requires majority vote.

There was no public discussion.

Councilor Smith moved for passage. Councilor Beecher seconded. The order passed 5-0 (Jalbert left, Blake out of room).

17. ORDER #168-13/14 - Award of Bid #33-14 be and hereby is made to Windstream of Portland, ME for the purchase of an Email Archiving and eDiscovery solution system. Passage requires majority vote.

There was no public discussion.

Councilor Blake moved for passage. Councilor Pock seconded. The order passed 6-0 (Jalbert left).

18. ORDER #169-13/14 - that award of Bid #29-14 be and hereby is made to Winslow Technology Group, of Waltham, MA, for the purchase of VMware Host Server Hardware. Passage requires majority vote.

There was no public discussion.

Councilor Beecher moved for passage. Councilor Blake seconded. The order passed 6-0 (Jalbert left).

**IN COUNCIL REGULAR MEETING VOL. 75 PAGE 130**  
**JUNE 16, 2014**

19. RESOLVE #26-13/14 - Regarding the PACTS Transportation Improvement Plan (TIP) for FY's 2016/2017/2018. Passage requires majority vote.

There was no public discussion.

Councilor Smith moved for passage. Councilor Beecher seconded. The resolve passed 6-0 (Jalbert left).

20. ORDER #170-13/14 – Authorizing a 2% percent cost of living adjustment for non-union municipal employees. Passage requires majority vote.

There following person addressed this item;

Russ Lunt, Brigham Street

Councilor Pock moved for passage. Councilor Linscott seconded. The order passed 6-0 (Jalbert left).

21. ORDER #171-13/14 - Authorizing the Finance Director to accept prepayment of FY 2015 property taxes. Passage requires majority vote.

There was no public discussion.

Councilor Beecher moved for passage. Councilor Smith seconded. The order passed 6-0 (Jalbert left).

22. ORDER #172-13/14 - Authorizing the Finance Director to release city interest in any real estate in the City of South Portland by quitclaim deed. Passage requires majority vote.

There was no public discussion.

Councilor Pock moved for passage. Councilor Beecher seconded. The order passed 6-0 (Jalbert left).

23. ORDER #173 -14/15 – Setting the street opening fees for Fiscal Year 2015. Passage requires majority vote.

There was no public discussion.

Councilor Beecher moved for passage. Councilor Blake seconded. The order passed 6-0 (Jalbert left).

**I. Citizen Discussion (Second Part)**

**J. Councilor's Round Robin**

**IN COUNCIL REGULAR MEETING VOL. 75 PAGE 131**  
**JUNE 16, 2014**

Councilor Blake said that GPCOG would be holding their annual meeting on Wednesday at 11:30 A.M.

Councilor Smith wished the participants of the Color Run good luck on Sunday.

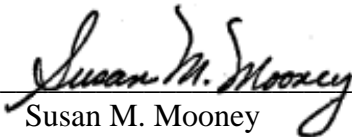
Councilor Linscott said Wednesday is the last day of school.

**K. Executive Session**

Councilor Beecher moved to adjourn at 11:14 P.M. Councilor Smith seconded. The motion passed 6-0 (Jalbert left).

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ATTEST

  
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Susan M. Mooney