

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 59
DECEMBER 19, 2016**

Roll Call: Mayor Smith called the meeting to order at 7:00pm. Councilor Fox was absent.

A. Acceptance of Minutes

Morgan moved for acceptance of the December 7, 2016 minutes, seconded by Beecher. The motion passed 6-0.

B. Communications from City Manager

The City Manager announced parking available at Waterman Drive, Willard Beach Parking Lot, and Boat Launch during the winter parking ban.

The City has received 33 applications for the City Manager position; applicants will be screened beginning next week and interviews scheduled the following week.

C. Petitions and Communications

Councilor Rose gave an update on the health of Councilor Fox.

Councilor Cohen gave an update on recent attendance of MMA Executive Board meeting; Councilor Beecher gave an update on recent ecomaine committee meeting and thanked Public Works for their communications regarding clean up of the weekend's snow storm and hard work keeping the streets clean in the winter.

D. Appointment Calendar

Rose motioned to consider items 1-6 as a whole, seconded by Morgan. The motion passed 5-1 (Cohen opposed; Fox absent).

Items 1-6 were read.

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.
2. 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.
3. 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.
4. 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.

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5. 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.

6. ORDER #61-16/17 – Arts & Historic Preservation Committee, District One (Morgan), for a term which expires 10/20/19. Postponed since 10/17/16. Passage requires majority vote.

Morgan motioned to postpone items 1-6, seconded by Rose. The motion passed 6-0 (Fox absent).

7. ORDER #91-16/17 – South Portland Housing Authority, District Two (Smith), appointing **Peter Howe** for an unexpired term which expires 03/25/17. Passage requires majority vote.

Peter Howe spoke on this item.

Motion for passage made by Mayor Smith and seconded by Cohen, passed 6-0.

8. ORDER #97-16/17 – Board of Assessment Review, District One (Morgan), appointing **Nancy Field** for a term which expires 12/31/19. Passage requires majority vote.

Motion for passage made by Morgan and seconded by Beecher, passed 6-0.

9. ORDER #98-16/17 – Library Advisory Board, District Four (Cohen), appointing **Brad Rau** for a term which expires 12/31/19. Passage requires majority vote.

Motion for passage made by Cohen and seconded by Morgan, passed 6-0.

10. ORDER #99-16/17 – Community Development Advisory Committee, At-Large (Beecher), appointing **Don Legere** for a term which expires 1/15/20. Passage requires majority vote.

Motion for passage made by Beecher and seconded by Morgan, passed 6-0.

11. ORDER #100-16/17 – Community Development Advisory Committee, At-Large (Henderson), appointing **Matt Gilbert** for a term which expires 1/15/20. Passage requires majority vote.

Motion for passage made by Henderson and seconded by Beecher, passed 6-0.

12. ORDER #101-16/17 – Appoint the Registrar of Voters for a two-year term which expires on 12/31/2018. Passage requires majority vote.

The following spoke on this item:

Patricia Whyte, Orchard St.

Russ Lunt, Brigham St.

Motion for passage made by Cohen and seconded by Beecher, passed 6-0.

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E.Consent Calendar

F.Citizen Discussion (First Part)

Russ Lunt, Brigham St.

G.Public Hearings and Action

13.ORDER #65-16/17 – Public hearing and action on a public nuisance complaint regarding 611 Main Street. Postponed on 10/17/16. Passage requires majority vote.

Cohen motioned to postpone indefinitely, seconded by Morgan. The motion passed 6-0.

14.ORDINANCE #7-16/17 - Amending Chapter 14, “Licenses, Permits and BusinessRegulations Generally*”, regarding moratorium on the licensing of retail marijuanaestablishments, including stores, cultivation facilities, retail testing facilities, and marijuana social clubs, which are permitted in the Marijuana Legalization Act. Passed first reading on November 21, 2016. ROLL CALL VOTE. Passage requires majority vote.

The following spoke on this item:

Russ Lunt, Brigham St.

Cohen moved to have read by title only, seconded by Beecher. The motion passed 6-0.

Cohen moved for passage, seconded by Beecher. The motion passed 5-1 (Morgan).

15.ORDINANCE #8-16/17 - Amending Chapter 27, “Zoning Ordinance,” regardingmoratorium on the licensing of retail marijuana establishments, including stores,cultivation facilities, retail testing facilities, and marijuana social clubs, which are permitted in the Marijuana Legalization Act. Passed first reading on November 21, 2016. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Cohen moved to have read by title only, seconded by Morgan. The motion passed 6-0.

Cohen moved for passage, seconded by Beecher. The motion passed 5-1 (Morgan).

16.ORDER #102-16/17 – Granting Fore River Brewing Company, of 45 Huntress Avenue, a Special Amusement Permit without Dancing to host small local music groups and comedy shows. Passage requires majority vote.

Morgan moved for passage, seconded by Cohen. The motion passed 6-0.

17.ORDER #103-16/17 – Granting Soap Bar, of 15 Ocean Street, a Special Amusement Permit without Dancing to host a weekly trivia night. Passage requires majority vote.

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Beecher moved for passage, seconded by Henderson. The motion passed 6-0.

H.Action on Old and New Business

18.ORDER #104-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

The following spoke on this item:

Russ Lunt, Brigham St.

Patricia Whyte, Orchard St.

Rose moved for passage, seconded by Cohen. The motion passed 6-0.

19.ORDINANCE #9-16/17. Amending Chapter 27, "Zoning," regarding Energy Benchmarking amendments. First reading. Passage requires majority vote.

Cohen moved to have read by title only, seconded by Morgan. The motion passed 6-0.

Rose moved for passage, seconded by Beecher. The motion passed 5-1 (Cohen).

20.ORDER #105-16/17 – Award of contract to Electric Light Company, Inc., of CapeNeddick, ME for EMTRAC signal priority system. Passage requires majority vote.

Beecher moved for passage, seconded by Morgan. The motion passed 6-0.

21.ORDER #106-16/17 – Authorizing the Code Enforcement Officer to execute a consent agreement Helen Meehan-Selleck and the City relating to an in-groundpool setback encroachment at 1181 Highland Avenue (Map 57, Lot 9). Passage requires majority vote.

Cohen moved for passage, seconded by Morgan. Cohen moved to amend the Order to remove the fine. The motion passed 6-0; main motion passed 6-0.

22.ORDER #107-16/17 – Extending the Agreement with Portland Pipe Line Corporation for the lease of property at Bug Light Park. Passage requires majority vote.

The following spoke on this item:

Patricia Whyte, Orchard St.

Russ Lunt, Brigham St.

Morgan moved for passage, seconded by Cohen. Rose moved to amend the order to have staff report back in 1 month's time a road map for acquiring said property for public use by way of eminent domain. The motion was seconded by Henderson, and failed by a vote of 2-4 (Beecher, Smith, Morgan, Cohen opposed).

The main motion passed 5-1 (Rose).

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23.ORDER #108-16/17 – Award of Bid #18-17 to Portland North, of Falmouth, ME, for the purchase of three (3) single axle dump trucks equipped for winter operations for the Public Works Department. Passage requires majority vote.

Beecher moved for passage, seconded by Henderson. The motion passed 6-0.

24.ORDER #109-16/17 – Award of Bid #20-17 for the purchase of an evidence van for the Police Department. Passage requires majority vote.

Cohen moved for passage, seconded by Beecher. The motion passed 6-0.

I.Citizen Discussion (Second Part)

Patricia Whyte, Orchard St.

J.Councilor's Round Robin

The Council wished everyone happy holidays.

K.Executive Session

Cohen moved to adjourn at 10:00pm, seconded by Morgan. The motion passed 6-0.

A TRUE COPY ATTEST



Emily F. Scully