

IN COUNCIL REGULAR MEETING VOL. 75 PAGE 103
MAY 5, 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 April 23rd City Council Meeting was made by Councilor Beecher. Councilor Pock seconded. The motion passed 7-0.

B. Communications from City Manager

City Manager Gailey informed the Public about the South Portland Police Department 2014 Strategic Planning Process. The survey is located online on the City Web Page and on Facebook.

There will be a month long construction on Broadway that started in 5/4/2014. This is a paving project.

There is a City Project also on Broadway between Wescott Road and Cash Corner. This is installing curbing and sidewalks and a splitter island.

Jack Roberts of the Rotary Club of South Portland-Cape Elizabeth gave a presentation on the Bug Light Informational sign. This should be installed next week.

C. Petitions and Communications

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 motion. The item was postponed by a vote of 7-0.

2. ORDER #138-13/14 – Planning Board, At Large (Beecher), to fill an unexpired term to expire on 04/01/16. Passage requires majority vote.

There was no public discussion.

Councilor Beecher moved to postpone. Councilor Smith seconded the motion. The item was postponed by a vote of 7-0.

3. ORDER #139-13/14 – Energy & Recycling Committee – Associate, At Large (Beecher), appointing **Robert Foster** to fill a term to expire on 05/05/17. Passage requires majority vote.

There was no public discussion.

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Councilor Beecher moved to postpone. Councilor Blake seconded the motion. The item was postponed by a vote of 7-0.

4. ORDER #140-13/14 – Energy & Recycling Committee – Associate, At Large (Blake), appointing **Jessica Williams** to fill a term to expire on 05/05/17. Passage requires majority vote.

There was no public discussion.

Councilor Blake moved to postpone. Councilor Beecher seconded the motion. The item was postponed by a vote of 7-0.

5. ORDER #141-13/14 – Energy & Recycling Committee, At Large (Beecher), to fill a term to expire on 05/05/17. Passage requires majority vote.

There was no public discussion.

Councilor Cohen made a motion to amend the order to appoint Robert Foster. Councilor Pock seconded the motion. The amendment passed by a vote of 7-0.

Councilor Cohen moved for passage. Councilor Pock seconded the motion. The order passed by a vote of 7-0.

Robert Foster was introduced and sworn in.

6. ORDER #142-13/14 – Energy & Recycling Committee, At Large (Blake), to fill a term to expire on 05/05/17. Passage requires majority vote.

There was no public discussion.

Councilor Blake moved to postpone. Councilor Smith seconded the motion. The item was postponed by a vote of 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Russell Lunt, 133 Brigham Street thinks it is great that they are paving Broadway and installing a turning divider.

Rob Schreiber, 209 Stanford Street supports the new Zones; the Thorton Heights Commercial Zone and the Main Street Community Commercial Zone. He is concerned about the volume of police calls. He also questions what we can do for deed restrictions.

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Rosemarie De Angelis, 30 Buttonwood Street questions why we are leasing the land in Thornton Heights as opposed to selling it. She is opposed to a 24 hour drive thru and would prefer to make the space into community gardens.

G. Public Hearings and Action

7. ORDINANCE #11A-13/14 – Amending Chapter 14, “Licenses, Permits, and Business Regulations Generally,” regarding public sidewalk use. Passed first reading on 04/23/14. ROLL CALL VOTE. Passage requires majority vote.

Councilor Cohen moved to have the ordinance read by title only. Councilor Linscott seconded. The motion passed 7-0.

Jim Gailey, City Manager explained the ordinance.
Sally Daggett, Corporation Counsel spoke on the ordinance.

The following people addressed the item:

Donna Allen-72 Ocean Street
Councilor Linscott read an email from Margie Stenberg-72 Ocean Street

Councilor Beecher moved for passage. Councilor Cohen seconded the motion. Councilor Beecher moved to amend the ordinance by adding the following language to section 14-24 d: “The City Clerk or her designee shall, at the applicant’s expense, give written notice to the applicant by first class mail, of the date, time, and place of the meeting at which the application will be considered, and to all abutting property owners. Failure of any property owner to receive the notice sent as required under this subsection shall not necessitate another public meeting or invalidate any action taken by the City Council.” Councilor Beecher moved to amend the amendment to change the section to e which in turn would change e to f. Councilor Cohen seconded the amendment. The amendment to the amendment passed 7-0. The amendment passed 7-0. The Ordinance passed final reading as amended by roll call vote 7-0.

8. BUSINESS LICENSE – Portland Arcade, DBA Portland Arcade, 22 Cottage Road for a coin-operated games machine license. Passage requires majority vote.

Jessica Hanscombe, Licensing Administrator explained the license.

David Demers, the owner of the business, introduced himself.

Councilor Linscott asked to be recused due to a conflict as she owns the business and will collect rent from the business owner. Councilor Jalbert made a motion to recuse Councilor Linscott. Councilor Cohen seconded the motion. The motion passed by a vote of 7-0.

Councilor Blake moved for passage of the license. Councilor Beecher seconded. The license passed by a vote of 6-0 (Linscott recused).

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H. Action on Old and New Business

9. ORDER #143-13/14 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Councilor Cohen moved for passage. Councilor Linscott seconded. The order passed by a vote of 7-0.

10. ORDINANCE #12-13/14 - Amending Chapter 21, "Police," Establishing a Sex Offender Residency Restriction Ordinance. First reading. Passage requires majority vote.

Jim Gailey, City Manager spoke on this item.
Ed Googins, Police Chief spoke on this item.

The following person addressed this item;
Russell Lunt-133 Brigham Street

Councilor Linscott moved for passage. Councilor Pock seconded. The ordinance passed first reading 7-0.

11. ORDER #144-13/14 – Accepting a 2014 Click It or Ticket Grant from the Maine Bureau of Highway Safety to be used by the Police Department. Passage requires majority vote.

Jim Gailey, City Manager spoke on this item.
Ed Googins, Police Chief spoke on this item.

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

12. ORDER #145-13/14 – Authorizing the City's participation in submitting an application and accepting a 2014 Edward Byrne Memorial Justice Assistance Grant in the amount of \$20,106 to be used by the Police Department. Passage requires majority vote.

Jim Gailey, City Manager spoke on this item.
Ed Googins, Police Chief spoke on this item.

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

13. ORDER #146-13/14 – Award of Bid #25-14 to D & C Construction Co., Inc., of Rockland, MA, for interior renovations at the Wastewater Treatment Plant. Passage requires majority vote.

Jim Gailey, City Manager spoke on this item.
Brad Weeks, Engineer spoke on this item.

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

14. ORDINANCE #13-13/14 – Amending Chapter 27, “Zoning,” creating a Thornton Heights Commercial (THC) zoning district. First reading. Passage requires majority vote.

Councilor Cohen moved to have the ordinance read by title only. Councilor Linscott seconded. The motion passed 7-0.

Jim Gailey, City Manager spoke on this item.
Tex Haeuser, Planning Director spoke on this item.
Sally Daggett, Corporation Counsel spoke on the ordinance.

The following citizens spoke during the public hearing:

Joseph Nalbach-50 Thornton Avenue
Richard Lee-20 Chestnut Street
Dawn Thomas-58 Froswick Avenue
Joan Caldwell-32 Osborne Avenue
Lisa Munderback-23 Coach Road
Taylor Hamlin-15 Thirlmere Avenue
Francis Lorello-58 Froswick Avenue
Eric Hamlin-15 Thirlmere Avenue
Joyce Mendoza-13 Thirlmere Avenue
Jeremy Mosher-40 Bowdoin Street
Sharon Newman-130 Fort Road
Victoria Morales-98 Thirlmere Avenue
Russell Lunt-133 Brigham Street
Timothy Boulette-133 High Street
Jim Hodler-11 Thirlmere Avenue
Susan Roche-17 Thirlmere Avenue
Scott McKeen-29 Thirlmere Avenue

Councilor Beecher moved for passage. Councilor Cohen seconded. The ordinance passed first reading 5-2 (Blake, Smith).

15. ORDINANCE #14-13/14 – Amending Chapter 27, “Zoning,” creating a Main Street Community Commercial (MSCC) zoning district. First reading. Passage requires majority vote.

Councilor Cohen moved to have the ordinance read by title only. Councilor Linscott seconded. The motion passed 6-0 (Blake was out of the room).

Tex Haeuser, Planning Director spoke on this item.

The following citizens spoke during the public hearing:

Eric Hamlin-15 Thirlmere Avenue
Gloria Carter-12 Aspen Avenue

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Councilor Smith moved for passage. Councilor Beecher seconded. The ordinance passed first reading 7-0.

16. ORDINANCE #15-13/14 – Amending Chapter 2, “Administration and Legislation” and Chapter 13, “Libraries” regarding district representation for boards and committees. First reading. Passage requires majority vote.

Councilor Beecher moved to have the ordinance read by title only. Councilor Pock seconded. The motion passed 7-0.

Jim Gailey, City Manager spoke on this item.

The following citizens spoke during the Public hearing:
Russell Lunt-133 Brigham Street

Councilor Cohen moved for passage. Councilor Linscott seconded. The ordinance passed first reading 7-0.

17. ORDINANCE #16-13/14 – Amending Chapter 19, “Personnel Rules and Regulations,” regarding district representation on the Civil Service Commission. First reading. Passage requires majority vote.

Jim Gailey, City Manager spoke on this item.

Councilor Linscott moved for passage. Councilor Pock seconded. The ordinance passed first reading 7-0.

18. ORDINANCE #17-13/14 – Amending Chapter 27, “Zoning,” regarding district representation for Board of Appeals members. First reading. Passage requires majority vote.

Jim Gailey, City Manager spoke on this item.

Councilor Beecher moved for passage. Councilor Pock seconded. The ordinance passed first reading 7-0.

19. ORDER #147-13/14 – Setting the date of the public hearing on proposed amendments to Sections 424, 703 and 1001-1004 of the City Charter. Passage requires majority vote.
Jim Gailey, City Manager spoke on this item.

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

20. ORDER #148-13/14 - Authorizing the City Manager to execute (i) an electric vehicle grant matching agreement with Central Maine Power Company, and (ii) an electric vehicle charging station agreement with the American Lung Association of the Northeast, both in

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order to facilitate the installation and maintenance of public electric vehicle charging station infrastructure on City property. Passage requires majority vote.

Jim Gailey, City Manager spoke on this item.

Jon Jennings, Assistant City Manager spoke on this item.

The following citizen spoke during the public hearing:

Russell Lunt-133 Brigham Street

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

I. Citizen Discussion (Second Part)

Joe Nalbach, 50 Thorton Avenue spoke in regards to his support on Item 10. He stated that a lot of the motels on Main Street would fall in that zone and it would give the Police some teeth. He spoke of using land before for a fire station but it could only be used for recreational purposes.

J. Councilor's Round Robin

Councilor Smith wanted to wish all the mothers a happy Mother's Day. She also would like to inform the public of the Land Trust Annual Plant sale on May 17th at the American Legion Hall.

Councilor Linscott would like to wish all mothers a happy Mother's Day.

Councilor Cohen would like to wish all mothers and fathers doing double duty a happy Mother's Day.

Councilor Blake would like to commend all the Mahoney and Memorial Middle School Students and Unum employees for the cleanup of Long Creek Trail.

Councilor Beecher would like to thank all that stayed and helped on April 26th at the Police Department for the medication collection. She also wants to wish all mothers a happy Mother's Day.

Mayor Jalbert would like to acknowledge all the individuals that spoke at the Council meeting tonight and were very respectful.

Councilor Pock would like to wish everyone a happy Cinco de Mayo.

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405 (6)(e), discussion with Corporation Counsel regarding city-owned property.


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Councilor Cohen moved to go into executive session at 11:00 P.M. Councilor Linscott seconded. The motion passed 7-0.

Councilor Smith moved to come out of executive session at 11:45 P.M. Councilor Pock seconded. The motion passed 7-0

Councilor Linscott moved to adjourn at 11:47 P.M. Councilor Pock seconded. The motion passed 7-0.

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ATTEST 
Jessica B. Hanscombe