

**IN COUNCIL REGULAR MEETING VOL. 76 PAGE 32
OCTOBER 6, 2014**

Roll Call: Mayor Jalbert called the meeting to order at 7:00 P.M. Councilor Cohen was absent.

A. Acceptance of Minutes

Councilor Beecher moved to accept the minutes from the regular meeting of September 15th. Councilor Smith seconded. Passed 6-0 (Cohen absent).

B. Communications from City Manager

The Manager addressed the following items;

- Hazardous Waste Collection – October 11th from 9:00 A.M. to 1:00 P.M.
- Police Department was recognized by Family Crisis Service
- October 31st – American Lung Association awarding the City
- City Bond Referendum – 3.5 Million for sewer/storm upgrades in the Thornton Heights/Pleasantdale Neighborhood. Bond will not impact tax rate.

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 the order. Councilor Linscott seconded. The postponement passed 6-0 (Cohen absent).

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

There was no public discussion.

Councilor Smith moved to postpone the order. Councilor Blake seconded. The postponement passed 6-0 (Cohen absent).

3. ORDER #25-14/15 – Warden Pro-Tempore, District Three appointing **Kathryn Adams** for the November 4, 2014 General Election. Passage requires majority vote.

There was no public discussion.

Councilor Beecher moved to appoint Kathryn Adams as Warden Pro-Tempore. Councilor Blake seconded. The order passed 6-0 (Cohen absent).

**IN COUNCIL REGULAR MEETING VOL. 76 PAGE 33
OCTOBER 6, 2014**

E. Consent Calendar

- 3A. SIGN PERMIT – Skillin School PTA is requesting to place four vinyl signs to advertise their 4th Annual Pumpkin Festival.

There was no public discussion. Councilor Beecher moved to waive standing rule 3(e) to have this item added to the agenda. Councilor Pock seconded. The motion passed 6-0 (Cohen absent).

Councilor Beecher moved for passage. Councilor Blake seconded. The permit passed 6-0 (Cohen absent).

F. Citizen Discussion (First Part)

Russ Lunt, Brigham Street

G. Public Hearings and Action

4. ORDINANCE #7-14/15 – Amending Chapter 9, “Garbage and Refuse” Regarding Solid Waste. Passed first reading on 08/18/14 and postponed on 9/3/14. ROLL CALL VOTE. Passage requires majority vote.

The following people addressed this item;

Louis Maietta, Elderberry Drive
David Tremberth, Parkway Woods
Barry Martin, Gary L. Maietta Parkway

Councilor Blake moved to have the ordinance read by title only. Councilor Beecher seconded. The motion passed 6-0.

Councilor Blake moved for final reading and passage of ordinance #7-14/15. Councilor Smith seconded. The ordinance passed roll call vote 6-0 (Cohen absent).

The Council unanimously agreed to take item #10 out of order. See that item for details.

5. Business License – Better Burger, Inc., DBA Elevation Burger, 85 Western Avenue, for a food establishment restaurant with malt license. Existing business upgrading to add malt beverages. Passage requires majority vote.

There was no public discussion.

Councilor Beecher moved for passage. Councilor Pock seconded. The license passed 6-0 (Cohen absent)

IN COUNCIL REGULAR MEETING VOL. 76 PAGE 34
OCTOBER 6, 2014

6. Business License – Eight Below LLC, DBA Moe’s Original BBQ, 209 Western Avenue, for a food establishment restaurant with liquor license and special amusement without dancing license. Passage requires majority vote.

The following person addressed this item;

Dwight Hasbrouck, owner of Moe’s Original BBQ.

Councilor Smith moved for passage. Councilor Beecher seconded. The license passed 6-0 (Cohen absent)

7. Business License – Metaheadz LLC, DBA SoPo Bar & Grill, 740 Broadway, for a food establishment restaurant with liquor license. Passage requires majority vote.

The following person addressed this item;

Peter Verrill, owner of SoPo Bar & Grill.
Gary Hurtubise, Manager

Councilor Beecher moved for passage. Councilor Blake seconded. Chief Googins did not give department approval for the license based on the criminal record of the licensee. The Council debated the issue. Councilor Blake moved to have the renewal of the license come back before Council in one year. Councilor Linscott seconded. The amendment passed 4-2 (Pock, Smith). The license passed as amended. 6-0 (Cohen absent).

H. Action on Old and New Business

8. ORDER #26-14/15 – Accepting miscellaneous donations. Passage requires majority vote.

The following person addressed this item;

Louie Maietta, Elderberry Drive

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

9. ORDER #27-14/15 - Setting the time for opening the polls for the November 4, 2014 General Election. Passage requires majority vote.

There was no public discussion.

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

IN COUNCIL REGULAR MEETING VOL. 76 PAGE 35
OCTOBER 6, 2014

10. ORDER #13-14/15 – Appealing the denial of the Public Works’ Director for two (2) new curb cuts on Surfside Road for Southern Maine Community College. Postponed on 8/4/14. Passage requires majority vote.

There was no public discussion.

Councilor Smith moved for passage. Councilor Beecher seconded. The order failed 0-6 (Cohen absent).

11. ORDER #28-14/15 - Accepting an easement deed granting the City an approximately twelve foot (12') wide sanitary sewer easement on property owned by S. Sam and Norma J. Fratoni located at 2 Bay Road. Passage requires majority vote.

The following person addressed this item;

Russ Lunt, Brigham Street

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

12. ORDER #29-14/15 – Adopting the Municipal Climate Action Plan. Passage requires majority vote.

The following people addressed this item;

Brad Fox, Rollins Way
Rachel Burger, Churchill Road

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

13. ORDER #30-14/15 – Supporting MDOT in naming State Route 703 and sign installation. Passage requires majority vote.

There was no public discussion.

Councilor Beecher moved for passage. Councilor Linscott seconded. The order passed 6-0 (Cohen absent)

14. ORDER #31-14/15 – Disbanding the Draft Ordinance Committee. Passage requires majority vote.

There was no public discussion.

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

**IN COUNCIL REGULAR MEETING VOL. 76 PAGE 36
OCTOBER 6, 2014**

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Blake remarked about the award from the American Lung Association and said that the City should promote this. He reminded folks about the Bug Light 5K.

Councilor Beecher said the ballot question about marijuana does not refer to medical marijuana. She passed along a reminder about hazardous waste day.

Mayor Jalbert said the City would be presenting South Portland Business Awards for the first time on October 9th at SMCC.

Councilor Pock said his son and daughter in law would be running in the Bug Light 5K.

Councilor Smith said the smaller races are more fun, you get to see your neighbors.

K. Executive Session

A motion may be made to go into executive session pursuant to 36 M.R.S.A. §841, to discuss applications(s) for abatement of property taxes on account of infirmity or poverty and pursuant to 1 M.R.S.A., §405 (6)(a), evaluation of City Clerk.

Councilor Beecher moved to go into executive session at 9:05 P.M. pursuant to 36 M.R.S.A. §841, to discuss applications(s) for abatement of property taxes on account of infirmity or poverty and pursuant to 1 M.R.S.A., §405 (6)(a), evaluation of City Clerk. Councilor Smith seconded. The motion passed 6-0 (Cohen absent).

Councilor Blake moved to come out of executive session at 9:55 P.M. Councilor Smith seconded. The motion passed 6-0 (Cohen absent).

Councilor Beecher moved to approve Hardship Abatement #2-2014/2015 in the amount of \$2,625.55 including interest and fees. Councilor Pock seconded. The Abatement passed 6-0 (Cohen absent).

Councilor Pock moved to adjourn at 9:57 P.M. Councilor Smith seconded. The motion passed 6-0 (Cohen absent).

A TRUE COPY

ATTEST


