

IN COUNCIL REGULAR MEETING VOL. 76 PAGE 20
AUGUST 18, 2014

Roll Call: Mayor Jalbert called the meeting to order at 7:00 P.M. All Councilors were present.

A. Acceptance of Minutes

Councilor Beecher moved to accept the minutes from the August 4th regular meeting. Councilor Linscott seconded. Passed 7-0.

B. Communications from City Manager

- The Mayor recognized the City Manager for his receiving the Maine Town and City Manager's "Manager of the Year" award.

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 the order. Councilor Blake seconded. The postponement passed 7-0.

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 Pock seconded. The postponement passed 7-0.

3. ORDER #12-14/15 – Appointing a member to the Long Creek Watershed Management District Board of Directors. Passage requires majority vote.

There was no public discussion.

Mayor Jalbert moved to appoint Fred Dillon from the Water Resource Department. Councilor Smith seconded. The order passed 7-0.

E. Consent Calendar

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- 3A. STREET CLOSURE - South Portland Music Boosters are requesting to close Mountain View Road and Nutter Road on September 27, 2014 from 3:00 P.M. – 10:30 P.M. for a marching band competition.

There was no public discussion.

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

F. Citizen Discussion (First Part)

Russ Lunt, Brigham Street
Steve Marston, Hillside Ave.

G. Public Hearings and Action

4. CITIZEN INITIATED ORDINANCE #5-14/15 – Initial reading of the citizen initiated proposed use of marijuana by persons 21 years of age or older ordinance and setting the date of the public hearing on the same pursuant to Section 1107 of the City Charter. Passed first reading 08/04/14. ROLL CALL VOTE. Passage requires majority vote.

Councilor Beecher moved to have the ordinance read by title only. Councilor Linscott seconded. The motion passed 6-1 (Blake). David Boyer, Director of the Marijuana Policy Project, presented information about the ordinance. The follow people addressed this item;

Russ Lunt, Brigham Street
David Falkner, Executive Director of Day One
Will Heseltine-Clements, Portland
Joan Kushner, Bayberry Way
Lt. Frank Clark, South Portland Police Dept
Bob Whyte, 7 Orchard Street
Erin Mancini, Falmouth

Councilor Cohen moved to put this item on the November 4, 2014 ballot. Councilor Pock seconded. The motion passed 7-0.

5. ORDINANCE #6-14/15 - Bond ordinance to appropriate \$3,500,000 (*) for the Thornton Heights Separation Phases II, III and IV project and to authorize \$3,500,000 (*) principal amount of bonds to finance such appropriations. Passed first reading on 08/04/14. ROLL CALL VOTE. Passage requires affirmative vote of at least 4 members of the City Council.

Councilor Cohen moved to have the ordinance read by title only. Councilor Linscott seconded. The motion passed 7-0. The follow person addressed this item;

Russ Lunt, Brigham Street

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Councilor Blake moved for final passage of Ordinance #6-14/15. Councilor Beecher seconded. The motion passed roll call vote 6-0 (Jalbert out of the room).

H. Action on Old and New Business

6. ORDER #13-14/15 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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

7. ORDER #14-14/15 – Accepting a Target National Night Out Grant for \$500.00 to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

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

8. ORDER #15-14/15 - Accepting \$607.00, or any portion thereof, under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

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

9. ORDER #16-14/15 –Amending the Non-union Personnel Policy. Passage requires majority vote.

There was no public discussion.

Councilor Smith moved for passage. Councilor Beecher seconded. Councilor Blake moved to pass the changes to the personnel policy with the exception of Section X. (B), which restricts a city employee to accept appointment or election to any South Portland elective Office. Councilor Smith seconded. The motion passed 7-0. The order passed with the above mentioned exception by a vote of 7-0.

10. ORDINANCE #7-14/15 – Amending Chapter 9, “Garbage and Refuse” Regarding Solid Waste. First reading. Passage requires majority vote.

Councilor Cohen moved to have the ordinance read by title only. Councilor Beecher seconded. The motion passed 6-0 (Blake out of the room). The following person addressed this item;

Bob Foster, Front Street

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

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11. ORDER #17-14/15 - Authorizing the method of sale of tax-acquired property located at 56 Washington Avenue (Map 35, Lot 147) as offering for sale by public auction pursuant to Sec. 2-171(2)(a) of the Code of Ordinances and authorizing the City Manager to take any and all such further action necessary to proceed with sale of the property. Passage requires majority vote.

There was no public discussion.

Councilor Linscott recused herself saying she could have a perceived conflict based on the fact that the business she owns will occasionally purchase this type of property to fix up and resell. Mayor Jalbert moved to recuse Councilor Linscott. Councilor Cohen seconded. Councilor Linscott was recused by a vote of 6-0 (Linscott prohibited from voting). Councilor Beecher moved for passage. Councilor Blake seconded. The order passed 6-0 (Linscott recused).

12. ORDER #18-14/15– Establishing a Reserve Account for the Collection of Legal Support for the Clear Sky Ordinance. Passage requires majority vote.

The following person addressed this item;

Russ Lunt, Brigham Street

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

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Beecher remarked about Art in the Park and congratulated the City Manager on the Manager of the Year award.

Mayor Jalbert also commented on Art in the Park and said it was the best run art show in New England. He said the Manager deserves the Manager of the Year award.

Councilor Pock said he appreciates Jim Gailey.

Councilor Linscott also congratulated the Manager and reminded folks that school is starting soon.

Councilor Cohen extended congratulations. She visited the Farmer's Market for the first time and was impressed. She also commented on seeing the Mayor pictures back up in Chambers.

Councilor Blake said SMCC starts one week from today. He also remarked that while he didn't always agree with Manager Gailey, he surrounds himself with great people. He said Jim cares about South Portland.

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K. Executive Session

A motion may be made to go into Executive Session pursuant to 1 M.R.S.A. §405 (6)(d) regarding labor negotiations with the Police Patrol Association, the Police Command and Supervisory Unit and IAFF Local #1476, South Portland Firefighters; and pursuant to 1 M.R.S.A. § 405(6)(C) to discuss the potential sale of a parcel of City-owned property.

Councilor Beecher moved to adjourn to Executive Session pursuant to 1 M.R.S.A. §405 (6)(d) regarding labor negotiations with the Police Patrol Association, the Police Command and Supervisory Unit and IAFF Local #1476, South Portland Firefighters; and pursuant to 1 M.R.S.A. § 405(6)(C) to discuss the potential sale of a parcel of City-owned property at 9:43 P.M. Councilor Pock seconded. The motion passed 7-0.

Councilor Beecher moved to come out of Executive Session at 10:33 P.M. Councilor Cohen seconded. Councilor Linscott left the Executive Session before the discussion about the sale of a City-owned parcel of land because there was a conflict of interest. The motion passed 6-0 (Linscott gone home).

Councilor Beecher moved to adjourn at 10:34 P.M. Councilor Cohen seconded. The motion passed 6-0 (Linscott gone home).

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