

IN COUNCIL REGULAR MEETING VOL. 76 PAGE 9
JULY 21, 2014

Roll Call: Mayor Jalbert called the meeting to order at 7:00 P.M. at the South Portland Community Center Gymnasium.

A. Acceptance of Minutes

Councilor Beecher moved to accept the minutes from the July 7th meeting and the July 9th Special Meeting. Councilor Pock seconded. Passed 7-0.

B. Communications from City Manager

C. Petitions and Communications

Department and Committee reports

Motion to waive Council Standing Rules to limit public comments to 3 minutes. Passage requires majority vote.

Councilor Pock moved to waive Standing Rule 19(e) to limit citizen discussion to three minutes in order to afford the large number of attendees an opportunity to speak. Councilor Linscott seconded. The motion passed 7-0.

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 Beecher seconded. The postponement passed 7-0.

3. ORDER #3-14/15 – Board of Appeals, District Three (Linscott), appointing **Greg Perry** to fill a term which expires on 07/23/17. Passage requires majority vote.

There was no public discussion.

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Councilor Linscott moved to appoint Gregg Perry. Councilor Pock seconded. The order passed 7-0.

4. ORDER #4-14/15 – Board of Appeals, District Four (Cohen), appointing **Daniel Fortin** to fill a term which expires on 07/23/17. Passage requires majority vote.

There was no public discussion.

Councilor Cohen moved to appoint Daniel Fortin. Councilor Linscott seconded. The order passed 7-0.

5. ORDER #5-14/15 – Board of Appeals, District Five (Jalbert), appointing **Cara Biddings** to fill a term which expires on 07/23/17. Passage requires majority vote.

There was no public discussion.

Councilor Jalbert moved to appoint Cara Biddings. Councilor Cohen seconded. The order passed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

Russ Lunt, Brigham Street
Burt Culfman, Oxford
Delores Broberg, Bellevue Ave.
Joann Dorsay, Betsy Ross House
Beth Burnham, Wythburn Road
Joseph Conroy, Loveitt's Field Road
Leslie Gatcombe-Hynes, Elmwood Road
Ann Bainbridge, Westbrook
Dr. Pricilla Skerry, Naturopathic Medicine
Catherine Share, Sylvan Road
Jessica Ann Dell, Fort Road
Andrew Parker, Osborne Ave.
Jessica Brown, Portland

G. Public Hearings and Action

6. BUSINESS LICENSE – Oscar Pizza LLC, DBA Otto, 125 John Roberts Road, for a Food Establishment Restaurant with Malt & Vinous License. Passage requires majority vote.

There was no public discussion.

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

7. RESOLVE #1 – Supporting the City’s current general assistance practices. Passage requires majority vote.

The following people addressed this item;

Rosemarie De Angelis, Pleasantdale
Ian Meng, Pond Road
Paul Cunningham, Edwards Street
Tess Nacelewicz, Robinson Street

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

8. ORDINANCE #1-14/15 - Amending Chapter 27, “Zoning,” to implement Part 1 of the recommendations of the Draft Ordinance Committee dated July 1, 2014. Passed first reading 07/09/14. ROLL CALL VOTE. Passage requires five affirmative votes.

Councilor Blake moved to have the ordinance read by title only. Councilor Beecher seconded. The motion passed 7-0. The following people addressed this item;

Russ Lunt, Brigham Street
Judith Moll, Fort Road
Pricilla Dreyman, Thompson Street
Scott Duncan, Smith Street
April Caricchio, Cash Street
Cokie Giles, Brewer
Kathryn DiPhilippo, Highland Ave.
Dawn Ellen Kirkland, Kurt Whited and Zoey
Dr. Eve Raimon, Angell Ave.
Janice Doctor, Betsy Ross House
Rich Stenberg, South Portland
Greg Griffin, Cape Elizabeth
Judy Klein, Breakwater
Dara Saffer, Pond Road
Rubin Saffer, Pond Road
Miles Donahue, Preble Street
Howie Saffer-Meng, Pond Road
Rosie Saffer-Meng, Pond Road
Max Saffer-Meng, Pond Road
Luke Turner, Pitt Street
Eva Goetz, C Street
Peg Gilley, Casco
Paul Cunningham, Edwards Street
Peter Nichols, Osborne Ave.
Doug Bowen, Porter

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Ed Miller, Hallowell
Kevin Rodriguez, Main Street
Ian York, South Portland
Marlie, South Portland
Patricia Whyte, Orchard Street
Lisa Pohlmann, Natural Resource Council of Maine
Lee Smolovitch, Willow Street
Mary Jane Ferrier, School Street
Bob Whyte, Orchard Street
Brian Downey, Falmouth
Tom Hardison, Scarborough
Matt Manahan, Representing Portland Pipeline
Dick Ingalls, Front Street
Sarah Kasprzak-Lachance, Cape Porpois
Roberta Zuckerman, Preble Street
Susan Rose, Buchanan Street
Sean Mahoney, Conservation Law Foundation
Kathy Latendresse, High Street
Karen Sanford, Preble Street
Catherine Chapman, Beaufort Street
Brian Fournier, President of Portland Tugboat
Leah Flumerfelt, Falmouth
Jim Braley, Beach Street
Margaret Stenberg, Ocean Street
Meg Braley, Beach Street
Carolyn Tkach, Portland
Rachel Burger, Churchill Road
Burt Russell, Sprague Energy
Peter Stanton, Deake Street
Joseph Conroy, South Portland
Michael Savasuk, Attorney on behalf of Maritime Industry
Emily Figdor, Environment Maine
Joseph Capelluti, High Street
Bob Foster, Front Street
Rosemarie De Angelis, Pleasantdale
Eben Rose, Buchanan Street
Pamela Cragin, Smith Street
Crystal Goodrich, Highland Ave.

Mayor Jalbert moved for final passage of Ordinance #1-14/15. Councilor Blake seconded. Councilor Pock moved to amend the ordinance to change every occurrence of “crude oil” to “non American crude oil”. Councilor Beecher seconded the amendment. The amendment failed 1-6 (Smith, Linscott, Cohen, Jalbert, Blake, Beecher). The ordinance passed roll call vote 6-1 (Pock).

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9. ORDINANCE #2-14/15 - Amending Chapter 27, "Zoning," to repeal the moratorium on development proposals involving the loading of oil sands/tar sands products onto marine tank vessels. Passed first reading 07/09/14. ROLL CALL VOTE. Passage requires five affirmative votes.

Councilor Pock moved to have the ordinance read by title only. Councilor Beecher seconded. The motion passed 7-0. The following people addressed this item;

Bob Whyte, Orchard Street
Patricia Whyte, Orchard Street
Brian Leonard, Broadway

Councilor Cohen moved to postpone final passage of Ordinance #2-14/15 to the September 3rd Council meeting. Councilor Pock seconded. The postponement passed 7-0.

10. ORDINANCE #3-14/15 – Amending Chapter 24, "Subdivisions" regarding vernal pools and natural, historic and archaeological resources. Passed first reading 07/07/14. ROLL CALL VOTE. Passage requires majority vote.

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

Councilor Linscott moved for final passage of Ordinance #3-14/15. Councilor Beecher seconded. The ordinance passed roll call vote 7-0.

11. ORDINANCE #4-14/15 – Amending Chapter 27, "Zoning," regarding vernal pools, natural, historic and archaeological resources, shoreland zoning, and variance approval process. Passed first reading 07/07/14. ROLL CALL VOTE. Passage requires five affirmative votes.

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

Councilor Beecher moved for final passage of Ordinance #4-14/15. Councilor Smith seconded. The ordinance passed roll call vote 7-0.

H. Action on Old and New Business

12. ORDER #6-14/15 – Setting August 4, 2014 as the date of the public hearing on a public nuisance complaint relating to property at 29 Willard Street. Passage requires majority vote.

There was no public discussion.

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

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13. ORDER #7-14/15 – Adopting Appendix A, General Assistance Overall Maximums as mandated by the Maine Municipal Association. Passage requires majority vote.

There was no public discussion.

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

14. ORDER #8-14/15 – Accepting and allocating revenue from the sale of Roosevelt School to Anew Real Property Development, LLC, of Portland, ME. Passage requires majority vote.

The following person addressed this item;

Russ Lunt, Brigham Street

Councilor Blake moved for passage. Councilor Smith seconded. Councilor Beecher moved to amend the sale amount and the fiscal note from \$205,094.30 to \$218,500. Councilor Smith seconded. The amendment passed 7-0. The order passed as amended 7-0.

15. ORDER #9-14/15 – Award of Bid #01-15 to Asplundh Tree Service, Inc., of Naples, ME, to provide tree pruning and removal services. Passage requires majority vote.

There was no public discussion.

Councilor Beecher moved for passage. Councilor Blake seconded. Councilor Beecher moved to strike out, “not to exceed”. Councilor Blake seconded. The amendment passed 7-0. The order passed as amended 7-0.

I. Citizen Discussion (Second Part)

J. Councilor’s Round Robin

Councilor Cohen remarked about the success of Movie Night in Bug Light Park.

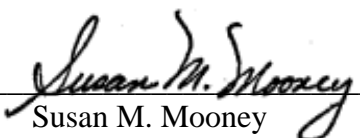
Councilor Blake noted that it was mentioned in the LA Times.

K. Executive Session

Councilor Pock moved to adjourn at 11:28 P.M. Councilor Linscott seconded. The motion passed 7-0.

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ATTEST


Susan M. Mooney