

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 1
JANUARY 3, 2018**

Mayor Cohen called the meeting to order at 7:00pm.

A.Roll Call

All Councilors were present.

B.Acceptance of Minutes

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

C.Communications from the City Manager

The City Manager issued a warning regarding the upcoming snow storm. Mayor Cohen reminded the public that the Council District Meeting scheduled for January 4 has been postponed to February 8 due to the storm.

D.Reports from Boards and Committees

E Petitions and Communications

F.Appointment Calendar

1.ORDER #114-15/16 – Board of Assessment Review, District Two(Lewis), for an unexpired term which expires on 03/16/19.Postponed since 03/21/16. Passage requires majority vote.

Lewis moved to postpone, seconded by Morgan. The motion passed 7-0.

2.ORDER #112-16/17 – Board of Assessment Review, District Five (Dowling), for a term which expires 12/31/19. Postponed since1/4/17. Passage requires majority vote.

Dowling moved to postpone, seconded by Lewis. The motion passed 7-0.

3.ORDER #75-17/18 – Arts & Historic Preservation Committee,District Two (Lewis), for an unexpired term which expires10/20/18. Passage requires majority vote.

Lewis moved to postpone, seconded by Beecher. The motion passed 7-0.

4.ORDER #93-17/18 – Planning Board, District Two (Lewis) for an unexpired term which expires on 4/1/19 . Passage requires majority vote.

Lewis moved to postpone, seconded by Dowling. The motion passed 7-0.

5.ORDER #110-17/18 – Library Advisory Board, District At-Large(Beecher) appointing **Aimee Turner** for a term which expires on December 31, 2020. Passage requires majority vote.

Beecher moved for passage, seconded by Morgan. The motion passed 7-0.

6.ORDER #111-17/18 – Library Advisory Board, District Three(Rose) appointing **Linda Eastman** for a term which expires on December 31, 2020. Passage requires majority vote.

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Rose moved for passage, seconded by Lewis. The motion passed 7-0.

7.ORDER #112-17/18 – Library Advisory Board, District At-Large (Henderson) for a term which expires on December 31, 2020. Passage requires majority vote.

Henderson moved to postpone, seconded by Beecher. The motion passed 7-0.

8.ORDER #113-17/18 – Energy & Recycling Committee, District Four (Cohen) for an unexpired term which expires on May 5, 2019. Passage requires majority vote.

Morgan moved to postpone, seconded by Beecher. The motion passed 7-0.

G.Consent Calendar

Rose rose to a point of personal privilege to explain the use of headphones as a hearing assistive device.

H.Citizen Discussion (First Part)

Russ Lunt, Brigham St.
Dick Brown, Elm St.
Mike Melkern, Elm St.
Lucia Gray, Elm St.
Susan Holland, Willard Haven Rd.
Louise Tate, Deake St.
Tony Acres, Willard Haven Rd.
Peggy Fuller, Grand St.
Abby Huntoon, Ledge Rd.
Patricia Morrison, Preble St.
Barry Zuckerman, Preble St.
Angela Brady, Green St.
Rachel Powers
Elizabeth Voss-Kinelay, Preble St.
John Murphy, Willard St.
Georgia Williamson, Victory Ave
Roberta Zuckerman, Preble St.
Charlie Higgins, Ledge Rd.
Linden Thigpen, Hillside Ave.
Melanie Wiker, D St.
Ann Baker, Preble St.
Jeff Steinbrick, Cottage Rd.
Brett Brigby, Fellow St.
Peter Book, Thompson St.
Faye B, Benjamin Pickett
Barbara Psicos
Rosemarie DeAngelis, Pleasantdale
Deanna Holmes, Elsmere St.
Joanne Schaefer, Cottage Rd.
Michael V, Deake St.

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I.Public Hearings and Action

J.Action on Old and New Business

9.ORDINANCE #11-17/18 (text only) – Amending Chapter 27 “Zoning,” regarding the CS and PO Zones text change. Postponed on December 6, 2017. First Reading. Passage requires majority vote.

The following spoke:

Russ Lunt, Brigham St.

Morgan moved for passage for discussion, seconded by Beecher. The motion failed 0-7 unanimously.

10.ORDER #114-17/18 - Amending City Council Standing Rules. Passage requires majority vote.

Morgan moved for passage, seconded by Beecher.

Lewis made a motion to amend Rule #34 to include in the 2nd paragraph, “...on a workshop item, **including the list of workshop agenda items reviewed at the last workshop of the month**”. Seconded by Morgan. The motion passed 7-0.

Rose moved to amend Rule #34 to include proposed language, “**Parliamentary rules may be applied to workshops in a way to ensure fairness– and focus– in the deliberative process while retaining an expectation of relative informally and free exchange for workshop sessions. The degree to which formal adherence to parliamentary rules may be applied can be proportional to the degree of controversy or dissent that emerges over a given agenda topic or over the conduct of the meeting as a whole. Put simply, the greater the discord, the more that formalized rules may come into play.**”

The Council may only act through Ordinance, Order, and Resolve (Charter, Sec. 218). Our workshops, therefore, should serve the purpose of crafting language that should, as their goal, produce Ordinance, Order, or Resolution language as close as possible to its final form to be delivered to the Council meeting for debate and a final vote. Workshop deliberation should not serve as a substitute for that final vote.

If in the process of crafting such language there is disagreement about the legislation or its wording, every attempt should be made to separate, where possible, a core of the proposed language that achieves some consensus. Parts that are more controversial can be separated into amendments that can be introduced during the Council meeting, voted on, and disposed of with accountability that accrues to a recorded vote.

Since the focus of workshops is to craft language that will appear as main motions on the Council meeting agenda, the workshops topics themselves are main motions. This should not preclude the use of incidental motions duration workshops that are applicable to the conduct of the meeting (as under Standing Rule #33). This includes, specifically:

**points of order,
points of clarification,
parliamentary inquiries,**

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points of personal privilege,
points of privilege that affect the entire assembly,
appeals from the decision of the Chair*,
suspension of the rules (Standing Rule #11)*,
requests for extended or shortened time for debate*.

*These require a formal vote.

These are about the conduct of meeting and not about the main motion, and so votes on them are not dispositive of the main motion itself. These are the only votes that should be taken during Council meetings.

Any workshop item has already (under Standing Rule #35) been proposed as a main motion and seconded. It must therefore automatically proceed to a Council vote in a regular meeting to be disposed of formally in that meeting as long as the sponsor and cosponsor have not withdrawn their support of the motion. However, during the Council meeting, any member reserves the right to object to consideration of a question (i.e., consideration of that agenda item) and proceed to a vote on the objection.”

Dowling seconded the motion.

Lewis moved to amend the amendment, to include only the following of Councilor Rose’s proposed language in Rule #34: **“Since the focus of workshops is to craft language that will appear as main motions on the Council meeting agenda, the workshops topics themselves are main motions. This should not preclude the use of incidental motions during workshops that are applicable to the conduct of the meeting (as under Standing Rule #33). This includes, specifically, but not limited to:**

points of order,
points of clarification,
parliamentary inquiries,
points of personal privilege,
points of privilege that affect the entire assembly,
appeals from the decision of the Chair*,
suspension of the rules (Standing Rule #11)*,
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right to object to consideration of a question (i.e., consideration of that agenda item) and proceed to a vote on the objection.”

Seconded by Rose. The amendment passed 7-0.

The main motion passed 7-0, as amended.

11.ORDER #115-17/18 – Accepting miscellaneous donations. Passage requires majority vote.

Dowling moved for passage, seconded by Lewis. The motion passed 7-0.

12.ORDER #116-17/18 – Extending the mandate of the Affordable Housing *Ad hoc* Committee for an additional year. Passage requires majority vote.

Rose moved for passage, seconded by Beecher. The motion passed 7-0.

13.ORDER #117-17/18 – Authorizing the City Manager to sign a contract between the City of South Portland and Flow Assessment Services, LLC, of Goffstown, NH to monitor the South Portland sanitary sewer system. Passage requires majority vote.

Justin Gove, Water Resource Protection, responded to Councilor’s questions on this item.

Beecher moved for passage, seconded by Lewis. The motion passed 7-0.

K.Citizen Discussion (Second Part)

Robert Whyte, Orchard St.
Paul Voss, Ocean House Rd.

L.Councilor’s Round Robin

Councilors addressed their personal policies on meeting with constituents. Henderson thanked those who worked on the Clear Skies Ordinance. Lewis thanked all those who came out tonight to speak and partake in vigorous public engagement. Mayor Cohen addressed issues of bullying behavior.

M.Executive Session

N.Adjournment

Morgan moved to adjourn at 11:13pm, seconded by Lewis. The motion passed 7-0.



A TRUE COPY ATTEST _____