

**WESTBROOK CITY COUNCIL
SPECIAL CITY COUNCIL MEETING MINUTES
MONDAY AUGUST 20, 2018
WESTBROOK HIGH SCHOOL ROOM 114**

READING THE CALL

City Clerk Angela Holmes noted for the record that this Special City Council Meeting was called by Mayor Mike Sanphy on August 17, 2018. Notice of the meeting was posted to the City website and distributed to all City Councilors.

CALL TO ORDER

Called to order at 7:18pm by President Rielly.

City Councilors Present: Lynda Adams (Ward 5); Victor Chau (Ward 2); Gary Rairdon (At-Large); Anna Turcotte (Ward 3); John O'Hara (At-Large/Vice President); Brendan Rielly (Ward 1/President)

City Councilors Absent: Ann E. Peoples (Ward 4)

Other City Officials Present: Rebecca Albert (Library Director); Jerre Bryant (City Administrator); Natalie Burns (City Solicitor); Eric Dudley (Director of Engineering & Public Services); Doug Eaton (City Arborist); Jennie Franceschi (Director of Planning and Code Enforcement); Angela Holmes (City Clerk); Janine Roberts (Police Chief)

APPROVAL OF MINUTES

President Rielly announced that unless any objections were received, the minutes from the Special City Council Meeting and the Regular City Council meeting held on August 6, 2018 would stand as presented. No objections received; minutes adopted.

MAYOR'S MESSAGE

Mayor Sanphy gave the floor to Chief Roberts to present the Police Department's Employee of the Quarter Award to Officer Jason St. John. Chief Roberts stated that Officer St. John was unable to attend the Council meeting, but she read his award letter to those present to recognize his service.

Mayor Sanphy announced that the City of Westbrook received a Certificate of Recognition from U.S. Senator Angus King for achieving a Tree City USA designation for another year. Mayor Sanphy presented this award to Doug Eaton, City Arborist, in recognition of his significant efforts in maintaining the City's Tree City USA status and for managing the City's urban forest. Mr. Bryant also thanked Mr. Eaton for his service to the City.

Mayor Sanphy invited Greg Jordan from Greater Portland Metro to give a presentation on bus service expansion. Michael Foley, a member of the Metro Board of Directors, and Mr. Jordan both addressed City Council, reviewing upcoming changes to bus schedules, routes and stops. The following Councilors presented questions to Mr. Jordan:

1. Councilor Rairdon
2. Councilor Chau
3. Vice President O'Hara

STUDENT REPRESENTATIVE UPDATE

There are no Student Representatives at present. President Rielly noted that he will bring forward a request to appoint two Student Representatives at the City Council Meeting on September 10, 2018.

PUBLIC COMMENT

President Rielly opened the floor for the first public comment period of the evening. The following individuals spoke:

1. Kenny Dahms (196 West Valentine Street)
2. Greg Jordan (Greater Portland Metro)

ORDERS OF THE DAY (SECOND AND FINAL READING)

Included below are the City Council Orders receiving second and final reading.

1. **Order 2018-96, Amending the Land Use Ordinance, Chapter VIII, Section 805, *Penalty Provisions – Stop Work Order* and Order 2018-97, Amending the Land Use Ordinance, Chapter II, Section 201, *Definitions – Service Business*.**
 - a. Ms. Holmes noted for the record that Orders 2018-96 and 2018-97 require public hearings. First reading of the legislation took place on July 2, 2018. Notice of the public hearings was published in the Portland Press Herald on August 8, 2018 and in the American Journal on August 9 & 16, 2018.
 - b. President Rielly opened the public hearings on both orders. No one spoke. President Rielly closed the public hearings.
 - c. Motion to approve second and final reading of Orders 2018-96 and 2018-97. Moved by Councilor Adams, seconded by Councilor Chau.
 - d. President Rielly asked if any Councilors would like these two Orders separated. No Councilor objected to considering them together under one motion.
 - e. The following individuals commented on the motion to approve second and final reading of the legislation:
 - i. Councilor Chau
 - ii. Ms. Franceschi
 - f. Revisiting the motion to approve second and final reading of Orders 2018-96 and 2018-97.
Motion carried. Orders 2018-96 and 2018-97 adopted. (Vote 6-0-1)
Ayes: Councilor Adams, Councilor Chau, Councilor Rairdon, Councilor Turcotte, Vice President O'Hara, President Rielly
Nays: None
Absent: Councilor Peoples
2. **Orders 2018-111 through 2018-120.**
Order 2018-111 Authorizing Acceptance and Expenditure of Donations for Walker Memorial Library's Mobile Computer Lab

- Order 2018-112 Authorizing Purchase of Furnishings for the Walker Memorial Library's Gathering Room
- Order 2018-113 Authorizing Agreement with Furniture Friends for Workfare Program
- Order 2018-114 Amending the FY 2018-2019 General Fund Annual Vendor List
- Order 2018-115 Amending Orders 2017-60 and 2017-148 Regarding Paving Projects
- Order 2018-116 Authorizing Maine Department of Transportation Municipal Partnership Incentive Project – Cumberland Mills Traffic Circle
- Order 2018-117 Authorizing Maine Department of Transportation Municipal Partnership Incentive Project – Stroudwater Street Rehabilitation
- Order 2018-118 Authorizing Maine Department of Transportation Three-Party Partnership Agreement Regarding Proposed Improvements to William Clarke Drive
- Order 2018-119 Authorizing Purchase of Property from Portland Terminal Company c/o Pan Am Systems, Inc.
- Order 2018-120 Authorizing Recreation & Conservation Commission Expenditure for Saccarappa Elementary School Play Yard
- a. Motion to approve second and final reading of Orders 2018-111 through 2018-120, as listed above.
Moved by Vice President O'Hara, seconded by Councilor Chau.
 - b. President Rielly asked if any Councilor would like any item separated. Councilor Turcotte asked that Order 2018-112 be considered separately. Ms. Burns asked City Council to consider Order 2018-113 separately, as it would require an amendment. Councilor Rairdon asked that Order 2018-119 be considered separately.
 - c. The following individuals commented on the motion to approve Orders 2018-111, 2018-114 through 2018-118 and 2018-120:
 - i. Councilor Chau
 - d. Revisiting the motion to approve second and final reading of Orders 2018-111, 2018-114 through 2018-118 and 2018-120.
Motion carried. Orders 2018-111, 2018-114 through 2018-118 and 2018-120 adopted. (Vote 6-0-1)
Ayes: Councilor Adams, Councilor Chau, Councilor Rairdon, Councilor Turcotte, Vice President O'Hara, President Reilly
Nays: None
Absent: Councilor Peoples
 - e. The following individuals commented on the motion to approve second and final reading of Order 2018-112:
 - i. Councilor Turcotte
 - ii. Ms. Albert
 - iii. Councilor Chau
 - f. Revisiting the motion to approve second and final reading of Order 2018-112.
Motion carried. Order 2018-112 adopted. (Vote 4-2-1)
Ayes: Councilor Adams, Councilor Chau, Vice President O'Hara, President Rielly
Nays: Councilor Rairdon, Councilor Turcotte

Absent: Councilor Peoples

- g. The following individuals commented on the motion to approve second and final reading of Order 2018-113:
 - i. Ms. Burns
- h. Motion to amend Section 6 of the agreement attached to Order 2018-113, replacing the statement “written notice to Furniture Friends” with the statement “written notice to the other of such termination.”
Moved by Vice President O’Hara, seconded by Councilor Rairdon.
- i. The following individuals commented on the motion to amend Order 2018-113:
 - i. Councilor Chau
 - ii. Mr. Bryant
 - iii. Ms. Burns
- j. Revisiting the motion to amend Order 2018-113.
Motion carried by a show of hands. None opposed. Order 2018-113 amended.
- k. The following individuals commented on the motion to approve second and final reading of Order 2018-113, now as amended:
 - i. Vice President O’Hara
- l. Revisiting the motion to approve Order 2018-113, now as amended.
Motion carried. Order 2018-113 adopted, as amended. (Vote 6-0-1)
Ayes: Councilor Adams, Councilor Chau, Councilor Rairdon, Councilor Turcotte, Vice President O’Hara, President Rielly
Nays: None
Absent: Councilor Peoples
- m. The following individuals commented on the motion to approve second and final reading of Order 2018-119:
 - i. Councilor Rairdon
 - ii. Mr. Bryant
 - iii. Mr. Dudley
- n. Revisiting the motion to approve second and final reading of Order 2018-119.
Motion carried. Order 2018-119 adopted. (Vote 5-1-1)
Ayes: Councilor Adams, Councilor Chau, Councilor Turcotte, Vice President O’Hara, President Rielly
Nays: Councilor Rairdon
Absent: Councilor Peoples

NEW BUSINESS

Included below are the City Council actions on New Business, which includes business licenses requiring City Council approval, City Council resolves and orders requiring first and final reading, City Council orders receiving the first of two required readings, and all items to be considered in Executive Session.

1. **Liquor License Renewal Applications.**

Wild Ducks Services, LLC d/b/a 33 Elmwood, located at 33 Elmwood Avenue
Tequila Mexican Restaurant, Inc. d/b/a Fajita Grill, located at 857 Main Street
Profenno's Restaurant, located at 934 Main Street
Stephen W. Manchester Post #62 American Legion, located at 17 Dunn Street
Brian & Kristin, LLC d/b/a Time Out Sports Pub, located at 10-12 Cumberland Street

- a. Motion to approve the liquor license renewal applications, outlined above.
Moved by Councilor Rairdon, seconded by Councilor Chau.
- b. The following individuals commented on the motion to approve the liquor license renewal applications:
 - i. Councilor Rairdon
 - ii. Ms. Holmes
 - iii. Ms. Burns
 - iv. Councilor Turcotte
 - v. President Rielly

- c. Motion to table the liquor license renewal applications submitted by Wild Ducks Services, LLC, Profenno's Restaurant, and Stephen W. Manchester Post #62 until the meeting scheduled for September 10, 2018, so that the applicants may complete the business hours section of the applications.
Moved by President Reilly, seconded by Councilor Rairdon.

Motion carried by a show of hands. Applications submitted by Wild Ducks Services, LLC, Profenno's Restaurant, and Stephen W. Manchester Post #62 tabled.

- d. Revisiting the motion to approve the liquor licenses for Tequila Mexican Restaurant and Brian & Kristin, LLC.

Motion carried by a show of hands. Applications submitted by Tequila Mexican Restaurant and Brian & Kristin, LLC approved.

2. **Order 2018-121. Amending the Land Use Ordinance, Section 201, *Definitions – Service Business*, Section 205, *Review of Private Ways*, and Appendix B, *Master Fee Schedule*.**

- a. Ms. Holmes noted that this item will require a public hearing, scheduled to be held on September 10, 2018. Notice of the public hearing will be published in the American Journal on August 30 and September 6, 2018. Ms. Holmes also noted that there is an error in the title and body of the legislation. Instead of citing Section 201, *Definitions – Service Business*, the legislation should state Section 201, *Definitions – Private Way*.

- b. Motion to approve first reading of Order 2018-121, incorporating the amendment outlined by Ms. Holmes and setting the public hearing for September 10, 2018.
Moved by Councilor Turcotte, seconded by Councilor Adams.

Motion carried by a show of hands. None opposed.

3. **Order 2018-122. Amending the FY 2018-2019 General Fund Annual Vendor List.**

- a. Motion to approve first reading of Order 2018-122.
Moved by Councilor Turcotte, seconded by Councilor Rairdon.

- b. There were no comments from City Council or the public.
- c. Revisiting the motion to approve first reading of Order 2018-122.

Motion carried by a show of hands. None opposed.

PUBLIC COMMENT

President Rielly opened the floor for the second and final public comment period of the evening. No one spoke.

REFERRALS

Motion to refer a request to establish a Noise Ordinance and a request to place a referendum question on the November 6, 2018 ballot regarding the Greater Sebago Education Alliance Regional Service Center to the Committee of the Whole.

Moved by Vice President O'Hara, seconded by Councilor Chau.

Motion carried by a show of hands. None opposed.

EXECUTIVE SESSION

Motion to enter into Executive Session at 8:43pm pursuant to 1 M.R.S.A. § 405-6(D) to discuss labor contract negotiations with the following unions: (1) Teamsters Local Union No. 340 for the Westbrook Fire/Rescue Department; (2) Teamsters Local Union No. 340 for the Westbrook Public Safety Dispatcher Unit; (3) Teamsters Local Union No. 340 for the Westbrook General Unit; (4) American Federation of State, County and Municipal Employees (AFSCME) for the Westbrook Public Services Department; and (5) Westbrook Police Association, inviting the Mayor, City Administrator, City Clerk and Police Chief to attend.

Moved by Councilor Chau, seconded by Councilor Turcotte.

Motion carried by a show of hands. None opposed.

RECONVENE

City Council reconvened at 10:10pm.

ADJOURNMENT

Motion to adjourn at 10:10pm.

Moved by Councilor Rairdon, seconded by Councilor Adams.

Motion carried by a show of hands. None opposed.