

# **Town Council Meeting Minutes December 16, 2020**

Chair Kuhn began the meeting at 6:04 pm.

## **Roll Call**

All councilors were present and answering roll call.

- Item 1      Re-enactment of Ordinance No.128-2020, an emergency ordinance to temporarily suspend certain provisions of the Falmouth Code of Ordinances relating to outdoor eating areas and outdoor retail display to assist businesses suffering economic loss due to COVID-19 in a manner consistent with the Governor's re-opening plan.**

Chair Kuhn provided background information on the emergency ordinance.

Councilor DeLima motioned; Councilor Asherman seconded.

Chair Kuhn opened the public comment period; there was no public comment.

Chair Kuhn asked whether any of the five restaurants that had taken advantage of the emergency ordinance were planning to continue with outdoor dining through the winter. Ethan Croce, Community Development Director, said all five of the restaurants had already ceased outdoor dining for the year. He said Rivalries still had some outdoor seating, but that seating was associated with year-around seating that they had permanently approved through the full Planning Board process. Mr. Poore said that staff did not want to assume that the restaurants were not planning on reopening outdoor seating at some point during the winter.

Councilor Asherman asked how many times the Council could keep renewing the emergency ordinance. Mr. Croce said he was not aware of any limitations if the Council still finds that the emergency condition exists. Councilor Asherman asked if it would make it more of a challenge to let the emergency ordinance lapse and then restart it in the spring. Mr. Poore said it would require more administration to restart it brand new. It might also have to go back before the Planning Board for a MRA hearing.

Councilor Johnson asked whether additional restaurants could take advantage of the ordinance. Mr. Croce said if any additional restaurants wanted to avail themselves of this they could do so. They would need to file an application with the Community Development Office but there was no limit to the number of businesses that could apply. Chair Kuhn was inclined to leave the ordinance in place.

The motion carried unanimously.

- Item 2      Order to go into Executive Session pursuant to the Laws of Maine to discuss real estate rights, pursuant to 1 M.R.S.A. § 405 (6) (C).**

Councilor Cahan motioned; Councilor DeLima seconded.

The motion carried unanimously.

The Council entered Executive Session at 6:13 pm and did not return.

Town Council Minutes

December 16, 2020

**Page 2 of 2**

Respectfully submitted,

Marguerite Fleming

Recording Secretary