

Index of Meetings

[July 6, 2016](#)

[July 18, 2016](#)

[August 1, 2016](#)

[August 15, 2016](#)

[September 7, 2016 \(Special – Executive Session\)](#)

[September 7, 2016](#)

[September 19, 2016](#)

[October 3, 2016](#)

[October 17, 2016](#)

[November 7, 2016](#)

[November 21, 2016](#)

[December 5, 2016 – Inauguration](#)

[December 7, 2016](#)

[December 19, 2016](#)

[January 4, 2017](#)

[January 18, 2017](#)

[February 6, 2017](#)

[February 22, 2017](#)

[March 6, 2017](#)

[March 20, 2017](#)

[April 3, 2017](#)

[April 19, 2017](#)

[May 1, 2017](#)

[May 15, 2017](#)

[June 5, 2017](#)

[June 19, 2017](#)

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 1
JULY 6, 2016

Roll Call: Mayor Blake called the meeting to order at 7:00pm. Councilor Smith was absent.

A. Acceptance of Minutes

Beecher moved for acceptance of the minutes, seconded by Fox. The motion passed 6-0.

B. Communications from City Manager

City Manager Jim Gailey reviewed the upcoming Council workshop schedule - 7/25: Non-conforming lots & Affordable Housing presentation; 8/8 – Pesticides Ordinance workshop. All workshop dates and times are subject to change and are not final until placed on an agenda.

Starting 7/7, Bug Light Park begins its annual Movie Night sponsored by the Cape Elizabeth/South Portland Chamber of Commerce

Mill Creek Music Series begins today, with Wednesday night music in the Park.

WillardFest is 7/9 from 3-6pm; Tri-for-a-Cure is on 7/16 and traffic notices are posted on the City's website; 8/13 is the annual Art in the Park exhibit and Knightville Street festival.

The City has committed taxes and the tax rate is 11 cents less than what was originally expected, resulting in a \$17.70 tax rate.

On 7/11, the City will be officially receiving Fire squad truck. This truck will be located in the back parking lot of City Hall before the workshop at 5:30pm for observation.

Mayor Blake addressed the City Manager search and noted that the City would be heading into negotiations with Eaton Peabody and Don Gerrish.

C. Petitions and Communications

Conservation Commission - Annual Report

D. Appointment Calendar

Rose motioned to consider items 1, 3, 4 & 5 as a whole, seconded by Fox. The motion passed 4-2 (Morgan, Cohen opposed).

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 2
JULY 6, 2016

Fox moved to postpone items 1, 3, 4 & 5, seconded by Beecher. The motion passed 6-0.

1. ORDER #86-14/15 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 11/20/17. Postponed since 02/18/15. Passage requires majority vote.

2. ORDER #114-14/15 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 3/3/18. Postponed since 4/22/15. Passage requires majority vote.

Morgan moved to postpone, seconded by Cohen. The motion passed 6-0.

3. ORDER #58-15/16 - Conservation Commission, District Two (Smith), for an unexpired term which expires on 11/20/18. Postponed since 12/21/15. Passage requires majority vote.

4. ORDER #91-15/16 - Energy & Recycling Committee, District Two (Smith), for an unexpired term which expires on 05/05/18. Postponed since 02/01/16. Passage requires majority vote.

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

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 3
JULY 6, 2016

6.ORDER #115-15/16 - Energy & Recycling Committee, District Three (Rose), appointing **Andrew Capelluti**, for a term which expires on 05/05/19. Postponed since 03/21/16. Passage requires majority vote.

There was no public comment.

Rose moved for passage, seconded by Morgan. The motion passed 6-0.

7.ORDER #157-15/16 – Energy & Recycling Committee, District One (Morgan), for an unexpired term which expires on 05/05/18. Passage requires majority vote.

Morgan moved to postpone, seconded by Beecher. The motion passed 6-0.

8.ORDER #1-16/17 – Civil Service Commission, At Large (Beecher), appointing **David Turner** for an unexpired term which expires on 12/31/19. Passage requires majority vote.

There was no public comment.

Beecher moved for passage, seconded by Fox. The motion passed 6-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

The following spoke:

- Jim Hoy
- Russ Lunt, Brigham St.
- Greg L'Herueux, Finance Director
- Kevin Davis, Library Director
- Art Handman, Transportation Director
- Joshua Reny, Assistant City Manager
- Kevin Adams, Parks & Recreation Director
- Miles Haskell, Acting Fire Chief
- Tex Haeuser, Planning Director

G. Public Hearings and Action

9.ORDINANCE #11-15/16 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally”. Second reading. Passed first reading 06/20/16. ROLL CALL VOTE. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 4
JULY 6, 2016

There was no public comment.

Cohen motioned to have Ordinance #11-15/16 read by title only, seconded by Beecher. The motion passed 6-0.

Cohen moved for passage, seconded by Beecher.

Rose moved to amend Ordinance #11-15/16 to strike last added sentence to last paragraph of Sec. 14-12. The motion did not receive a second.

Roll call vote was taken; the main motion passed by a vote of 5-1 (Rose opposed).

H. Action on Old and New Business

10.ORDER #2-16/17 – Authorizing the City Manager to sign an Amended and Restated Lease Agreement between the City of South Portland and Port Harbor Marine, Inc., for property at 1 Spring Point Drive. Passage requires majority vote.

The following spoke on this item:

Joshua Reny, Assistant City Manger
Russ Lunt, Brigham St.

Morgan moved for passage, seconded by Beecher. The motion passed 6-0.

11.ORDER #3-16/17 – Transferring \$44,069 from unassigned fund balance to the Bus Reserve Account and appropriating \$44,069 to the Bus Service Contract Engineering Services Account to fund a study and implement a pilot project concerning traffic signal prioritization for South Portland Bus Service. Passage requires majority vote.

The following spoke on this item:

Russ Lunt, Brigham St.
Art Handman, Transportation Director

Rose moved for passage, seconded by Beecher. The motion passed 6-0.

12.ORDER #4-16/17 – Award of bid to Turf Products, of Enfield, CT for the purchase of a Polar Trac System for the Parks Department. Passage requires majority vote.

There was no public comment.

Beecher moved for passage, seconded by Morgan. The motion passed 6-0.

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 5
JULY 6, 2016

13. ORDER #5-16/17 – Award of Bid #37-16 to Rowe Ford, of Westbrook, ME, for the purchase of a transit van for the Parks and Recreation Department. Passage requires majority vote.

The following spoke on this item:
Russ Lunt, Brigham St.

Morgan moved for passage, seconded by Rose. The motion passed 6-0.

14. ORDER #6-16/17 - Accepting \$2,000 under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

There was no public comment.

Morgan moved for passage, seconded by Cohen. The motion passed 6-0.

15. ORDER #7-16/17 - Authorizing the City Manager to execute and deliver to Portland Water District an easement deed for water utilities in Spring Point Drive. Passage requires majority vote.

There was no public comment.

Beecher moved for passage, seconded by Fox. The motion passed 6-0.

I. Citizen Discussion (Second Part)

There was no discussion.

J. Councilor's Round Robin

Rose shared information about the 6th annual block party in District 3 neighborhood, the James Buchanan Memorial block party, coming up on the weekend of 7/9; the event includes movies on the lawn and is open to the public of all ages.

Cohen mentioned the upcoming Bug Light Movie Nights and thanked sponsors for making the annual event successful. The events take place on Thursday nights around 6:30pm with movies starting at approximately 8:15. Cohen recognized Jim Gailey for his service to the city and wished him well in his future endeavors.

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 6
JULY 6, 2016

Fox mentioned an event held by Friends of Casco Bay where volunteers will be collecting samples and testing the Bay's nitrogen levels. For more information, contact Friends of Casco Bay.

Beecher commented on the Armory's demolition, and expressed thanks for Jim Gailey's service to the City.

Blake commented on the success of the Color Run and the fireworks after the 7/4 events at Bug Light. Blake expressed thanks for Jim Gailey's service to the City.

K. Executive Session

Morgan moved to adjourn at 8:35pm, seconded by Cohen. The motion passed 6-0.

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ATTEST _____



Emily F. Carrington

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 7
JULY 18, 2016

Roll Call: Mayor Blake called the meeting to order at 7:00pm. Councilor Morgan was absent. Assistant City Manager Joshua Reny filled in for Jim Gailey.

A. Acceptance of Minutes

Smith moved to accept the minutes from July 6, 2016, seconded by Beecher. Motion passed 6-0.

B. Communications from City Manager

Assistant City Manager Joshua Reny mentioned that Jim Gailey, City Manager, would be on vacation for the remainder of the week. His last day is Friday, July 22.

On 7/21, the Bug Light Movie Series continues at Bug Light Park. Festivities begin around 6:30pm.

On 8/2, the Police Department is hosting National Night Out. More information to come.

On 8/13, the City is hosting Art in the Park in Mill Creek Park from 9am-4pm.

C. Petitions and Communications

The City Clerk called for public input on suggestions for improving City communications.

D. Appointment Calendar

Rose motioned to condense items 1, 2, 4, 5 and 6 to be voted on as one item. Seconded by Fox. The motion failed 2-4 (Blake, Smith, Cohen, Beecher).

1. ORDER #86-14/15 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 11/20/17. Postponed since 02/18/15. Passage requires majority vote.

Smith moved to postpone, seconded by Beecher. The motion passed 6-0.

2. ORDER #114-14/15 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 3/3/18. Postponed since 4/22/15. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 8
JULY 18, 2016

Smith moved to postpone, seconded by Beecher. The motion passed 6-0.

3. ORDER #58-15/16 - Conservation Commission, District Two (Smith), appointing **Barbara Dee** for an unexpired term which expires on 11/20/18. Postponed since 12/21/15. Passage requires majority vote.

There was no public comment.

Smith moved for passage, seconded by Fox. The motion passed 6-0.

4. ORDER #91-15/16 - Energy & Recycling Committee, District Two (Smith), for an unexpired term which expires on 05/05/18. Postponed since 02/01/16. Passage requires majority vote.

Smith moved to postpone, seconded by Fox. The motion passed 6-0.

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

Smith moved to postpone, seconded by Beecher. The motion passed 6-0.

6. ORDER #157-15/16 – Energy & Recycling Committee, District One (Morgan), for an unexpired term which expires on 05/05/18. Postponed since 06/06/16. Passage requires majority vote.

Cohen moved to postpone, seconded by Beecher. The motion passed 6-0.

7. ORDER #8-16/17 – Board of Appeals, At-Large (Blake), **David Bourke**, for a term which expires on 07/23/19. Passage requires majority vote.

There was no public comment.

Blake moved for passage, seconded by Cohen. The motion passed 6-0.

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 9
JULY 18, 2016

8. ORDER #9-16/17 - Appointing Don Gerrish, of Eaton Peabody Consulting Group, of Augusta, ME, as Interim City Manager and authorizing the Mayor to execute the professional services contract. Passage requires majority vote.

The following spoke on this item:
Don Gerrish

Cohen moved for passage, seconded by Beecher.

Rose made a motion to amend the contract to authorize the City Clerk to sign the contract. Seconded by Fox. The motion failed 2-4 (Cohen, Beecher, Blake, Smith).

The main motion passed 6-0.

E.Consent Calendar

F.Citizen Discussion (First Part)

Patricia Whyte, Orchard St.
Russ Lunt, Brigham St.
Bob Whyte, Orchard St.

G.Public Hearings and Action

9. ORDER #10-16/17 – Granting Beddy Bye, LLC DBA Holiday Inn Express, 303 Sable Oaks Drive, a Lodging Establishment License. Passage requires majority vote.

There was no public comment.

Fox moved for passage, seconded by Beecher. The motion passed 6-0.

10. ORDER #11-16/17 – Granting Lullaby, LLC DBA Portland Marriott at Sable Oaks, 200 Sable Oaks Drive, a Lodging Establishment License. Passage requires majority vote.

The following spoke on this item:
Russ Lunt, Brigham St.

Cohen moved for passage, seconded by Beecher. The motion passed 6-0.

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 10
JULY 18, 2016

11. ORDER #12-16/17 – Granting Lullaby, LLC DBA Portland Marriott at Sable Oaks, 200 Sable Oaks Drive, a Food Establishment/Hotel with Liquor License. Passage requires majority vote.

The following spoke on this item:
Russ Lunt, Brigham St.

Cohen moved for passage, seconded by Beecher. The motion passed 6-0.

H.Action on Old and New Business

12. ORDER #13-16/17 – Authorizing the Mayor to sign a professional services agreement with Eaton Peabody Consulting Group, of Augusta, ME, to provide City Manager Search Services. Passage requires majority vote.

The following spoke on this item:
Bob Whyte, Orchard St.

Cohen moved for passage, seconded by Beecher.

Cohen moved to amend the Order to change the contract terms from \$9000 to \$9500. Seconded by Beecher. The motion passed 6-0.

The main motion passed 6-0.

13.ORDER #14-16/17 – Amending the Drug and Alcohol Testing Policy for Safety Sensitive Positions. Passage requires majority vote.

The following spoke on this item:
Don Brewer, HR Director for the City of South Portland
Russ Lunt, Brigham St.

Beecher moved for passage, seconded by Cohen. The motion passed 6-0.

14.ORDER #15-16/17 – Award of Bid #40-16 to Enterprise Electric, Inc., of Lisbon Falls, ME, for the Mill Creek Park Lighting Project. Passage requires majority vote.

The following spoke on this item:
Russ Lunt, Brigham St.
Kevin Adams, Parks & Recreation Director

Beecher moved for passage, seconded by Fox. The motion passed 6-0.

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 11
JULY 18, 2016

15.ORDER #16-16/17 – Authorizing the City Manager to sign a Memorandum of Understanding between the State of Maine Department of Health and Human Services Center for Disease Control and Prevention regarding Delegated Authority and Communications regarding Emerging Public Health Threats. Passage requires majority vote.

The following spoke on this item:
Pat Doucette, Code Enforcement Director
Patricia Whyte, Orchard St.
George Corey, Franklin Terrace

Beecher moved for passage, seconded by Cohen. The motion passed 6-0.

16.ORDER #17-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

Rose moved for passage, seconded by Cohen. The motion passed 6-0.

17.ORDER #18-16/17- Award of Bid #21-16 to ePlus Technology, of Portland,ME, for technology upgrades for the School Department. Passage requires majority vote.

Beecher moved for passage, seconded by Fox. The motion passed 6-0.

18.ORDER 19-#16/17 – Award of sole source bid to Apple Computers, of Cupertino, CA, for the purchase of iPads for the School Department. Passage requires majority vote.

The following spoke on this item:
Patricia Whyte, Orchard St.
Andrew Wallace, School IT Director
Russ Lunt, Brigham St.

Cohen moved for passage, seconded by Beecher. The motion passed 6-0.

I.Citizen Discussion (Second Part)

George Corey, Franklin Terrace

J.Councilor's Round Robin

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 12
JULY 18, 2016

Smith commented on the successful Tri for a Cure event held the past weekend; 1.6 million was raised.

Rose acknowledged new businesses to the City, particularly Foulmouthed Brewing.

Cohen acknowledged and condemned the recent national disrespect towards police officers.

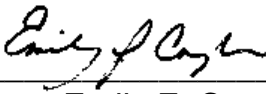
Beecher acknowledged Tri for a Cure event and the condemned the recent national respected of police officers.

Blake thanked Fire, Police, Public Works for their involvement in helping to coordinate a series of successful events throughout the City. Reminded the public of a workshop on non-conforming lots next week. Blake wished Jim Gailey farewell.

K.Executive Session

Fox moved to adjourn at 8:52pm, seconded by Cohen. The motion passed 6-0.

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ATTEST 

Emily F. Carrington

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 13
AUGUST 1, 2016

Roll Call: Mayor Blake called the meeting to order at 7:00pm. All Councilors were present.

A. Acceptance of Minutes

Beecher moved to accept the minutes from July 18, 2016; seconded by Cohen. The motion passed 7-0.

B. Communications from City Manager

Don Gerrish commended the City on its government finance reporting ranking; South Portland has qualified for the highest honor 8 years in a row.

C. Petitions and Communications

The City Clerk reminded citizens that nomination papers for those seeking to run for local offices are available in the Clerk's office beginning August 4 at 8:00am.

The City Clerk presented the Ocean Street Citizen's Initiative Petition, and declared the petition invalid due to lacking the minimum number of valid signatures required.

Councilor Morgan motioned to accept the Clerk's certification of insufficiency and to deny the allowance of additional signatures to meet the required minimum threshold. Seconded by Fox.

Mayor Blake ruled the motion out of order due to lack of public notice that a vote would be taking place on said communication, and explained the proposed process that if and when the petition were to receive the minimum number of signatures, the petition would come back to Council for hearing at which point the Council would have the option to deny the additional signatures.

Councilor Morgan made a motion to appeal the decision of the Chair, seconded by Rose. The motion passed 5-2 (Blake, Cohen).

The main motion passed 5-2 (Blake, Cohen).

D. Appointment Calendar

Councilor Rose motioned to consider items 1-5 as a whole. Seconded by Beecher. The motion passed 7-0.

1. ORDER #86-14/15 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 11/20/17. Postponed since 02/18/15. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 14
AUGUST 1, 2016**

2. ORDER #114-14/15 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 3/3/18. Postponed since 4/22/15. Passage requires majority vote.

3. ORDER #91-15/16 - Energy & Recycling Committee, District Two (Smith), for an unexpired term which expires on 05/05/18. Postponed since 02/01/16. Passage requires majority vote

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

5. ORDER #157-15/16 – Energy & Recycling Committee, District One (Morgan), for an unexpired term which expires on 05/05/18. Postponed since 06/06/16. Passage requires majority vote.

Morgan moved to postpone items 1-5, seconded by Smith. The motion passed 7-0.

6. ORDER #20-16/17 – Arts & Historic Preservation Committee, Greater Portland Landmarks representative, appointing **Alessa Wylie** for an unexpired term which expires on 10/20/16. Passage requires majority vote.

The following spoke on this item:

Caroline Hendry, B St.

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

E. Consent Calendar

F. Citizen Discussion (First Part)

Natalie West, South Portland
Bob Whyte, Orchard St.
Rosemarie DeAngelis
Russ Lunt, Brigham St.
April Cohen, Broadway
Phil Notice, Ocean St.
Caroline Hendry, B St.
Marilyn Reilly, South Portland
Adrian Dowling, South Portland

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 15
AUGUST 1, 2016**

G.Public Hearings and Action

7.ORDER #21-16/17 – Granting Kobe Buddha House, 380 Gorham Road, a Food Establishment/Restaurant with Liquor license. Passage requires majority vote.

The following spoke on this item:
Russ Lunt, Brigham St.

Fox motioned for passage, seconded by Beecher. The motion passed 7-0.

8. ORDER #22-16/17 - Granting Zoya Inc., DBA Pine Haven Motel, 857 Main Street, a Lodging Establishment license. Passage requires majority vote.

Beecher motioned for passage, seconded by Fox. The motion passed 7-0.

H.Action on Old and New Business

9. ORDER #23-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

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

10.ORDER #24-16-17 – Setting August 15, 2016 as the date of the public hearing on a public nuisance complaint relating to property at 611 Main Street. Passage requires majority vote.

The following spoke on this item:
Joyce Mendoza, Thirlmere Ave.

Morgan moved for passage, seconded by Beecher.

Morgan moved to amend ORDER #24-16/17, setting the date of public hearing to October 17. Rose seconded. Motion passed 7-0.

The main motion passed 7-0.

11.ORDINANCE #1-16/17– Amending Chapter 27, “Zoning,” regarding Nonconforming Residential Lots. First reading. Passage requires majority vote.

Cohen moved to have ORDINANCE #1-16/17 read by title only. Seconded by Beecher. The motion passed 7-0.

Morgan moved for passage, seconded by Cohen.

Morgan moved to amend ORDINANCE #1-16/17 to add language drafted by Corporation Counsel that addresses density. Seconded by Beecher. The motion passed 7-0.

The main motion passed 5-2 (Fox, Blake).

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 16
AUGUST 1, 2016

12. ORDER #25-16/17 – Authorizing the Interim City Manager to accept delivery of a stormwater management facility easement deed from Weight Watchers of Maine, Inc. for property at 241 Running Hill Road (a portion of Assessor's Map 84, Lot 5). Passage requires majority vote.

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

13. ORDER #26-16/17 – Award of a sole source bid to Taser International, of Scottsdale, AZ, for Conducted Electrical Weapons (CEW) for the Police Department. Passage requires majority vote.

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

14. ORDER #27-16/17 – Award of a sole source bid to Watch Guard, of Allen, TX, for Body Cameras for the Police Department. Passage requires majority vote.

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

15. ORDER #28-16/17 – Authorizing the City Clerk to execute an agreement between Information Resource of Maine ("InforME") and the City for participation in the Maine Online Municipal Vital Records Request Service. Passage requires majority vote.

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

16. ORDER #29-16/17 – Authorizing the Mayor to sign the City's Voting Ballot for the MMA Annual Election for Vice-President and Executive Committee Members. Passage requires majority vote.

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

I. Citizen Discussion (Second Part)

There was no public comment.

J. Councilor's Round Robin

Rose thanked the City Clerk and fellow Councilors.

Cohen reminded citizens of the National Night Out event on August 2.

Blake mentioned the corporate track team that won a match, featured in the latest City newsletter.

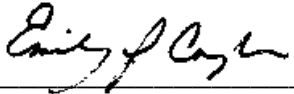
Morgan mentioned that he would be participating in his 3rd Beach to Beacon event.

K. Executive Session

Beecher moved to adjourn at 11:10pm, seconded by Fox. The motion passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 17
AUGUST 1, 2016**

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ATTEST 

Emily F. Carrington

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 18
AUGUST 15, 2016

Roll Call: Mayor Blake called the meeting to order at 7:00PM. All Councilors were present.

A. Acceptance of Minutes

Smith moved to accept the minutes, seconded by Fox. The motion passed 7-0.

B. Communications from City Manager

Don Gerrish clarified that the City Clerk had authorization by the City Manager to contact the City Attorney on seeking legal opinion regarding the Ocean Street traffic petition.

C. Petitions and Communications

The City Clerk announced that absentee ballots requests may now be made for the November election.

Mayor Blake recognized Eagle Scout Tim Small, and Councilor Cohen for her recent acceptance of her role as VP of MMA. Councilor Beecher recognized Mary Perry for her role and effort in organizing a successful Art in the Park event. Councilor Morgan updated the public on the GPPCD's recent decision to seek dissolution.

D. Appointment Calendar

1. ORDER #86-14/15 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 11/20/17. Postponed since 02/18/15. Passage requires majority vote.

Smith moved to postpone, seconded by Fox. The motion passed 7-0.

2. ORDER #114-14/15 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 3/3/18. Postponed since 4/22/15. Passage requires majority vote.

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

3. ORDER #91-15/16 - Energy & Recycling Committee, District Two (Smith), for an unexpired term which expires on 05/05/18. Postponed since 02/01/16. Passage requires majority vote.

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

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 19
AUGUST 15, 2016**

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

Smith moved to postpone, seconded by Fox. The motion passed 7-0.

5. ORDER #157-15/16 – Energy & Recycling Committee, District One (Morgan), for an unexpired term which expires on 05/05/18. Postponed since 06/06/16. Passage requires majority vote.

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

6. ORDER #30-16/17 – Nomination to the Governor for the Appointment of Don Legere to the Greater Portland Public Development Commission for a term which expires on August 8, 2021. Passage requires majority vote.

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

E. Consent Calendar

F. Citizen Discussion (First Part)

The following spoke:

Russ Lunt, Brigham St.
Kathy Chapman
Lee Smilovich, Willow St.
Rosemarie DeAngelis

G. Public Hearings and Action

7. ORDER #31-16/17 – Granting Lyric Music Theater, 176 Sawyer Street, a Food Establishment/Restaurant with Vinous license. Passage requires majority vote.

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

8. ORDINANCE #9-15/16 – Amending the Code of Ordinances establishing Chapter 32, “Pesticide Use Ordinance”. Passed first reading on 4/4/16 and postponed on 4/20/16. ROLL CALL VOTE. Passage requires majority vote.

Cohen made a motion to have the order read by title only, seconded by Beecher. The motion passed 7-0.

Cohen made a motion to postpone indefinitely, seconded by Morgan. The motion passed 7-0.

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 20
AUGUST 15, 2016

H. Action on Old and New Business

9. ORDER #32-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

The following spoke on this item:

Russ Lunt, Brigham St.

Bob Whyte, Orchard St.

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

10. ORDINANCE #2-16/17– Amending the Code of Ordinances establishing Chapter 32, “Pesticide Use Ordinance”. First reading. Passage requires majority vote.

The following spoke on this item:

David DanDrea

Donna Herzig, Portland

George Corey, Franklin Terrace

Russ Lunt, Brigham St.

Jesse O’Brien, Portland

Jim Cohen, Verrill Dana

Greg Lewis, Mussey St.

Patricia Whyte, Orchard St.

Rachel Burger, South Portland

Bob Whyte, Orchard St.

Paul Cunningham, Edward St.

Priscilla Skerry, South Portland

Tom Estabrook, Estabrook Farms

John Hanscome, Westbrook

Gail Rice, CMPC

Phil Roberts, Broadway Gardens

Roberta Zuckerman, South Portland

Kathy Lewis, Mussey St.

Kathy Chapman

Judy Kline, Breakwater Ave.

Phil Smilovich, South Portland

Terri Eddy, Scarbrough

Morgan motioned to have the Ordinance read by title only, seconded by Cohen. The motion passed 7-0.

Morgan moved for passage, seconded by Fox.

Fox motioned to make an amendment to add a medical doctor or nurse practitioner to the PMAC committee, seconded by Rose. The amendment failed 2-7 (Morgan, Smith, Cohen, Beecher).

The main motion passed 6-1 (Cohen).

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 21
AUGUST 15, 2016

11. ORDER #33-16/17 - Setting the date of the public hearing on proposed amendments to Sections 1101 and 1103 of the City Charter. Passage requires majority vote.

Cohen moved for passage, seconded by Smith. The motion passed 7-0.

12. RESOLVE #1-16/17 - Supplemental Appropriation for the Upgrade and Conversion of Police Department radio equipment to be fully compatible with City of Portland's new 800 MHz radio system. Passage requires majority vote.

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

13. ORDER #34-16/17- Accepting \$8,054 under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

Smith moved for passage, seconded by Fox. The motion passed 7-0.

14. ORDER #35-16/17 – Award of Bid #04-17 to Whalley Computer Associates Inc., of Southwick, MA, for technology upgrades for the School Department. Passage requires majority vote.

The following spoke on this item:

Russ Lunt, Brigham St.
Andy Wallace, SPSD IT Director

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

15. RESOLVE #2-16/17 – Approving an Appropriation Transfer Resolve for FY 2016. Passage requires majority vote.

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

16. RESOLVE #3-16/17 – Approving an Appropriation Transfer Resolve for FY 2016. Clear Skies Ordinance. Passage requires majority vote.

The following spoke on this item:

Russ Lunt, Brigham St.

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

I. Citizen Discussion (Second Part)

The following spoke:

Patricia Whyte, Orchard St.

J. Councilor's Round Robin

Mayor Blake recognized the City Clerk's upcoming wedding.
Councilor Morgan apologized to the City Clerk.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 22
AUGUST 15, 2016**

Councilor Cohen mentioned the upcoming festival event on 8/27.
Don Gerrish mentioned the public City Manager search meeting on 8/17 at 7pm in Council Chambers.

K. Executive Session

Fox moved to adjourn at 10:40pm, seconded by Beecher. The motion passed 7-0.

A TRUE COPY

ATTEST 

Emily F. Carrington

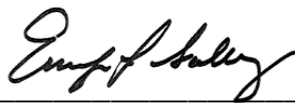
**IN COUNCIL SPECIAL MEETING VOL. 78 PAGE 23
SEPTEMBER 7, 2016**

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E) to discuss a pending litigation matter v. City of South Portland, et al., with the City's legal counsel.

Morgan motioned to go into executive session, seconded by Beecher. The motion passed 6-1 (Rose).

A TRUE COPY

ATTEST 

Emily F. Scully

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 24
SEPTEMBER 7, 2016**

Roll Call: Mayor Blake called the meeting to order at 7:00pm. All Councilors were present.

A. Acceptance of Minutes

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

B. Communications from City Manager

The interim City Manager updated citizens on the status of the EPA air monitoring grant that was submitted to Boston, MA. South Portland was not selected for funding; two projects were selected and South Portland was #3 on the list. The City may reapply for the grant in March 2017.

The City Manager has received complaints from citizens regarding traffic and parking along D Street and Ocean Street. The City is performing a traffic analysis.

The City has received complaints of idling City equipment; the City's non-idling policy has been reinforced among City staff.

C. Petitions and Communications

The City Clerk reminded citizens that absentee ballots may now be requested, and that candidates have until September 12 at 4:30pm to file their nomination papers at the City Clerk's office.

Mayor Blake reminded everyone of the ribbon cutting ceremony at the transit hub on 9/11 at 8:00am commemorating the start of Sunday bus service. Mayor Blake recently attended a meeting of the Trail Advisory Group to discuss plans of building a trail from the Greenbelt connecting to Hinckley Park. Mayor Blake attended a meeting of South Portland Unite that recently received a grant to help curb drug use in 17-19 year olds.

D. Appointment Calendar

1. ORDER #86-14/15 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 11/20/17. Postponed since 02/18/15. Passage requires majority vote.

Smith moved to postpone, seconded by Fox. The motion passed 7-0.

Councilor Morgan moved to have items #2-#10 read together and voted on as one unit, seconded by Beecher. The motion passed 7-0.

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 25
SEPTEMBER 7, 2016

Cohen moved to postpone items 2-10, seconded by Morgan. The motion passed 7-0.

2. ORDER #114-14/15 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 3/3/18. Postponed since 4/22/15. Passage requires majority vote.
3. ORDER #91-15/16 - Energy & Recycling Committee, District Two (Smith), for an unexpired term which expires on 05/05/18. Postponed since 02/01/16. Passage requires majority vote.
4. ORDER #114-15/16 - Board of Assessment Review, District Two (Smith), for an unexpired term which expires on 03/16/19. Postponed since 03/21/16. Passage requires majority vote.
5. ORDER #157-15/16 – Energy & Recycling Committee, District One (Morgan), for an unexpired term which expires on 05/05/18. Postponed since 06/06/16. Passage requires majority vote.
6. ORDER #36-16/17 – Arts & Historic Preservation Committee, At-Large (Beecher), for an unexpired term which expires on 10/20/17. Passage requires majority vote.
7. ORDER #37-16/17 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 03/03/18. Passage requires majority vote.
8. ORDER #38-16/17 – Conservation Commission, District Three (Rose), for an unexpired term which expires on 03/03/19. Passage requires majority vote.
9. ORDER #39-16/17 – Conservation Commission, At-Large (Beecher), for an unexpired term which expires 03/03/17. Passage requires majority vote.
10. ORDER #40-16/17 – Energy & Recycling Committee, District Four (Cohen), for an unexpired term which expires on 05/05/19. Passage requires majority vote.

E. Consent Calendar

F. Citizen Discussion (First Part)

The following spoke:
Russ Lunt, Brigham St.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 26
SEPTEMBER 7, 2016**

G. Public Hearings and Action

Councilor Cohen moved to take Item #15 out of order, seconded by Morgan. The motion passed 7-0.

15. ORDER #43-16/17 – Award of Bid #03-17 to O'Connor GMC, of Augusta, ME, for the purchase of two (2) passenger school busses for the School Department. Passage requires majority vote.

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

11. ORDINANCE #1-16/17 – Amending Chapter 27, “Zoning,” regarding Nonconforming Residential Lots. Passed first reading on 08/01/16. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Read by title only on a motion made by Cohen and seconded by Morgan, by vote passed 7-0.

The following spoke:

- Britney Cabana, Portland
- Andrea Wolf
- George Corey, Franklin Terrace
- Devin Deane, Thirlmere Ave
- Joe Trevino
- Will Cabana, Portland
- Carl Eppich
- Joe Fitsatchi
- Mark Loring
- Elise Baldacci

Morgan moved for passage, seconded by Cohen.

Rose moved to amend ORDINANCE #1-16/17, extending zone G to Meeting House Hill. Seconded by Fox. The motion failed 1-6 (Morgan, Beecher, Blake, Cohen, Fox, Smith).

Morgan moved to postpone ORDINANCE #1-16/17 to 10/3/16, seconded by Beecher. The motion failed 3-4 (Smith, Fox, Rose, Blake).

The main motion for passage failed by roll call vote, 3-4 (Blake, Rose, Fox, Beecher).

12. ORDINANCE #2-16/17 – Amending the Code of Ordinances establishing Chapter 32, “Pesticide Use Ordinance”. Passed first reading on 8/15/16. ROLL CALL VOTE. Passage requires majority vote.

Read by title only on a motion made by Cohen and seconded by Beecher, by vote passed 6-0 (Morgan out of the room).

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 27
SEPTEMBER 7, 2016

The following spoke:

Andy Jones, Toxic Action Center
Donna Herzig, Portland
Russ Lunt, Brigham St.
Mana Zando, Scarborough
Jesse O' Brien, Portland
Priscilla Skerry, South Portland
Jim Cohen, Verrill Dana
May Cinella
Rachel Burger
Phil Roberts, Broadway Gardens

Morgan moved for passage, seconded by Cohen. A roll call vote showed ORDINANCE #2-16/17 passed by a vote of 6-1 (Cohen).

13. ORDER #41-16/17 – Directing the City Clerk to place an amendment to Charter §1101 and 1103, “Power of initiative and Form of petitions...” on the November ballot. Passage requires majority vote.

The following spoke on this item:

Natalie West, South Portland
Barbara Psichos, South Portland

Cohen moved for passage, seconded by Beecher. The motion failed 1-6 (Blake, Beecher, Fox, Rose, Morgan, Smith).

H. Action on Old and New Business

14. ORDER #42-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

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

16. ORDER #44-16/17 – Accepting \$70,896 from the Maine Municipal Association. Passage requires majority vote. Passage requires majority vote.

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

17. ORDER #45-16/17 – Acceptance of the Greater Portland Public Development Commission Grant. Passage requires majority vote.

Councilor Morgan notified the Council of his service on the Greater Portland Public Development Commission.

Cohen moved to allow Councilor Morgan to vote, seconded by Beecher. The motion passed 7-0.

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

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 28
SEPTEMBER 7, 2016

18. ORDER #46-16/17 - Authorizing the method of sale of tax-acquired property located at 757 Main Street, Unit 29 (Map 63, Lot 29A-113) 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.

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

19. ORDER #47-16/17 - Authorizing the City Manager to negotiate a Power Purchase Agreement including license and easement agreements with ReVision Energy, LLC. to install a solar PV array at the landfill property. Passage requires majority vote.

The following spoke:

Russ Lunt, Brigham St.
Steve Hinchman, ReVision Energy

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

I. Citizen Discussion (Second Part)

There was no citizen discussion.

J. Councilor's Round Robin

Councilor Morgan thanked the constituent who brought forward the complaint of idling City vehicles.

K. Executive Session

Smith motioned to adjourn at 10:20pm, seconded by Fox. The motion passed 7-0.

A TRUE COPY

ATTEST



Emily F. Scully

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 29
SEPTEMBER 19, 2016**

Roll Call: Mayor Blake called the meeting to order at 7:00pm. All Councilors were present.

A. Acceptance of Minutes

Smith moved for passage, seconded by Beecher. Rose asked for a correction to Carl Eppich's name. The motion passed 7-0.

B. Communications from City Manager

The City Council will review resumes received for the City Manager position next week, date to be determined – 9/28 or 9/26.

C. Petitions and Communications

The City Clerk mentioned that a vacancy has been made by Tappan Fitzgerald's resignation on the Board of Education – District 5. This position will be filled by Council appointment until the next regular November election.

Councilor Cohen shared comments about Yellow Light Green workforce development program at the MMA retreat.

Mayor Blake attended the Sable Lodge ground breaking ceremony, ribbon cutting of the Sunday Bus Service on 9/11 and recently attended a meeting of the Middle School Consolidation Committee.

Beecher attended SPHS band competition and praised the band for their achievements. Beecher also attended the ecomaine Food Waste Recovery program launch.

D. Appointment Calendar

1. ORDER #86-14/15 – Conservation Commission, District Two(Smith), for an unexpired term which expires on 11/20/17. Postponed since 02/18/15. Passage requires majority vote.

Smith moved for postponement, seconded by Fox. The motion passed 7-0.

2. ORDER #114-14/15 – Conservation Commission, District One(Morgan), for an unexpired term which expires on 3/3/18. Postponed since 4/22/15. Passage requires majority vote.

Morgan moved for postponement, seconded by Cohen. The motion passed 7-0.

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 30
SEPTEMBER 19, 2016

3.ORDER #91-15/16 - Energy & Recycling Committee, DistrictTwo (Smith), for an unexpired term which expires on 05/05/18. Postponed since 02/01/16. Passage requires majority vote.

Smith moved for postponement, seconded by Beecher. The motion passed 7-0.

4.ORDER #114-15/16 - Board of Assessment Review, DistrictTwo (Smith), for an unexpired term which expires on 03/16/19. Postponed since 03/21/16. Passage requires majority vote.

Smith moved for postponement, seconded by Fox. The motion passed 7-0.

5.ORDER #157-15/16 – Energy & Recycling Committee, DistrictOne (Morgan), for an unexpired term which expires on 05/05/18. Postponed since 06/06/16. Passage requires majority vote.

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

6.ORDER #36-16/17 – Arts & Historic Preservation Committee, At-Large (Beecher), for an unexpired term which expires on 10/20/17. Postponed since 09/07/16. Passage requires majority vote.

Beecher moved for postponement, seconded by Fox. The motion passed 7-0.

7.ORDER #37-16/17 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 03/03/18. Postponed since 09/07/16. Passage requires majority vote.

Smith moved for postponement, seconded by Rose. The motion passed 7-0.

8.ORDER #38-16/17 – Conservation Commission, District Three (Rose), for an unexpired term which expires on 03/03/19. Postponed since 09/07/16. Passage requires majority vote.

Rose moved for postponement, seconded by Cohen. The motion passed 7-0.

9.ORDER #39-16/17 – Conservation Commission, At-Large (Beecher), for an unexpired term which expires 03/03/17. Postponed since 09/07/16. Passage requires majority vote.

Beecher moved for postponement, seconded by Fox. The motion passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 31
SEPTEMBER 19, 2016**

10.ORDER #40-16/17 – Energy & Recycling Committee, District Four (Cohen), appointing **Carolyn Arcand** for an unexpired term which expires on 05/05/19. Passage requires majority vote.

There was no public comment.

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

11.ORDER #48-16/17 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 11/20/17. Passage requires majority vote.

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

12.ORDER #49-16/17 – Voter Registration Appeals Board, Democratic Appointment, to fill a term which expires 09/29/19. Passage requires majority vote.

There was no public comment.

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

13.ORDER #50-16/17 – Voter Registration Appeals Board, Republican Appointment, to fill a term which expires on 09/29/19. Passage requires majority vote.

There was no public comment.

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

14.ORDER #51-16/17 – Economic Development Committee, District Two (Smith), for an unexpired term which expires 03/23/18. Passage requires majority vote.

Smith moved to postpone, seconded by Fox. The motion passed 7-0.

E.Consent Calendar

F.Citizen Discussion (First Part)

The following spoke:

Mike Mitton, Henry St.

Russ Lunt, Brigham St.

G.Public Hearings and Action

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 32
SEPTEMBER 19, 2016**

H.Action on Old and New Business

15.ORDER #52-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

The following commented on this item:
Russ Lunt, Brigham St.

Smith moved for passage, seconded by Fox. The motion passed 7-0.

16.ORDER #53-16/17 – Setting the time for opening the polls for the November 8, 2016 State of Maine General and Referendum Election and the City of South Portland Municipal Election. Passage requires majority vote.

There was no public comment.

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

17.ORDER #54-16/17 - Adopting the MMA Model Ordinance GA Appendices A - H for the period of October 1, 2016– September 30, 2017. Passage requires majority vote.

There was no public comment.

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

18.ORDER #55-16/17 – Authorizing the law firm of Perkins Thompson, of Portland, ME to provide legal services to the City. Passage requires majority vote.

There was no public comment.

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

I.Citizen Discussion (Second Part)

The following spoke:
Bob Foster, Front St.

J.Councilor's Round Robin

Fox spoke on the West End Neighborhood Association Events - clean up, movie night and scholarship fund being organized.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 33
SEPTEMBER 19, 2016**

Councilor Beecher reminded citizens that absentee ballots are now available to be requested.

Mayor Blake shared facts on the City's investment on the West End of the City.

Morgan remembered the Clark Pond Clean Up on the West End.


Rose discussed the difference between infrastructure investments and people-centered investments.

Cohen recognized and thanked Josh Reny and Don Gerrish and staff for the quick response to questions and complaints received from residents.

K.Executive Session

Fox motioned to adjourn at 8:00pm, seconded by Beecher. The motion passed 7-0.

A TRUE COPY

ATTEST 

Emily F. Scully

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 34
OCTOBER 3, 2016

Roll Call: Mayor Blake called the meeting to order at 7:00pm. All Councilors were present.

A. Acceptance of Minutes

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

B. Communications from City Manager

The City Manager welcomed new businesses to the City.

C. Petitions and Communications

The City Clerk announced the date of the candidate forums.

D. Appointment Calendar

Morgan made a motion to have items 1-8, 10 & 11 read and voted on as one item. Seconded by Rose. The motion passed 5-2 (Cohen, Beecher).

Morgan moved to postpone items 1-8, 10 & 11, seconded by Rose. The motion passed 7-0.

1. ORDER #86-14/15 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 11/20/17. Postponed since 02/18/15. Passage requires majority vote.

2. ORDER #114-14/15 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 3/3/18. Postponed since 4/22/15. Passage requires majority vote.

3. ORDER #91-15/16 - Energy & Recycling Committee, District Two (Smith), for an unexpired term which expires on 05/05/18. Postponed since 02/01/16. Passage requires majority vote.

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

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 35
OCTOBER 3, 2016

5. ORDER #157-15/16 – Energy & Recycling Committee, District One (Morgan), for an unexpired term which expires on 05/05/18. Postponed since 06/06/16. Passage requires majority vote.
6. ORDER #36-16/17 – Arts & Historic Preservation Committee, At-Large (Beecher), for an unexpired term which expires on 10/20/17. Postponed since 09/07/16. Passage requires majority vote.
7. ORDER #37-16/17 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 03/03/18. Postponed since 09/07/16. Passage requires majority vote.
8. ORDER #38-16/17 – Conservation Commission, District Three (Rose), for an unexpired term which expires on 03/03/19. Postponed since 09/07/16. Passage requires majority vote.
9. ORDER #39-16/17 – Conservation Commission, At-Large (Beecher), appointing **Rick Foss-Lacey**, for an unexpired term which expires 03/03/17. Postponed since 09/07/16. Passage requires majority vote.

There was no public comment.

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

10. ORDER #48-16/17 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 11/20/17. Postponed since 09/19/16. Passage requires majority vote.
11. ORDER #51-16/17 – Economic Development Committee, District Two (Smith), for an unexpired term which expires 03/23/18. Postponed since 09/19/16. Passage requires majority vote.

E. Consent Calendar

F. Citizen Discussion (First Part)

The following spoke:

Russ Lunt, Brigham St.
Rosemarie DeAngelis, Pleasantdale
Caroline Hendry, B St.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 36
OCTOBER 3, 2016**

G. Public Hearings and Action

H. Action on Old and New Business

12. ORDER #56-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public comment.

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

3. ORDER #57-16/17 – Award of Bid #13-17 to Westmatic, of Buffalo, NY for the purchase of an automated vehicle wash system for the South Portland Municipal Facility. Passage requires majority vote.

The following spoke:

Russ Lunt, Brigham St.
Doug Howard, Director of Public Works

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

14. ORDER #58-16/17 – Award of Bid #14-17 to Skid Steer Services, LLC, of Naples, ME, for the repair of the retaining wall at 30 Anthoine Street. Passage requires majority vote.

The following spoke:

Greg L'Hereux, Finance Director

Morgan moved for passage, seconded by Smith. The motion passed 6-1 (Smith).

15. ORDINANCE #3-16/17 – Amending Chapter 16, “Nuisances Generally”, regarding the process for filing a Nuisance Complaint. First reading. Passage requires majority vote.

There was no public comment.

Cohen moved for passage, seconded by Morgan.

Rose moved to amend ORDINANCE #3-16/17 to clarify sentence in subsection (d) on page 2. Seconded by Cohen. The motion passed 6-1 (Morgan).

The main motion passed 7-0.

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 37
OCTOBER 3, 2016

16. ORDINANCE #4-16/17 – Amending Article VIII of Chapter 18, “Parks and Recreation,” and Article I of Chapter 23, “Streets and Sidewalks,” of the Code of Ordinances regarding smoking/tobacco use in parks and recreation facilities and at school bus stops. First reading. Passage requires majority vote.

The following spoke:

Russ Lunt, Brigham St.
Patricia Whyte, Orchard St.

Morgan motioned to have item read by title only; seconded by Beecher. The motion passed 7-0.

Cohen moved for passage, seconded by Fox.

Cohen moved to accept the revised amended version (correcting grammatical errors), seconded by Beecher. The motion passed 7-0.

The main motion passed 7-0.

I. Citizen Discussion (Second Part)

The following spoke:

Adrian Dowling, Brickhill Ave.

J. Councilor’s Round Robin

Councilor Fox thanked Adrian Dowling and recommended him for reappointment to the Arts & Historic Preservation Committee.

Beecher commended staff on the new updates from each department. Beecher also commended Amanda Larson on her service to the Arts & Historic Preservation Committee.

Blake updated the public on the status of the City Manager search.

Morgan thanked Jesssica Skwire Routhier for her service on the Arts & Historic Preservation Committee.

Rose commented on the campaign signs and the fact there has been no complaints made to the City Clerk so far.

Cohen wished a happy new year to Muslim and Jewish friends. Commented on a

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 38
OCTOBER 3, 2016

recent news article on elections.

K. Executive Session

Executive Session: A motion may be made to go into executive session pursuant to 1 M.R.S.A. § 405(6)(E) to discuss the pending litigation matters of *Devin Deane v. City of South Portland* with the City's legal counsel.

Morgan motioned to go into executive session at 8:20pm, seconded by Fox. The motion passed 7-0.

Morgan motioned to come out of executive session at 8:52pm, seconded by Beecher. The motion passed 7-0.

Morgan motioned to adjourn at 8:53pm, seconded by Cohen. The motion passed 7-0.

A TRUE COPY


ATTEST _____
Emily F. Scully

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 39
OCTOBER 17, 2016

Roll Call: Mayor Blake called the meeting to order at 7:00pm. All Councilors were present.

A. Acceptance of Minutes

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

B. Communications from City Manager

Joshua Reny, Assistant City Manager, filled in for Don Gerrish who went home ill. Mr. Reny let the Council know that a meet and greet for the finalist candidates for City Manger will be organized 11/3.

C. Petitions and Communications

The City Clerk reminded residents of absentee voting until 11/3.

E. Appointment Calendar

1. ORDER #62-16/17 – Appointment to the Board of Education, District Five, to fill a vacancy until Inauguration Day, December 4, 2017. Passage requires majority vote.

Cohen moved for passage, seconded by Morgan.

Rose motioned to have votes taken by secret ballot. The motion did not receive a second and failed.

Cohen motioned to amend the order to nominate Ryan Edwards as the appointee. The motion did not receive a second and failed.

Morgan motioned to amend the order to nominate Elyse Tipton as the appointee. Beecher seconded. The motion passed 5-2 (Cohen, Fox).

The main motion passed 7-0.

Morgan moved to have items 2-11 and 14 read and voted on as an aggregate, seconded by Beecher. The motion passed 7-0.

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 40
OCTOBER 17, 2016

2. ORDER #86-14/15 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 11/20/17. Postponed since 02/18/15. Passage requires majority vote.
3. ORDER #114-14/15 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 3/3/18. Postponed since 4/22/15. Passage requires majority vote.
4. ORDER #91-15/16 - Energy & Recycling Committee, District Two (Smith), for an unexpired term which expires on 05/05/18. Postponed since 02/01/16. Passage requires majority vote.
5. ORDER #114-15/16 - Board of Assessment Review, District Two (Smith), for an unexpired term which expires on 03/16/19. Postponed since 03/21/16. Passage requires majority vote.
6. ORDER #157-15/16 – Energy & Recycling Committee, District One (Morgan), for an unexpired term which expires on 05/05/18. Postponed since 06/06/16. Passage requires majority vote.
7. ORDER #36-16/17 – Arts & Historic Preservation Committee, At-Large (Beecher), for an unexpired term which expires on 10/20/17. Postponed since 09/07/16. Passage requires majority vote.
8. ORDER #37-16/17 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 03/03/18. Postponed since 09/07/16. Passage requires majority vote.
9. ORDER #38-16/17 – Conservation Commission, District Three (Rose), for an unexpired term which expires on 03/03/19. Postponed since 09/07/16. Passage requires majority vote.
10. ORDER #48-16/17 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 11/20/17. Postponed since 09/19/16. Passage requires majority vote.
11. ORDER #51-16/17 – Economic Development Committee, District Two (Smith), for an unexpired term which expires 03/23/18. Postponed since 09/19/16. Passage requires majority vote.
14. ORDER #61-16/17 – Arts & Historic Preservation Committee, District One (Morgan), for a term which expires 10/20/19. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 41
OCTOBER 17, 2016**

Morgan moved to postpone items 2-11 and 14, seconded by Rose. The motion passed 6-0 (Fox out of the room).

12. ORDER #59-16/17 – Arts & Historic Preservation Committee, District Five (Fox), appointing **Adrian Dowling** for a new term which expires 10/20/19. Passage requires majority vote.

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

13. ORDER #60-16/17 – Arts & Historic Preservation Committee, Greater Portland Landmarks representative, appointing **Alessa Wylie** for a new term which expires 10/20/19. Passage requires majority vote.

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

E. Consent Calendar

15. ORDER #63-16/17 – Street closure request for Veterans Day Parade on 11/11/16.

16. ORDER #64-16/17 – Street closure request for Mill Creek Park Tree Lightening 12/2/16.

Rose moved for passage of the Consent Calendar, seconded by Cohen. The motion passed 7-0.

F. Citizen Discussion (First Part)

The following spoke:

Frederick Lancaster, Hillside Ave.
Russ Lunt, Brigham St.
Charles McNutt, Dunphy Drive
Rosemarie DeAngelis
George Corey, Franklin Terrace

G. Public Hearings and Action

17. ORDER #65-16/17 – Public hearing and action on a public nuisance complaint regarding 611 Main Street. Passage requires majority vote.

Cohen moved to postpone to December 19, 2016, seconded by Beecher. The motion passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 42
OCTOBER 17, 2016**

18.ORDINANCE #3-16/17 – Amending Chapter 16, “Nuisances Generally”, regarding the process for filing a Nuisance Complaint. Amended and passed first reading 10/3/16. ROLL CALL VOTE. Passage requires majority vote.

Morgan moved for passage, seconded by Fox. The motion passed 7-0 on a roll call vote.

19.ORDINANCE #4-16/17– Amending Article VIII of Chapter 18, “Parks and Recreation,” and Article I of Chapter 23, “Streets and Sidewalks,” of the Code of Ordinances regarding smoking/tobacco use in parks and recreation facilities and at school bus stops. Passed first reading 10/3/16. ROLL CALL VOTE. Passage requires majority vote.

Cohen moved for passage, seconded by Beecher.

Smith moved to amend to change any mention of “25 feet” to “20 feet”, seconded by Blake. The motion passed 6-1 (Morgan).

The main motion passed 7-0 on a roll call vote.

H.Action on Old and New Business

20.ORDER #66-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

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

21.RESOLVE #4-16/17 – Asking that bells be rung at 11:00 a.m. on Veterans Day. Passage requires majority vote.

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

22.PROCLAMATION #1-16/17 – Free Speech Week. Passage requires majority vote.

Beecher moved for passage, seconded by Cohen. The motion passed 6-0 (Morgan out of the room).

23.ORDINANCE #5-16/17 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally” and Chapter 15, “Motor Vehicles and Traffic,” regarding wreckers and vehicle towing. First reading. Passage requires majority vote.

Cohen motioned to have item 23 read by title only, seconded by Beecher. The motion passed 7-0. Morgan motioned for passage, seconded by Cohen. The motion passed 7-0.

24.ORDER #67-16/17- Accepting \$660.00 under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 43
OCTOBER 17, 2016**

Beecher moved for passage, seconded by Smith. The motion passed 6-0 (Cohen out of the room).

25.ORDER #68-16/17 – Amending the Transit Exclusion Policy on transit buses regarding prohibiting smoking at bus stops. Passage requires majority vote.

Smith moved for passage, seconded by Fox. The motion passed 7-0.

26.ORDER #69-16/17 – Authorizing the Interim City Manager to sign an LED StreetLight Use Agreement between the City of South Portland and RealTerm Energy US,L.P., of Annapolis, MD. Passage requires majority vote.

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

I.Citizen Discussion (Second Part)

There was no public comment.

J.Councilor's Round Robin

Beecher reminded the public of the Police Department's drug drop off on Saturday, 10/12.

Morgan thanked Maxine for bringing that medicine drop off into existence.

Smith mentioned the free clinic on how to build organic healthy soil on Sat, 10/29 at the Hamlin School gardens.

Cohen expressed deep condolences to the family of Santo DiPietro.

Fox mentioned the community dinner at Redbank on Weds at 6pm, open to the public.

K.Executive Session

Cohen moved to adjourn at 9:30pm, seconded by Morgan. The motion passed 7-0.

A TRUE COPY ATTEST



Emily F. Scully

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 44
NOVEMBER 7, 2016**

Roll Call: Mayor Blake called the meeting to order at 7:00pm. All Councilors were present.

A. Acceptance of Minutes

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

B. Communications from City Manager

The City Manager announced a parking ticket amnesty program.

Mayor Blake gave an update on the Clear Skies Ordinance legal case. The City Manager announced Ed Collins as the next City Manager.

C. Petitions and Communications

City Clerk reminded public that all polling locations open at 7:00am.

D. Appointment Calendar

Rose moved to condense items 1, 4, 5, 7-11, seconded by Morgan. The motion passed 7-0.

Morgan moved to postpone items 1, 4, 5, 7-11, seconded by Cohen. The motion passed 7-0.

1. ORDER #86-14/15 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 11/20/17. Postponed since 02/18/15. Passage requires majority vote.

2. ORDER #114-14/15 – Conservation Commission, District One (Morgan), appointing **Greg Williams**, for an unexpired term which expires on 3/3/18. Postponed since 4/22/15. Passage requires majority vote.

Morgan moved for passage, seconded by Cohen. Cohen moved to amend the order, Fox seconded. The amendment passed 7-0. The main motion passed 7-0.

3. ORDER #91-15/16 - Energy & Recycling Committee, District Two (Smith), appointing **Bruce Bennett**, for an unexpired term which expires on 05/05/18. Postponed since 02/01/16. Passage requires majority vote.

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

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

5. ORDER #157-15/16 – Energy & Recycling Committee, District One (Morgan), for an unexpired term which expires on 05/05/18. Postponed since 06/06/16. Passage requires majority vote.

6. ORDER #36-16/17 – Arts & Historic Preservation Committee, At-Large (Beecher), appointing **Doreen Gay**, for an unexpired term which expires on 10/20/17. Postponed since 09/07/16. Passage requires majority vote.

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

7. ORDER #37-16/17 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 03/03/18. Postponed since 09/07/16. Passage requires majority vote.

8. ORDER #38-16/17 – Conservation Commission, District Three (Rose), for an unexpired term which expires on 03/03/19. Postponed since 09/07/16. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 45
NOVEMBER 7, 2016**

9. ORDER #48-16/17 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 11/20/17. Postponed since 09/19/16. Passage requires majority vote.
10. ORDER #51-16/17 – Economic Development Committee, District Two (Smith), for an unexpired term which expires 03/23/18. Postponed since 09/19/16. Passage requires majority vote.
11. ORDER #61-16/17 – Arts & Historic Preservation Committee, District One (Morgan), for a term which expires 10/20/19. Passage requires majority vote.
12. ORDER #70-16-17 – Economic Development Committee, District Five (Fox), appointing **Bruce Bennett**, for a term which expires 03/23/18. Passage requires majority vote.

Fox moved for passage, seconded by Smith. The motion passed 7-0.

E. Consent Calendar

13. ORDER #71-16/17 – Granting Willow's Pizza and Restaurant a Food Establishment with Liquor License. Passage requires majority vote.

The following spoke on this item:

Russ Lunt, Brigham St.

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

F. Citizen Discussion (First Part)

Russ Lunt, Brigham St.

G. Public Hearings and Action

14. ORDINANCE #5-16/17 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally” and Chapter 15, “Motor Vehicles and Traffic,” regarding wreckers and vehicle towing. Passed first reading 10/17/16. ROLL CALL VOTE. Passage requires majority vote. Morgan moved to have the item read by title only, seconded by Beecher. The motion passed 7-0.

Morgan moved for passage, seconded by Beecher. The motion passed 7-0 on a roll call vote.

H. Action on Old and New Business

15. ORDER #72-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

The following spoke:

Russ Lunt, Brigham St.
April Cohen, Highland
Ave.

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

16. ORDER #73-16/17 – Authorizing the exchange of deeds between the City and L&H Associates, LLC for parcels of land approx. 6,581 s.f. in size and located along the Greenbelt Walkway (portion of Map 34, Lots 45 and 45D). Passage requires majority vote.

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

17. ORDER #74-16/17 – Authorizing the City's participation in submitting an application for and accepting a 2017 Evidenced Based Impaired Driving Grant in the amount of \$10,000 from the Maine Bureau of Highway Safety to be used by the Police Department. Passage requires majority vote.

Cohen moved for passage, seconded by Smith. The motion passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 46
NOVEMBER 7, 2016**

18. ORDER #75-16/17 – Award of Bid #15-17 to Pierce Manufacturing, Inc., of Appleton, WI, for the purchase of a fire truck for the South Portland Fire Department. Passage requires majority vote.

The following commented:

Russ Lunt, Brigham St.
Brian Smart, Fire Dept.

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

19. ORDER #76-16/17 – Accepting a 2016 Homeland Security Grant of \$179,107.16 from the Maine Emergency Management Agency. Passage requires majority vote.

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

20. ORDER #77-16/17 – Accepting an E-waste Collection Grant for \$1,000 from the New England Grassroots Environment Fund. Passage requires majority vote.

Smith moved for passage, seconded by Fox. The motion passed 7-0.

21. ORDER #78-16/17 – Award of bid #16-17 to Greater Portland Council of Governments of Portland, ME, for West End Master Plan consulting services. Passage requires majority vote.

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

22. ORDER #79-16/17 – Accepting a grant of \$10,000 from the Maine Department of Environmental Protection for the Trout Brook Restoration Project, Phase II. Passage requires majority vote.

Smith moved for passage, seconded by Blake. The motion passed 7-0.

23. ORDINANCE #6-16/17. Amending Chapter 27, “Zoning,” regarding Mill Creek zoning amendments. First reading. Passage requires majority vote.

Morgan moved to have the item read by title only, seconded by Cohen. The motion passed 7-0.

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

I. Citizen Discussion (Second Part)

J. Councilor’s Round Robin

Morgan wished all candidates good luck in the election.

Smith urged all citizens to get out and vote

Rose thanked Council on City Manager search process.

Cohen thanked Police Department and Fire Department for recent open houses; wished Clerk best of luck for the election.

Fox thanked Kevin Battle for running a positive campaign.

Blake wished all candidates good luck in the election and thanked Sue Mooney for her assistance in the Clerk’s office over the past month, and urged candidates to quickly collect all campaign signs by 11/15.

On 11/15 at 6pm at Fore River Brewing, there will be a slideshow featuring Hidden Gems in South Portland, all are welcome.

Beecher congratulated Council on finding a new City Manager; thanked the Clerk’s office for work on the election; is looking forward to seeing everyone vote.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 47
NOVEMBER 7, 2016**

K. Executive Session

Morgan moved to adjourn at 9:00pm, seconded by Cohen. The motion passed 7-0.

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Emily F. Scully

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 48
NOVEMBER 21, 2016

Roll Call: Mayor Blake called the meeting to order at 7:00pm. Councilor Morgan was absent.

Item #18 was taken out of order.

18. ORDER #88-16/17 – Authorizing the Interim City Manager to sign an agreement with Wei Zhang and Lesley C Mo, WG Enterprises, LLC, Dye Custom Builders and, Devin Deane regarding a land use violation at 79 Thirlmere Avenue (Map 79, Lot 288B). Passage requires majority vote.

Cohen moved to postpone Item #18. Seconded by Beecher. The motion passed 6-0.

A. Acceptance of Minutes

Beecher moved for acceptance of the minutes, seconded by Smith. The motion passed 6-0.

B. Communications from City Manager

Don Gerrish listed off new businesses in the City and updated the Council with the current revised City Manager search timeline, and reminded the public of the 2016 Holiday Fest and Tree Lighting on 12/2 at 4:30pm in Mill Creek Park.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #86-14/15 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 11/20/17. Postponed since 02/18/15. Passage requires majority vote.

Smith moved to postpone, seconded by Fox. The motion passed 6-0.

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

Smith moved to postpone, seconded by Fox. The motion passed 6-0.

3. ORDER #157-15/16 – Energy & Recycling Committee, District One (Morgan), appointing **Jeremiah Carey**, for an unexpired term which expires on 05/05/18. Postponed since 06/06/16. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 49
NOVEMBER 21, 2016**

Blake moved for passage, seconded by Beecher. The motion passed 6-0.

4. ORDER #37-16/17 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 03/03/18. Postponed since 09/07/16. Passage requires majority vote.

Smith moved to postpone, seconded by Fox. The motion passed 6-0.

5. ORDER #38-16/17 – Conservation Commission, District Three (Rose), for an unexpired term which expires on 03/03/19. Postponed since 09/07/16. Passage requires majority vote.

Rose moved to postpone, seconded by Cohen. The motion passed 6-0.

6. ORDER #48-16/17 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 11/20/17. Postponed since 09/19/16. Passage requires majority vote.

Cohen moved to postpone, seconded by Rose. The motion passed 6-0.

7. ORDER #51-16/17 – Economic Development Committee, District Two (Smith), for an unexpired term which expires 03/23/18. Postponed since 09/19/16. Passage requires majority vote.

Smith moved to postpone, seconded by Fox. The motion passed 6-0.

8. ORDER #61-16/17 – Arts & Historic Preservation Committee, District One (Morgan), for a term which expires 10/20/19. Postponed since 10/17/16. Passage requires majority vote.

Cohen moved to postpone, seconded by Beecher. The motion passed 6-0.

9. ORDER #80-16/17 – Conservation Commission, At-Large (Beecher), appointing **Bret Bergst** for a term which expires 11/20/19. Passage requires majority vote.

Beecher moved for passage, seconded by Fox. The motion passed 6-0.

10. ORDER #81-16/17 – Conservation Commission, District Five (Fox), appointing **Meg Braley**, for a term which expires 11/20/19. Passage requires majority vote.

Fox moved for passage, seconded by Beecher. The motion passed 6-0.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 50
NOVEMBER 21, 2016**

11. ORDER #82-16/17 – Conservation Commission, At-Large (Blake), appointing **Robert Klotz**, for a term which expires 11/20/19. Passage requires majority vote.

Blake moved for passage, seconded by Smith. The motion passed 6-0.

12. ORDER #83-16/17 – Energy & Recycling Committee, District Four (Cohen), for a term which expires 05/05/19. Passage requires majority vote.

Cohen moved to postpone, seconded by Beecher. The motion passed 6-0.

13. ORDER #84-16/17 – Appointing members to the **Pest Management Advisory Committee**. Passage requires majority vote.

Cohen moved for passage, seconded by Beecher.

Cohen moved to amend ORDER #84-16/17 to add Cathy Chapman as a resident member. Seconded by Smith. The motion passed 6-0.

Rose moved to appoint Mike Hughes, seconded by Blake. The motion passed 6-0.

Blake moved to appoint Ian Johnson, seconded by Beecher. The motion passed 6-0.

Beecher moved to appoint Bret LeBlue, seconded by Smith. The motion passed 6-0.

The main motion passed 6-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

The following spoke:

Karen Callaghan

Katherine Lewis

Patricia Whyte

Russ Lunt

Adrian Dowling

G. Public Hearings and Action

14. ORDINANCE #6-16/17 - Amending Chapter 27, "Zoning," regarding Mill Creek zoning amendments. Passed first reading 11/7/16. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 51
NOVEMBER 21, 2016**

Rose moved to have item #14 read by title only, seconded by Cohen. The motion passed 6-0.

Cohen moved for passage, seconded by Beecher. The motion passed 6-0 on a ROLL CALL vote.

H. Action on Old and New Business

Item #16 was taken out of order.

16. ORDER #86-16/17 – Naming the former Willard School Park the Santo “Sam” DiPietro Memorial Park. Passage requires majority vote.

The following spoke on this item:

Patricia Whyte
Russ Lunt

Cohen moved for passage, seconded by Blake. The motion passed 6-0.

15. ORDER #85-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

Beecher moved for passage, seconded by Smith. The motion passed 6-0.

17. ORDER #87-16/17 – Accepting a Substance Abuse Assistance Project Grant from the State of Maine to appoint a Substance Use Disorder Assistance Liaison to assist with those individuals with substance abuse. Passage requires majority vote.

The following spoke:

Russ Lunt
Susan Henderson
Chief Googins

Fox moved for passage, seconded by Beecher. The motion passed 6-0.

19. ORDER #89-16/17 – Authorizing the Interim City Manager to accept delivery of an access/turnaround easement and a pedestrian easement from STJ, Inc. for property at 131 Sunset Avenue (a portion of Assessor’s Map 62, Lot 9). Passage requires majority vote. |

Beecher moved for passage, seconded by Fox. The motion passed 6-0.

20. ORDER #90-16/17 - Authorizing the Interim City Manager to execute and deliver to Central Maine Power Company (CMP) an easement deed for underground utilities at 1 Spring Point Drive. Passage requires majority vote.

Beecher moved for passage, seconded by Smith. The motion passed 6-0.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 52
NOVEMBER 21, 2016**

21. ORDINANCE #7-16/17 - Amending Chapter 14, "Licenses, Permits and Business Regulations Generally", regarding moratorium on the local licensing of retail marijuana establishments and retail marijuana social clubs. First reading. Passage requires majority vote.

Cohen motioned to have item #21 read by title only, seconded by Fox. The motion passed 6-0.

The following spoke on this item:

Russ Lunt
Patricia Whyte

Cohen moved for passage, seconded by Beecher. The motion passed 6-0.

22. ORDINANCE #8-16/17 - Amending Chapter 27, "Zoning Ordinance", regarding moratorium on the land use permitting and development of retail marijuana establishments and marijuana social clubs. First reading. Passage requires majority vote.

Cohen motioned to have item #22 read by title only, seconded by Beecher. The motion passed 6-0.

Cohen moved for passage, seconded by Beecher. The motion passed 6-0.

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilors Smith and Fox wished everyone a Happy Thanksgiving.

Councilor Rose encouraged a public process regarding the Clear Skies Ordinance litigation matters.

Cohen wished everyone a Happy Thanksgiving and sent condolences to the family of Betsy Ross for the loss of Wayne Ross.

Beecher sent condolences regarding the loss of Wayne Ross, congratulated the Clerk's office on the election process, and wished everyone a Happy Thanksgiving.

Mayor Blake closed his final meeting with a few items of interest and concern.

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(a), evaluation of City Clerk.

Cohen moved to go into Executive Session at 10:00pm, seconded by Beecher. The motion passed 6-0.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 53
NOVEMBER 21, 2016**

Cohen moved to come out of Executive Session at 10:42pm, seconded by Fox. The motion passed 6-0.

Cohen moved to adjourn at 10:43pm, seconded by Beecher. The motion passed 6-0.

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Emily F. Scully

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 54
DECEMBER 5, 2016**

Roll Call: Mayor Blake called the meeting to order at 4:00pm. Councilor Rose was absent.

Mayor Blake invited Laura Moorehead for the Invocation and then led the Pledge of Allegiance.

Mayor Blake made a few parting remarks.

City Clerk Emily Scully administered the Oath of Office to Councilor Susan Henderson and Councilor Maxine Beecher.

Councilor Cohen nominated Patti Smith for Mayor for year 2016/2017, seconded by Councilor Morgan.

Councilor Fox moved that nominations cease, seconded by Councilor Beecher.

By a vote of 6-0 (Rose absent), Patti Smith was declared Mayor for year 2016/2017.

Mayor Smith presented the Inaugural Address.

Councilor Morgan moved that the Inaugural Address be spread on the records, seconded by Councilor Beecher. The motion passed 6-0 (Rose absent).

City Clerk Scully read Resolve #5-16/17.

Councilor Henderson moved to accept Resolution #5-16/17, seconded by Councilor Fox. The motion passed 6-0 (Rose absent).

Councilor Fox moved to adjourn at 4:20pm, seconded by Councilor Henderson. The motion passed 6-0.

A TRUE COPY ATTEST



Emily F. Scully

**IN COUNCIL SPECIAL MEETING VOL. 78 PAGE 55
DECEMBER 7, 2016**

Roll Call: Mayor Smith called the meeting to order at 7:00pm. Councilor Fox was absent. At the start of the meeting, Item #12 was taken out of order and postponed to January 4, 2017.

A. Acceptance of Minutes

Beecher motioned for passage, seconded by Morgan. The motion carried 6-0.

B. Communications from City Manager

City Manager Don Gerrish announced and welcomed new businesses for November. Reminded Council of the workshop starting next week at 6pm for Executive Session and 7pm for Workshop.

C. Petitions and Communications

A brief presentation was made from Kathy DiPhillippo – South Portland Historical Society on the Historical Society's new online museum.

D. Appointment Calendar

Councilor Rose motioned to have items 1-5, 7 & 9 considered as a whole, seconded by Morgan. The motion passed 6-0.

1. ORDER #86-14/15 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 11/20/17. Postponed since 02/18/15. Passage requires majority vote.
2. ORDER #114-15/16 - Board of Assessment Review, District Two (Smith), for an unexpired term which expires on 03/16/19. Postponed since 03/21/16. Passage requires majority vote.
3. ORDER #37-16/17 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 03/03/18. Postponed since 09/07/16. Passage requires majority vote.
4. ORDER #38-16/17 – Conservation Commission, District Three (Rose), for an unexpired term which expires on 03/03/19. Postponed since 09/07/16. Passage requires majority vote.

**IN COUNCIL SPECIAL MEETING VOL. 78 PAGE 56
DECEMBER 7, 2016**

5. ORDER #48-16/17 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 11/20/17. Postponed since 09/19/16. Passage requires majority vote.

7. ORDER #61-16/17 – Arts & Historic Preservation Committee, District One (Morgan), for a term which expires 10/20/19. Postponed since 10/17/16. Passage requires majority vote.

9. ORDER #91-16/17 – South Portland Housing Authority, District Two (Smith), for an unexpired term which expires 03/25/17. Passage requires majority vote.

Councilor Rose motioned to postpone items 1-5, 7 & 9, seconded by Morgan. The motion passed 6-0.

6. ORDER #51-16/17 – Economic Development Committee, District Two (Smith), appointing **Joel Ouellette**, for an unexpired term which expires 03/23/18. Postponed since 09/19/16. Passage requires majority vote.

Morgan moved for passage, seconded by Cohen. The motion passed 6-0.

8. ORDER #83-16/17 – Energy & Recycling Committee, District Four (Cohen), appointing **Joseph Fournier** for a term which expires 05/05/19. Postponed since 11/21/16. Passage requires majority vote.

Cohen moved for passage, seconded by Rose. The motion passed 6-0.

10. ORDER #92-16/17 – Appointment of Ann Morrill to the Pest Advisory Management Committee. Passage requires majority vote.

Cohen moved for passage, seconded by Beecher. The motion passed 6-0.

F. Consent Calendar

F. Citizen Discussion (First Part)

The following spoke:

Russ Lunt, Brigham St.

Ross Little, Day St.

Kathy DiPhillipo, South Portland Historical Society

Anthony Johnson of the South Portland Parks & Recreation presented a plaque to WEX, Inc. for their donation of \$10,000 for Redbank Community Center.

**IN COUNCIL SPECIAL MEETING VOL. 78 PAGE 57
DECEMBER 7, 2016**

G. Public Hearings and Action

11. ORDER #93-16/17 - Edward H. Benjamin DBA Benjamin Building Wrecking Co., 41 Jackson Street, for an Automobile Graveyard/Automobile Recycling Business and/or Junkyard License. Passage requires majority vote.

Cohen moved for passage, seconded by Beecher. The motion passed 6-0.

H. Action on Old and New Business

12. ORDER #88-16/17 – Authorizing the Interim City Manager to sign an agreement with Wei Zhang and Lesley C Mo, WG Enterprises, LLC, Dye Custom Builders and, Devin Deane regarding a land use violation at 79 Thirlmere Avenue (Map 79, Lot 288B). Postponed on 11/21/16. Passage requires majority vote.

Cohen moved to postpone to January 4, 2017, seconded by Rose. The motion passed 6-0.

13. ORDER #94-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

The following spoke:
Russ Lunt, Brigham St.

Morgan moved to passage, seconded by Rose. The motion passed 6-0.

14. ORDER #95 – Amending the Non-union Personnel Policy. Passage requires majority vote.

Morgan moved for passage, seconded by Beecher. The motion passed 6-0.

15. ORDER #96-16/17 – Award of bid #12-17 for the SCADA System upgrade for the Water Resource Protection Department. Passage requires majority vote.

The following spoke:
Brad Weeks, Water Resource Protection

Beecher moved for passage, seconded by Henderson. The motion passed 6-0.

I. Citizen Discussion (Second Part)

There was no public comment.

J. Councilor's Round Robin

**IN COUNCIL SPECIAL MEETING VOL. 78 PAGE 58
DECEMBER 7, 2016**

Councilor Beecher congratulated those involved in 2016 Holiday Fest.

Councilor Henderson said she was excited to serve on the Council, gave thanks to Water Resource Protection and to those involved with the 2016 Holiday Fest in Mill Creek.

Councilor Morgan welcomed Councilor Henderson.

Mayor Smith said she was excited to serve on the Council as Mayor.

Councilor Rose congratulated winners of the November election and acknowledged the success of the Business Awards Ceremony and extended congratulations to Ross Little, Chair of the Economic Development Committee.

Councilor Cohen commended Tom Blake for his service to the City as Mayor and extended welcome to new elected officials, and thanked Parks & Rec for their involvement in putting on a successful 2016 Holiday Fest.

K. Executive Session

Morgan motioned to adjourn at 7:50pm, seconded by Cohen. The motion passed 6-0.

A TRUE COPY ATTEST



Emily F. Scully

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 59
DECEMBER 19, 2016**

Roll Call: Mayor Smith called the meeting to order at 7:00pm. Councilor Fox was absent.

A. Acceptance of Minutes

Morgan moved for acceptance of the December 7, 2016 minutes, seconded by Beecher. The motion passed 6-0.

B. Communications from City Manager

The City Manager announced parking available at Waterman Drive, Willard Beach Parking Lot, and Boat Launch during the winter parking ban.

The City has received 33 applications for the City Manager position; applicants will be screened beginning next week and interviews scheduled the following week.

C. Petitions and Communications

Councilor Rose gave an update on the health of Councilor Fox.

Councilor Cohen gave an update on recent attendance of MMA Executive Board meeting; Councilor Beecher gave an update on recent ecomaine committee meeting and thanked Public Works for their communications regarding clean up of the weekend's snow storm and hard work keeping the streets clean in the winter.

D. Appointment Calendar

Rose motioned to consider items 1-6 as a whole, seconded by Morgan. The motion passed 5-1 (Cohen opposed; Fox absent).

Items 1-6 were read.

1. ORDER #86-14/15 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 11/20/17. Postponed since 02/18/15. Passage requires majority vote.
2. ORDER #114-15/16 - Board of Assessment Review, District Two (Smith), for an unexpired term which expires on 03/16/19. Postponed since 03/21/16. Passage requires majority vote.
3. ORDER #37-16/17 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 03/03/18. Postponed since 09/07/16. Passage requires majority vote.
4. ORDER #38-16/17 – Conservation Commission, District Three (Rose), for an unexpired term which expires on 03/03/19. Postponed since 09/07/16. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 60
DECEMBER 19, 2016**

5. ORDER #48-16/17 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 11/20/17. Postponed since 09/19/16. Passage requires majority vote.

6. ORDER #61-16/17 – Arts & Historic Preservation Committee, District One (Morgan), for a term which expires 10/20/19. Postponed since 10/17/16. Passage requires majority vote.

Morgan motioned to postponed items 1-6, seconded by Rose. The motion passed 6-0 (Fox absent).

7. ORDER #91-16/17 – South Portland Housing Authority, District Two (Smith), appointing **Peter Howe** for an unexpired term which expires 03/25/17. Passage requires majority vote.

Peter Howe spoke on this item.

Motion for passage made by Mayor Smith and seconded by Cohen, passed 6-0.

8. ORDER #97-16/17 – Board of Assessment Review, District One (Morgan), appointing **Nancy Field** for a term which expires 12/31/19. Passage requires majority vote.

Motion for passage made by Morgan and seconded by Beecher, passed 6-0.

9. ORDER #98-16/17 – Library Advisory Board, District Four (Cohen), appointing **Brad Rau** for a term which expires 12/31/19. Passage requires majority vote.

Motion for passage made by Cohen and seconded by Morgan, passed 6-0.

10. ORDER #99-16/17 – Community Development Advisory Committee, At-Large (Beecher), appointing **Don Legere** for a term which expires 1/15/20. Passage requires majority vote.

Motion for passage made by Beecher and seconded by Morgan, passed 6-0.

11. ORDER #100-16/17 – Community Development Advisory Committee, At-Large (Henderson), appointing **Matt Gilbert** for a term which expires 1/15/20. Passage requires majority vote.

Motion for passage made by Henderson and seconded by Beecher, passed 6-0.

12. ORDER #101-16/17 – Appoint the Registrar of Voters for a two-year term which expires on 12/31/2018. Passage requires majority vote.

The following spoke on this item:

Patricia Whyte, Orchard St.

Russ Lunt, Brigham St.

Motion for passage made by Cohen and seconded by Beecher, passed 6-0.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 61
DECEMBER 19, 2016**

E.Consent Calendar

F.Citizen Discussion (First Part)

Russ Lunt, Brigham St.

G.Public Hearings and Action

13.ORDER #65-16/17 – Public hearing and action on a public nuisance complaint regarding 611 Main Street. Postponed on 10/17/16. Passage requires majority vote.

Cohen motioned to postpone indefinitely, seconded by Morgan. The motion passed 6-0.

14.ORDINANCE #7-16/17 - Amending Chapter 14, “Licenses, Permits and BusinessRegulations Generally*”, regarding moratorium on the licensing of retail marijuanaestablishments, including stores, cultivation facilities, retail testing facilities, and marijuana social clubs, which are permitted in the Marijuana Legalization Act. Passed first reading on November 21, 2016. ROLL CALL VOTE. Passage requires majority vote.

The following spoke on this item:

Russ Lunt, Brigham St.

Cohen moved to have read by title only, seconded by Beecher. The motion passed 6-0.

Cohen moved for passage, seconded by Beecher. The motion passed 5-1 (Morgan).

15.ORDINANCE #8-16/17 - Amending Chapter 27, “Zoning Ordinance,” regardingmoratorium on the licensing of retail marijuana establishments, including stores,cultivation facilities, retail testing facilities, and marijuana social clubs, which are permitted in the Marijuana Legalization Act. Passed first reading on November 21, 2016. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Cohen moved to have read by title only, seconded by Morgan. The motion passed 6-0.

Cohen moved for passage, seconded by Beecher. The motion passed 5-1 (Morgan).

16.ORDER #102-16/17 – Granting Fore River Brewing Company, of 45 Huntress Avenue, a Special Amusement Permit without Dancing to host small local music groups and comedy shows. Passage requires majority vote.

Morgan moved for passage, seconded by Cohen. The motion passed 6-0.

17.ORDER #103-16/17 – Granting Soap Bar, of 15 Ocean Street, a Special Amusement Permit without Dancing to host a weekly trivia night. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 62
DECEMBER 19, 2016**

Beecher moved for passage, seconded by Henderson. The motion passed 6-0.

H.Action on Old and New Business

18.ORDER #104-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

The following spoke on this item:

Russ Lunt, Brigham St.

Patricia Whyte, Orchard St.

Rose moved for passage, seconded by Cohen. The motion passed 6-0.

19.ORDINANCE #9-16/17. Amending Chapter 27, "Zoning," regarding Energy Benchmarking amendments. First reading. Passage requires majority vote.

Cohen moved to have read by title only, seconded by Morgan. The motion passed 6-0.

Rose moved for passage, seconded by Beecher. The motion passed 5-1 (Cohen).

20.ORDER #105-16/17 – Award of contract to Electric Light Company, Inc., of CapeNeddick, ME for EMTRAC signal priority system. Passage requires majority vote.

Beecher moved for passage, seconded by Morgan. The motion passed 6-0.

21.ORDER #106-16/17 – Authorizing the Code Enforcement Officer to execute a consent agreement Helen Meehan-Selleck and the City relating to an in-groundpool setback encroachment at 1181 Highland Avenue (Map 57, Lot 9). Passage requires majority vote.

Cohen moved for passage, seconded by Morgan. Cohen moved to amend the Order to remove the fine. The motion passed 6-0; main motion passed 6-0.

22.ORDER #107-16/17 – Extending the Agreement with Portland Pipe Line Corporation for the lease of property at Bug Light Park. Passage requires majority vote.

The following spoke on this item:

Patricia Whyte, Orchard St.

Russ Lunt, Brigham St.

Morgan moved for passage, seconded by Cohen. Rose moved to amend the order to have staff report back in 1 month's time a road map for acquiring said property for public use by way of eminent domain. The motion was seconded by Henderson, and failed by a vote of 2-4 (Beecher, Smith, Morgan, Cohen opposed).

The main motion passed 5-1 (Rose).

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 63
DECEMBER 19, 2016**

23.ORDER #108-16/17 – Award of Bid #18-17 to Portland North, of Falmouth, ME, for the purchase of three (3) single axle dump trucks equipped for winter operations for the Public Works Department. Passage requires majority vote.

Beecher moved for passage, seconded by Henderson. The motion passed 6-0.

24.ORDER #109-16/17 – Award of Bid #20-17 for the purchase of an evidence van for the Police Department. Passage requires majority vote.

Cohen moved for passage, seconded by Beecher. The motion passed 6-0.

I.Citizen Discussion (Second Part)

Patricia Whyte, Orchard St.

J.Councilor's Round Robin

The Council wished everyone happy holidays.

K.Executive Session

Cohen moved to adjourn at 10:00pm, seconded by Morgan. The motion passed 6-0.

A TRUE COPY ATTEST



Emily F. Scully

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 64
JANUARY 4, 2017**

Roll Call: Mayor Smith called the meeting to order at 7:00pm. Councilor Fox was absent.

A. Acceptance of Minutes

Beecher moved for acceptance of the minutes, seconded by Morgan. The motion passed 6-0.

B. Communications from City Manager

Presentation from Doug Howard, Public Works Director – Update on New Municipal Services Facility

The Interim City Manager announced an update on the City Manager search; interviews for six finalist candidates will begin next week.

C. Reports from Boards and Committees

Reports from Boards and Committees will be added to the second Council meeting packet of the month.

D. Petitions and Communications

E. Appointment Calendar

1. ORDER #86-14/15 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 11/20/17. Postponed since 02/18/15. Passage requires majority vote.

Smith moved to postpone, seconded by Morgan. The motion passed 6-0.

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

Smith moved to postpone, seconded by Cohen. The motion passed 6-0.

3. ORDER #37-16/17 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 03/03/18. Postponed since 09/07/16. Passage requires majority vote.

Smith moved to postpone, seconded by Morgan. The motion passed 6-0.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 65
JANUARY 4, 2017**

4. ORDER #38-16/17 – Conservation Commission, District Three (Rose), for an unexpired term which expires on 03/03/19. Postponed since 09/07/16. Passage requires majority vote.

Rose moved to postpone, seconded by Morgan. The motion passed 6-0.

5. ORDER #48-16/17 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 11/20/17. Postponed since 09/19/16. Passage requires majority vote.

Morgan moved to postpone, seconded by Beecher. The motion passed 6-0.

6. ORDER #61-16/17 – Arts & Historic Preservation Committee, District One (Morgan), for a term which expires 10/20/19. Postponed since 10/17/16. Passage requires majority vote.

Morgan moved to postpone, seconded by Rose. The motion passed 6-0.

7. ORDER #109-16/17 – Library Advisory Board, District Two (Smith), for a term which expires 12/31/19. Passage requires majority vote.

Smith moved to postpone, seconded by Cohen. The motion passed 6-0.

8. ORDER #110-16/17 – Board of Assessment Review, At-Large (Beecher), for a term which expires 12/31/19. Passage requires majority vote.

Beecher moved to postpone, seconded by Rose. The motion passed 6-0.

9. ORDER #111-16/17 – Board of Assessment Review, At-Large (Henderson), for a term which expires 12/31/19. Passage requires majority vote.

Henderson moved to waive Council Standing Rule 3(e) to appoint Margaret Johnson, seconded by Morgan. The motion passed 6-0.

Cohen moved to amend ORDER #111-16/17 to add Margaret Johnson to the appointment order, seconded by Beecher. The motion passed 6-0.

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 66
JANUARY 4, 2017

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

Smith moved to postpone, seconded by Morgan. The motion passed 6-0.

11. ORDER #113-16/17 – Energy & Recycling Committee, District Two (Smith), for a term which expires 05/05/18. Passage requires majority vote.

Smith moved to postpone, seconded by Beecher. The motion passed 6-0.

12. ORDER #114-16/17 – Energy & Recycling Committee, At-Large (Beecher), for a term which expires 05/05/17. Passage requires majority vote.

Beecher moved to postpone, seconded by Cohen. The motion passed 6-0.

F. Consent Calendar

Rose motioned to move future routine appointments to the Consent Calendar. The motion did not receive a second and so failed.

G. Citizen Discussion (First Part)

Russ Lunt, Brigham St.

H. Public Hearings and Action

13. ORDINANCE #9-16/17. Amending Chapter 27, "Zoning," regarding Energy Benchmarking amendments. Passed first reading on 12/19/16. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Cohen moved to have the item read by title only, seconded by Beecher. The motion passed 6-0.

Beecher moved for passage, seconded by Morgan. The motion passed on roll call vote by 5-1 (Cohen).

14. ORDER #115-16/17 – Granting Chicago Dogs, of 671 Main Street, a Special Amusement Permit without Dancing to host a weekly trivia night and occasional karaoke. Passage requires majority vote.

The following spoke on this item:

Russ Lunt, Brigham St.

Cohen moved for passage, seconded by Morgan. The motion passed 6-0.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 67
JANUARY 4, 2017**

I. Action on Old and New Business

15. ORDER #88-16/17 – Authorizing the Interim City Manager to sign an agreement with Wei Zhang and Lesley C Mo, WG Enterprises, LLC, Dye Custom Builders and, Devin Deane regarding a land use violation at 79 Thirlmere Avenue (Map 79, Lot 288B). Postponed on 11/21/16 and 12/7/16. Passage requires majority vote.

Morgan moved for passage, seconded by Beecher. The motion passed 6-0.

16. ORDER #116-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

Rose moved for passage, seconded by Beecher. The motion passed 6-0.

17. ORDINANCE #10-16/17 – Amending Chapter 27, “Zoning”, regarding 14 E Street – Specialized Housing, Inc. (SHI) SP 2016 House Associates, LLC. First reading. Passage requires majority vote.

The following spoke on this item:

- Tex Haesuer, Planning Director
- Peter Roth, SHI
- Russ Lunt, Brigham St.
- Martha Summer, Falmouth
- Lisa Page, Portland
- Jay Geller, Portland
- Jeff O’Brien, Portland

Morgan moved for passage, seconded by Rose. The motion passed 6-0.

J. Citizen Discussion (Second Part)

Patricia Whyte, Orchard St.

K. Councilor’s Round Robin

Councilor Cohen expressed condolences to the family of Tommy and Dickie Nee who passed away over the holidays and were caretakers of the Cavalry Cemetery.

Councilor Henderson expressed thanks to the Fire Department for hosting the Willard Hose Fire House dinner, and thanked all who continue to donate generously to the city.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 68
JANUARY 4, 2017**

L. Executive Session

Morgan moved to adjourn at 8:10pm, seconded by Cohen. The motion passed 6-0.

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Emily F. Scully

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 69
JANUARY 18, 2017**

Roll Call: Mayor Smith called the meeting to order at 7:00pm. All Councilors were present.

A. Acceptance of Minutes

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

B. Communications from City Manager

Presentation from Fred Dillon, Stormwater Coordinator – Stormwater Permit Compliance.

The City Manager reminded the public of the meet & greet hosted at the Community Center on January 25 to meet the finalist candidates for the City Manager position.

C. Reports from Boards and Committees

Mayor Smith reported on recent attendance of the GPCOG Executive Committee.

D. Petitions and Communications

City Clerk Scully announced the District Four School Board vacancy and timeline for accepting applications. The Council will interview candidates on February 22.

E. Appointment Calendar

Councilor Rose moved to vote on items 1, 3, 4 & 5 as a whole, seconded by Morgan. The motion passed 7-0. Items 1, 3, 4 & 5 were read by the City Clerk.

1. ORDER #86-14/15 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 11/20/17. Postponed since 02/18/15. Passage requires majority vote.

3. ORDER #37-16/17 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 03/03/18. Postponed since 09/07/16. Passage requires majority vote.

4. ORDER #38-16/17 – Conservation Commission, District Three (Rose), for an unexpired term which expires on 03/03/19. Postponed since 09/07/16. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 70
JANUARY 18, 2017**

5. ORDER #48-16/17 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 11/20/17. Postponed since 09/19/16. Passage requires majority vote.

Morgan moved to postpone items 1, 3, 4 & 5, seconded by Rose. The motion passed 7-0.

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

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

6. ORDER #61-16/17 – Arts & Historic Preservation Committee, District One(Morgan), for a term which expires 10/20/19. Postponed since 10/17/16. Passage requires majority vote.

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

7. ORDER #109-16/17 – Library Advisory Board, District Two (Smith), for a term which expires 12/31/19. Postponed since 1/4/17. Passage requires majority vote.

Smith moved to postpone, seconded by Cohen. The motion passed 7-0.

8. ORDER #110-16/17 – Board of Assessment Review, At-Large (Beecher), for a term which expires 12/31/19. Postponed since 1/4/17. Passage requires majority vote.

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

9. ORDER #112-16/17 – Board of Assessment Review, District Five (Fox), for a term which expires 12/31/19. Postponed since 1/4/17. Passage requires majority vote.

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

10. ORDER #113-16/17 – Energy & Recycling Committee, District Two (Smith), for a term which expires 05/05/18. Postponed since 1/4/17. Passage requires majority vote.

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

11. ORDER #114-16/17 – Energy & Recycling Committee, At-Large (Beecher), for a term which expires 05/05/17. Postponed since 1/4/17. Passage requires majority vote.

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

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 71
JANUARY 18, 2017**

12. ORDER #117-16/17 – Energy & Recycling Committee, At-Large (Henderson), for a term which expires 05/05/17. Passage requires majority vote.

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

F. Consent Calendar

G. Citizen Discussion (First Part)

The following spoke:

Russ Lunt, Brigham St.
Greg Lewis, Mussey St.

H. Public Hearings and Action

13. ORDINANCE #10-16/17 – Amending Chapter 27, “Zoning”, regarding 14 E Street – Specialized Housing, Inc. (SHI) SP 2016 House Associates, LLC. Passed first reading 1/4/17. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Cohen moved to have ORDINANCE #10 read by title only, seconded by Beecher. The motion passed 7-0.

The following spoke on this item:

Peter Roth, SHI
Lisa Page, Portland

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

I. Action on Old and New Business

14. ORDER #118-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

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

15. ORDINANCE #11-16/17 – Amending Chapter 27, “Zoning,” regarding Non-Conforming Residential lots Passage requires majority vote.

The following spoke on this item:

Ralph Cabana, South Portland

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 72
JANUARY 18, 2017**

Mark Loring, South Portland
Greg Lewis, Mussey St.
Will Cabana, Portland
Kathy Cabana, South Portland
Russ Lunt, Brigham St.
Peter Plummer, Portland

Cohen moved to have ORDINANCE #11 read by title only, seconded by Morgan. The motion passed 7-0.

Cohen moved for passage, seconded by Morgan.

Councilor Henderson moved to amend ORDINANCE #11 to add a sunset clause causing ORDINANCE #11 to expire after one year, seconded by Rose. The motion failed 1-6 (Cohen, Henderson, Smith, Morgan, Fox, Beecher).

The main motion passed 6-1 (Rose).

Councilor Cohen motioned to add an addendum ORDER regarding ORDINANCE #11 addressing revisiting this topic two years from date of final passage to be heard and voted on at the February 6, 2017 meeting; seconded by Fox.

Rose moved to amend the motion to include alignment with the Comprehensive Plan. The amendment failed to receive a second and failed.

The motion passed 7-0.

16. ORDER #119-16/17 – Amending RESOLVE #1-10/11 regarding members of the Sustainability Committee. Passage requires majority vote.

Cohen moved to have ORDER #119 read by title only; seconded by Beecher. The motion passed 7-0.

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

J. Citizen Discussion (Second Part)

The following spoke:

Will Cabana, Portland
Kathy Cabana, South Portland

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 73
JANUARY 18, 2017**

K. Councilor's Round Robin

Councilors Rose and Henderson commended Mayor Smith on her leadership and thanked fellow Councilors for a civil discussion.

Councilor Cohen reminded the public about Winterfest taking place January 27-28. Councilor Fox announced that Maine Medical Center performs 1,400 heart surgeries a year and advocated for taking care of one's health.

L. Executive Session

Morgan moved to adjourn at 9:20pm, seconded by Cohen. The motion passed 7-0.

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Emily F. Scully

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 74
FEBRUARY 6, 2017**

Roll Call: Mayor Smith called the meeting to order at 7:00pm. All Councilors were present; Councilor Morgan left the meeting after Item #18.

A. Acceptance of Minutes

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

B. Communications from City Manager

Presentation from Hank Farrah, of Runyon, Kersteen and Ouellette regarding audit review and short discussion by Finance Director Greg L'Heureux

C. Reports from Boards and Committees

Mayor Smith thanked those who were in attendance for the GPCOG meeting last week.

D. Petitions and Communications

Mayor Smith read an update regarding the Portland Pipeline v. City of South Portland lawsuit.

E. Appointment Calendar

Morgan moved to postpone items 1-5, 8-10, and 15-16, seconded by Beecher. The motion passed 7-0. The City Clerk read the items postponed.

1. ORDER #86-14/15 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 11/20/17. Postponed since 02/18/15. Passage requires majority vote.
2. ORDER #114-15/16 – Board of Assessment Review, District Two (Smith), for an unexpired term which expires on 03/16/19. Postponed since 03/21/16. Passage requires majority vote.
3. ORDER #37-16/17 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 03/03/18. Postponed since 09/07/16. Passage requires majority vote.
4. ORDER #38-16/17 – Conservation Commission, District Three (Rose), for an unexpired term which expires on 03/03/19. Postponed since 09/07/16. Passage requires majority vote.
5. ORDER #48-16/17 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 11/20/17. Postponed since 09/19/16. Passage requires majority vote.
8. ORDER #110-16/17 – Board of Assessment Review, At-Large (Beecher), for a term which expires 12/31/19. Postponed since 1/4/17. Passage requires majority vote.
9. ORDER #112-16/17 – Board of Assessment Review, District Five (Fox), for a term which expires 12/31/19. Postponed since 1/4/17. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 75
FEBRUARY 6, 2017**

10. ORDER #113-16/17 – Energy & Recycling Committee, District Two (Smith), for a term which expires 05/05/18. Postponed since 1/4/17. Passage requires majority vote.

15. ORDER #122-16/17 – Conservation Commission, District Five (Fox), for an unexpired term which expires on November 20, 2019. Passage requires majority vote.

16. ORDER #123-16/17 – Conservation Commission, District At-Large (Henderson), for an unexpired term which expires on 11/20/19. Passage requires majority vote.

6. ORDER #61-16/17 – Arts & Historic Preservation Committee, District One (Morgan), appointing **Richard Elias** for a term which expires 10/20/19. Postponed since 10/17/16. Passage requires majority vote.

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

7. ORDER #109-16/17 – Library Advisory Board, District Two (Smith), appointing **Colleen Jones-Turner** for a term which expires 12/31/19. Postponed since 1/4/17. Passage requires majority vote.

Smith moved for passage, seconded by Cohen. The motion passed 7-0.

11. ORDER #114-16/17 – Energy & Recycling Committee, At-Large (Beecher), appointing **Daniel Paul** for a term which expires 05/05/17. Passage requires majority vote.

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

12. ORDER #117-16/17 – Energy & Recycling Committee, At-Large (Henderson), appointing **Greg Williams** for a term which expires 05/05/17. Passage requires majority vote.

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

13. ORDER #120-16/17 – Long Creek Watershed Committee appointment of **Susan Henderson**. Passage Requires majority vote.

Cohen moved for passage, seconded by Fox. The motion passed 7-0.

14. ORDER #121-16/17 – Long Creek Watershed Committee appointment of **Will Haskell**. Passage requires majority vote.

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

F. Consent Calendar

G. Citizen Discussion (First Part)

The following spoke:

Ralph Cabana, South Portland

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 76
FEBRUARY 6, 2017**

H. Public Hearings and Action

Item #18 was taken out of order.

18. ORDER #124-16/17 – Requiring the City Council to review the amendments to Chapter 27, “Zoning,” evidenced by Ordinance # 11-16/17 on or before February 6, 2019. Passage requires majority vote.

The following spoke:

Greg Lewis, Mussey St.
Will Cabana, Portland

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

17. ORDINANCE #11-16/17 – Amending Chapter 27, “Zoning,” regarding Non-Conforming Residential lots. Passed first reading 1/18/17. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

The following spoke:

Kathy Cabana, South Portland
William Laidley, Planning Board
Will Cabana, Portland

Cohen moved for passage, seconded by Morgan. The motion passed 6-1 (Rose) by a roll call vote.

Action on Old and New Business

19. RESOLVE #6-16/17 – Resolution condemning violence and hate speech, and expressing solidarity with Muslims and all those targeted for their ethnicity, race, or religion. Passage requires majority vote.

The following spoke on this item:

Sen. Rebecca Millet, District 29
Ken Kunin, Superintendent of Schools
Jennifer Morris, Carrol St.
Jim Braley, S. Portland
Bruce Bennett, Red Oak
Roberta Zuckerman
Karen Silverman, Churchill Rd.
Patricia Whyte, Orchard St.
Susan Chase
Judith Kurtz
Cindy Maddox
Linden Thigpen
Justile, Bower St.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 77
FEBRUARY 6, 2017**

I. Sherik
Rachel Burger, Churchill Rd.
Rosemarie DeAngelis
Barbara Psicos
Adrian Dowling
Blair Banwell
Cathy Chapman
Greg Lewis
Bob Whyte
Celcia Marcehetti
Makara Meng

Cohen moved for passage, seconded by Beecher. The motion passed 6-0 (Morgan out).

20. ORDINANCE #12-16/17 – Amending Chapter 27, “Zoning,” regarding Solar Energy Systems. First reading. Passage requires majority vote.

Beecher moved for passage, seconded by Henderson. Cohen moved to amend ORDINANCE #12-16/17 to accept the revisions outlined in 2(h). Fox seconded; amendment passed 6-0 (Morgan out). The main motion passed as amended 6-0 (Morgan out).

21. RESOLVE #7-16/17 – Transferring \$500,000 from the unassigned fund balance to the “Clear Skies Ordinance Legal Defense Fund” within the Litigation-Legal Reserve Fund, and providing additional funding for litigation defense costs. Passage requires majority vote.

The following spoke:
Patricia Whyte, Orchard St.

Rose moved for passage, seconded by Beecher. The motion passed 6-0 (Morgan out).

22. ORDER #125-16/17 – Authorizing the Interim City Manager to sign an Interlocal Agreement with Cumberland County Soil and Water Conservation District to serve as project manager for South Portland’s pesticide education and outreach, and appropriating up to \$20,000 from the City’s Unassigned Fund Balance to fund phase I – Education and Outreach Plan development. Passage requires majority vote.

Fox moved for passage, seconded by Beecher. The motion passed 6-0 (Morgan out).

23. ORDER #126-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

Fox moved for passage, seconded by Beecher. The motion passed 6-0 (Morgan out).

24. ORDER #127-16/17 – Award of Bid #22-17 to Yankee Ford, of South Portland, ME, for the purchase of four (4) Utility Interceptor vehicles for the Police Department. Passage requires majority vote.

Cohen moved for passage, seconded by Henderson. The motion passed 6-0 (Morgan out).

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 78
FEBRUARY 6, 2017**

25. ORDER #128-16/17 – Accepting \$1,002.80 under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

Beecher moved for passage, seconded by Fox. The motion passed 6-0 (Morgan out).

26. RESOLVE #8-16/17 – Adopting the Cumberland County All Hazards Plan. Passage requires majority vote.

Fox moved for passage, seconded by Smith. The motion passed 6-0 (Morgan out).

27. ORDER #129-16/17 – Authorizing the Interim City Manager to sign an agreement with the Town of Cape Elizabeth for Alternate Building Inspector services. Passage requires majority vote.

Fox moved for passage, seconded by Beecher. The motion passed 6-0 (Morgan out).

28. ORDER #130-16/17 – Appointing Scott T. Morelli as City Manager. Passage requires majority vote.

Cohen moved for passage, seconded by Rose. The motion passed 6-0 (Morgan out).

29. RESOLVE #9-16/17 – Supporting the development of new routes from the Maine Turnpike to municipal centers in western Cumberland County to reduce congestion on state and local roads and to improve access between the Turnpike and outlying communities. Passage requires majority vote.

Fox moved for passage, seconded by Beecher. The motion passed 6-0 (Morgan out).

J. Citizen Discussion (Second Part)

The following spoke:

Patricia Whyte, Orchard St.

Bob Whyte, Orchard St.

Adrian Dowling

K. Councilor's Round Robin

Rose commented on the U.S. President's cabinet picks.

Cohen thanked Rotary and staff for a great Winterfest.

Beecher commented on the great Winterfest event; thanks to Julie Rosenbach for help with organizing and promoting the Home Energy Fair. Sent well wishes to Russ Lunt.

Smith thanked everyone for their hard work and cooperation.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 79
FEBRUARY 6, 2017**

L. Executive Session

Fox moved to adjourn at 10:15pm, seconded by Beecher. The motion passed 6-0 (Morgan out).

A TRUE COPY ATTEST



Emily F. Scully

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 80
FEBRUARY 22, 2017**

Roll Call: Mayor Smith called the meeting to order at 7:00pm. All Councilors were present.

A. Acceptance of Minutes

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

B. Communications from City Manager

Item #15 was taken out of order:

15. RESOLVE #10-16/17 – Adopting a Proclamation of the 2016 Police Officer of the Year. Passage requires majority vote.

Chief Googins presented the award to Officer Kevin Theirault.

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

Presentation from Ed Googins, Chief of Police, on the Police Department's Body Camera Program

C. Reports from Boards and Committees

D. Petitions and Communications

E. Appointment Calendar

Rose moved to consider as a whole items #1, #3, #4, #5, #9, #10 and #11, seconded by Morgan. The motion passed 7-0. The City Clerk read the items:

1. ORDER #86-14/15 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 11/20/17. Postponed since 02/18/15. Passage requires majority vote.

3. ORDER #37-16/17 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 03/03/18. Postponed since 09/07/16. Passage requires majority vote.

4. ORDER #38-16/17 – Conservation Commission, District Three (Rose), for an unexpired term which expires on 03/03/19. Postponed since 09/07/16. Passage requires majority vote.

5. ORDER #48-16/17 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 11/20/17. Postponed since 09/19/16. Passage requires majority vote.

9. ORDER #122-16/17 – Conservation Commission, District Five (Fox), for an unexpired term which expires on 11/20/19. Postponed since 2/6/17. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 81
FEBRUARY 22, 2017**

10. ORDER #123-16/17 – Conservation Commission, District At-Large (Henderson), for an unexpired term which expires on 11/20/19. Postponed since 2/6/17. Passage requires majority vote.

11. ORDER #131-16/17 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 03/03/18. Passage requires majority vote.

Cohen moved to postpone items 1, 3, 4, 5, 9, 10 and 11, seconded by Rose. The motion passed 7-0.

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

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

6. ORDER #110-16/17 – Board of Assessment Review, At-Large (Beecher), for a term which expires 12/31/19. Postponed since 1/4/17. Passage requires majority vote.

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

7. ORDER #112-16/17 – Board of Assessment Review, District Five (Fox), for a term which expires 12/31/19. Postponed since 1/4/17. Passage requires majority vote.

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

8. ORDER #113-16/17 – Energy & Recycling Committee, District Two (Smith), for a term which expires 05/05/18. Postponed since 1/4/17. Passage requires majority vote.

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

12. ORDER #132-16/17 – Conservation Commission, District At-Large (Beecher), appointing **Rick Foss-Lacey** for a term which expires 3/3/20. Passage requires majority vote.

There was no public comment.

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

13. ORDER #133-16/17 – Board of Education, District Four, to fill a vacancy pursuant to Section 904 of the City Charter until Inauguration Day, December 4, 2017. Passage requires majority vote.

Councilor Rose moved to vote on the appointment of the District Four representative to the School Board by secret ballot, seconded by Councilor Fox. The motion passed 7-0.

The City Councilors were instructed to write the name of the candidate they wished to

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 82
FEBRUARY 22, 2017**

appointment on the piece of paper, fold it once, and direct it to the Clerk, who tallied the votes and read their totals outloud: James Doane – 2, Matthew Perkins – 5. Matthew Perkins was declared to have the majority support by the Council for appointment.

A motion was made by Councilor Cohen to amend ORDER #133-16/17 to add the name of Matthew Perkins to the order for appointment, and seconded by Councilor Morgan. The motion passed 7-0.

A motion was made by Councilor Cohen for passage of the order as amended and seconded by Councilor Morgan. The motion passed 7-0.

F.Consent Calendar

G.Citizen Discussion (First Part)

Caroline Hendry, South Portland

H.Public Hearings and Action

14. ORDINANCE #12-16/17 – Amending Chapter 27, “Zoning,” regarding Solar Energy Systems. Amended and passed first reading on February 6, 2017. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Henderson declared that her daughter works for ReVision Energy, LLC. Henderson stated no pecuniary interest or financial gain from her involvement in the adoption of the Ordinance or ORDER #134-16/17. Morgan moved to allow Henderson to vote, citing no conflict of interest, seconded by Cohen. The motion passed 6-0 (Henderson out).

Rose moved for passage, seconded by Cohen. The motion passed 7-0 on a roll call vote.

Action on Old and New Business

16. ORDER #134-16/17 – Authorizing the Interim City Manager to execute a power purchase agreement, including a related license agreement, with ReVision SunFill, LLC, a wholly owned subsidiary of ReVision Energy, LLC, for the installation of a photovoltaic array at the City’s capped landfill located at 929 Highland Avenue. Passage requires majority vote.

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

17.ORDER #135-16/17 - Authorizing the Interim City Manager to sign a Municipal/StatePartnership Agreement with the Maine Department of Transportation regardingpreliminary engineering for New Southbound Access at Exit 4 on I-295, andappropriating \$35,000 from Unassigned Fund Balance for the City’s share of projectcosts. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 83
FEBRUARY 22, 2017**

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

18. ORDER #136-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

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

19. ORDER #137-16/17 – Amending the Non-union Personnel Policy. Passage requires majority vote.

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

20. ORDER #138-16/17 – Accepting a Bureau of Highway Safety Speed Enforcement and Equipment Grant in the amount of \$12,902.39. Passage requires majority vote.

Henderson moved for passage, seconded by Fox. The motion passed 7-0.

21. ORDER #139-16/17 – Accepting \$3,650.00 under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

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

22. ORDER #140-16/17 – Authorizing the Interim City Manager to execute and deliver a Declaration of Environmental Covenant to the State of Maine, acting by and through its Department of Environmental Protection, regarding the property located at 111 Waterman Drive (Wastewater Treatment Plant addition). Passage requires majority vote.

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

23. ORDER #141-16/17 – Authorizing the Interim City Manager to sign an amendment to the agreement between the City of South Portland and the Portland Water District regarding billing, collection and customer service related to sewer user charges. Passage requires majority vote.

Fox moved for passage, seconded by Henderson. The motion passed 7-0.

24. ORDER #142-16/17 – Authorizing the Interim City Manager to accept delivery of a Release Deed with the Portland Water District for a property easement at 39 Hall Street (Tax Map 52, Lot 79). Passage requires majority vote.

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

25. ORDER #143-16/17 – Authorizing the Interim City Manager to request proposals for design and planning for the Portland Street Pier, an economic feasibility study, and appropriating \$75,000 to the Portland Street Pier Contractual Services – Engineering Account.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 84
FEBRUARY 22, 2017**

Cohen moved for passage, seconded by Beecher.

Rose moved to commit ORDER #143-16/17 to a workshop to be scheduled at the next workshop review session, seconded by Fox. The motion passed 4-3 (Cohen, Beecher, Morgan).

The main motion failed.

26.ORDINANCE #13-16/17 - Amending Chapter 2, "Administration and Legislation" amending the number of Conservation Commission members from 14 to 9. Firstreading. Passage requires majority vote.

Cohen moved for passage, seconded by Beecher.

Cohen moved to amend ORDINANCE #13-16/17, changing the total membership from "9" to "7", seconded by Fox. The motion passed 6-1 (Henderson).

The main motion passed, as amended, 7-0.

J.Citizen Discussion (Second Part)

K.Councilor's Round Robin

Beecher thanked both candidates for applying for the District Four Board of Education seat and wished both best of luck in the November election.

Rose thanked co-Councilors for a lively and civil discussion.

L.Executive Session

Morgan moved to go into execution session at 9:37pm, pursuant to 1 M.R.S.A. §405 (6)(D) regarding labor negotiations with the IAFF Local #1476 Public Safety Dispatchers, seconded by Cohen. The motion passed 7-0.

Morgan moved to come out of Executive Session at 9:46pm, seconded by Cohen. The motion passed 7-0. Cohen moved to adjourn at 9:48pm, seconded by Morgan. The motion passed 7-0.

A TRUE COPY ATTEST



Emily F. Scully

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 85
MARCH 6, 2017**

Roll Call: Mayor Smith called the meeting to order at 7:00pm. All Councilors were present.

A. Acceptance of Minutes

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

B. Communications from City Manager

Presentation from Doug Howard, Public Works Director – Recollect Software Application

Interim City Manager Don Gerrish thanked the Council and City for the past seven months; his employment with the City ends Monday, March 13.

C. Reports from Boards and Committees

D. Petitions and Communications

E. Appointment Calendar

Rose moved to consolidated items 1, 2, 3, 4, 5, 7, 9 & 10, seconded by Morgan. The motion passed 7-0.

1. ORDER #86-14/15 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 11/20/17. Postponed since 02/18/15. Passage requires majority vote.
2. ORDER #114-15/16 – Board of Assessment Review, District Two (Smith), for an unexpired term which expires on 03/16/19. Postponed since 03/21/16. Passage requires majority vote.
3. ORDER #37-16/17 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 03/03/18. Postponed since 09/07/16. Passage requires majority vote.
4. ORDER #38-16/17 – Conservation Commission, District Three (Rose), for an unexpired term which expires on 03/03/19. Postponed since 09/07/16. Passage requires majority vote.
5. ORDER #48-16/17 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 11/20/17. Postponed since 09/19/16. Passage requires majority vote.
7. ORDER #112-16/17 – Board of Assessment Review, District Five (Fox), for a term which expires 12/31/19. Postponed since 1/4/17. Passage requires majority vote.
9. ORDER #122-16/17 – Conservation Commission, District Five (Fox), for an unexpired term which expires on 11/20/19. Postponed since 2/6/17. Passage requires majority vote.
10. ORDER #123-16/17 – Conservation Commission, District At-Large (Henderson), for an unexpired term which expires on 11/20/19. Postponed since 2/6/17. Passage requires majority vote.

Rose moved to postpone aforementioned items, seconded by Cohen. The motion passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 86
MARCH 6, 2017**

6. ORDER #110-16/17 – Board of Assessment Review, At-Large (Beecher), appointing **Susan Hasson** for a term which expires 12/31/19. Postponed since 1/4/17. Passage requires majority vote.

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

8. ORDER #113-16/17 – Energy & Recycling Committee, District Two (Smith), appointing **Taylor Strubell** for a term which expires 05/05/18. Postponed since 1/4/17. Passage requires majority vote.

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

11. ORDER #131-16/17 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 03/03/18. Postponed since 02/22/17. Passage requires majority vote.

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

12. ORDER #144-16/17 – Conservation Commission, District At-Large (Henderson), appointing **Dan Hogan** for a term which expires 03/03/2020. Passage requires majority vote.

Henderson moved for passage, seconded by Smith. The motion passed 7-0.

13. ORDER #145-16/17 – Board of Assessment Review, District Four (Cohen), appointing **Timothy Hubbard** for a term which expires 03/16/2020. Passage requires majority vote.

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

14. ORDER #146-16/17 – Civil Service Commission, District Four (Cohen), for a term expiring 3/1/2022. Passage requires majority vote.

Cohen moved to postpone, seconded by Fox. The motion passed 7-0.

F. Consent Calendar

G. Citizen Discussion (First Part)

The following spoke:

Jim Hoy
Albert DiMillo, Colchester Dr.
Greg Lewis, Mussey St.
Patricia Whyte, Orchard St.

H. Public Hearings and Action

15. ORDINANCE #13-16/17 - Amending Chapter 2, "Administration and Legislation" amending the number of Conservation Commission members from 14 to 7. Amended and passed first reading on February 22, 2017. ROLL CALL VOTE. Passage requires majority vote.

Cohen moved for passage, seconded by Morgan. The motion passed 7-0 on roll call vote.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 87
MARCH 6, 2017**

Action on Old and New Business

16. ORDER #147-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

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

17. ORDER #148-16/17 – Setting the date of the public hearing on the proposed termination of the Peter H. Debevoise Memorial Scholarship Trust pursuant to 18-B M.R.S. § 414. Passage requires majority vote.

The following spoke:

Greg Lewis, Mussey St.

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

18. ORDINANCE #14-16/17 – Amending Chapter 27 re: Solar Ordinance. First reading. Passage requires majority vote.

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

19. ORDER #149-16/17 – Appropriating \$43,700 from the Solid Waste Reserve Account, and award bid #21-17 to Garbage to Garden of Portland, ME, for a curbside food waste collection services pilot program. Passage requires majority vote.

The following spoke:

Patricia Whyte, Orchard St.

Adrian Dowling, Brickhill Ave.

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

J. Citizen Discussion (Second Part)

The following spoke:

Taylor Strubell

Adrian Dowling, Brickhill Ave.

K. Councilor's Round Robin

The Council thanked Don Gerrish for his seven months spent as Interim City Manager of South Portland. Beecher thanked Public Works for the review of the Recollect app and for their work fixing the potholes in the roads.

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 88
MARCH 6, 2017

L. Executive Session

Morgan moved to adjourn at 8:50pm, seconded by Beecher. The motion passed 7-0.

A TRUE COPY ATTEST



Emily F. Scully

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 89
MARCH 20, 2017**

Roll Call: Mayor Smith called the meeting to order at 7:00pm. Councilor Morgan was absent.

A. Acceptance of Minutes

Beecher moved for acceptance of the minutes, seconded by Henderson. The motion passed 6-0.

B. Communications from City Manager

City Manager Scott Morelli was welcomed to his first Council meeting. The City Manager distributed copies of the FY2018 proposed budget book to members of the Council.

C. Reports from Boards and Committees

Cohen recapped conference details of the National League of Cities meeting in Washington, DC.

Beecher shared an update on the ecomaine Board of Directors end of year recognition celebration.

Fox shared an update on the Comprehensive Plan Implementation Committee in respect of the West End Planning project.

D. Petitions and Communications

E. Appointment Calendar

Smith moved to consider items #1, 3, 4, 5, 7, 8 and 9 as a whole, seconded by Cohen. The motion passed 6-0.

1. ORDER #86-14/15 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 11/20/17. Postponed since 02/18/15. Passage requires majority vote.

3. ORDER #37-16/17 – Conservation Commission, District Two (Smith), for an unexpired term which expires on 03/03/18. Postponed since 09/07/16. Passage requires majority vote.

4. ORDER #38-16/17 – Conservation Commission, District Three (Rose), for an unexpired term which expires on 03/03/19. Postponed since 09/07/16. Passage requires majority vote.

5. ORDER #48-16/17 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 11/20/17. Postponed since 09/19/16. Passage requires majority vote.

7. ORDER #122-16/17 – Conservation Commission, District Five (Fox), for an unexpired term which expires on 11/20/19. Postponed since 2/6/17. Passage requires majority vote.

8. ORDER #123-16/17 – Conservation Commission, District At-Large (Henderson), for an unexpired term which expires on 11/20/19. Postponed since 2/6/17. Passage requires majority vote.

9. ORDER #131-16/17 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 03/03/18. Postponed since 02/22/17. Passage requires majority vote.

Smith moved to postpone indefinitely items #1, 3, 4, 5, 7, 8 and 9, seconded by Cohen. The motion passed 6-0.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 90
MARCH 20, 2017**

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

Smith moved to postpone, seconded by Cohen. The motion passed 6-0.

6. ORDER #112-16/17 – Board of Assessment Review, District Five (Fox), for a term which expires 12/31/19. Postponed since 1/4/17. Passage requires majority vote.

Fox moved to postpone, seconded by Beecher. The motion passed 6-0.

10. ORDER #146-16/17 – Civil Service Commission, District Four (Cohen), appointing **Louie Maietta** for a term expiring 3/1/2022. Postponed since 3/6/17. Passage requires majority vote.

Cohen moved for passage, seconded by Beecher. The motion passed 6-0.

11. ORDER #150-16/17 – Economic Development Committee, District At-Large (Beecher) appointing **Steve Bushey** for a term ending 3/23/20. Passage requires majority vote.

Beecher moved for passage, seconded by Fox. The motion passed 6-0.

12. ORDER #151-16/17 – Board of Appeals, District At-Large (Henderson), for an unexpired term which expires on 7/23/19. Passage requires majority vote.

Henderson moved to postpone, seconded by Beecher. The motion passed 6-0.

13. ORDER #152-16/17 – Economic Development Committee, District At-Large (Henderson), appointing **Martha Riehle** for a term ending 3/23/20. Passage requires majority vote.

Henderson moved for passage, seconded by Fox. The motion passed 6-0.

14. ORDER #153-16/17 – Appointing Scott T. Morelli to the ecomaine Board of Directors effective March 13, 2017. Passage requires majority vote.

Beecher moved for passage, seconded by Cohen. The motion passed 6-0.

15. ORDER #154-16/17 – Appointing an Ad-Hoc Committee to develop reuse proposals involving the Public Works facility located on O'Neil Street. Passage requires majority vote.

Smith moved for passage, seconded by Beecher. The motion passed 6-0.

F. Consent Calendar

G. Citizen Discussion (First Part)

Greg Lewis, Mussey St.
Rosemarie DeAngelis, Pleasantdale

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 91
MARCH 20, 2017**

H. Public Hearings and Action

16. ORDINANCE #14-16/17 – Amending Chapter 27 re: Solar Ordinance. Passed first reading 3/6/17. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Cohen moved to postpone to 4/3/17, as this item requires Planning Board hearing; seconded by Beecher. The motion passed 6-0.

Councilor Rose moved to take item #19 out of order, seconded by Fox. The motion passed 6-0. Item #19 was read by the City Clerk.

19. ORDER #157-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

The following spoke:

Ellen Fraser
Roberta Zuckerman
Abby Huntoon
Curt Whitehead

Rose moved for passage, seconded by Cohen. The motion passed 6-0.

17. ORDER #155 - 16/17 – Adopting the Second Amendment to the Hannaford Tax Increment Financing (TIF) District Development Program and the Fourth Amendment to the Cummings Road Business Park TIF District Development Program. Passage requires majority vote.

The following spoke on this item:

George Corey, Franklin Terrace
Greg Lewis, Mussey St.

Beecher moved for passage, seconded by Cohen. The motion passed 6-0.

18. ORDER #156 - 16/17 – Adopting the the Third Amendment to the Long Creek TIF District Development Program. Passage requires majority vote.

The following spoke on this item:

George Corey, Franklin Terrace

Cohen moved for passage, seconded by Fox. The motion passed 6-0.

Action on Old and New Business

20. ORDER #158-16/17 – Award of Bid #23-17 to Keenan Excavating Co., Inc, of South Portland, ME, for manhole castings adjustments. Passage requires majority vote.

Beecher moved for passage, seconded by Rose. The motion passed 6-0.

21. ORDER #159-16/17- Accepting \$819.00 under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 92
MARCH 20, 2017**

The following spoke:

Greg Lewis, Mussey St.
George Corey, Franklin Terrace

Cohen moved for passage, seconded by Beecher. The motion passed 6-0.

22. ORDINANCE #15-16/17 - Amending Chapter 27, "Zoning," regarding a Zone Map change from Residential A to Residential District G – 1337, 1343, 1351, 1350 and 1354 Broadway (Tax Map 32 Lots 168 and 169 and Tax Map 41 Lots 1, 27 and 27B). First reading. Passage requires majority vote.

The following spoke:

Joplin Thompson
Greg Lewis
Linda Kelley

Fox moved for passage, seconded by Cohen. The motion passed 6-0.

23. ORDER #160-16/17– Setting April 5, 2017 as the date for a Public Hearing in City Council Chambers for the Proposed FY 2018 Municipal Budget. Passage requires majority vote.

Beecher moved for passage, seconded by Fox. The motion passed 6-0.

24. ORDER #161-16/17 –Setting April 3, 2017 as the date for a Public hearing in City Council Chambers to amend City Council Standing Rules. Passage requires majority vote.

Cohen moved for passage, seconded by Beecher. Cohen moved to amend ORDER #161-16/17 to include clarification to Rule #5, seconded by Fox. The amendment passed 6-0.

The main motion passed 6-0.

J. Citizen Discussion (Second Part)

K. Councilor's Round Robin

Henderson gave an update on the South Portland Food Cupboard; thanked Protect South Portland for the generous \$10,000 donation for the Clear Skies Ordinance Defense Fund.

Smith wished everyone Happy Spring.

Rose referred to a current court case on zoning in response to questions of why zoning exists.

Cohen announced a basketball fundraiser for the Class of '19 being held on 4/2.

L. Executive Session

Cohen moved to adjourn at 9:30pm, seconded by Fox. The motion passed 6-0.

A TRUE COPY ATTEST



Emily F. Scully

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 93
APRIL 3, 2017

Roll Call: Mayor Smith called the meeting to order at 7:00pm. All Councilors were present.

A. Acceptance of Minutes

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

B. Communications from City Manager

The City Manager reminded the public of the City Budget Hearing on 4/5 at 7:00pm.

Update from Don Brewer on Leadership Academy

C. Reports from Boards and Committees

Mayor Smith reported on the first meeting of the O'Neil St. Committee.

D. Petitions and Communications

Citizen petition request for Skate Park. The following spoke: Jack Smart, Ackwood Rd; Jonathan Emmons Whited, Elsmere; Kirsten McWilliams, Elsmere; Russ Lunt, Brigham; Barbara Psichos, Knightville; Michelle Danois; Sybil Kipp, Pilsbury St; Scott Whited, Elsmere.

Councilor Morgan requested this item be scheduled for a future Council workshop for discussion, with support from Councilor Cohen, and Lisa Thompson from Parks & Rec.

E. Appointment Calendar

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

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

2. ORDER #112-16/17 – Board of Assessment Review, District Five (Fox), for a term which expires 12/31/19. Postponed since 1/4/17. Passage requires majority vote.

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

3. ORDER #151-16/17 – Board of Appeals, District At-Large (Henderson), for an unexpired term which expires on 7/23/19. Passage requires majority vote.

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

4. ORDER #162-16/17 – South Portland Housing Authority, District Three (Rose), appointing **Peter Howe** for an unexpired term which expires 03/25/22. Passage requires majority vote.

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

5. ORDER #163-16/17 – Energy & Recycling Committee, District Three (Rose), for an unexpired term which expires 05/05/19. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 94
APRIL 3, 2017**

Rose moved to postpone, seconded by Cohen. The motion passed 7-0.

6. ORDER #164-16/17 – Planning Board, District Four (Cohen), appointing **Kevin Carr** for a term which expires 4/1/20. Passage requires majority vote.

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

7. ORDER #165-16/17 - Planning Board, District Five (Fox), for a term which expires 4/1/20. Passage requires majority vote.

Fox moved to suspend Council Rule 3(e) to allow an appointment to be made out of order.
Fox moved for passage, seconded by Beecher.

Fox moved to amend ORDER #165-16/17 to insert the name of Kathleen Phillips for appointment, seconded by Cohen. The motion passed 7-0.

The motion passed as amended 7-0.

F. Consent Calendar

G. Citizen Discussion (First Part)

The following spoke:

Jim Hoy, 77 Hill St.

Russ Lunt, Brigham St.

Albert DiMillo, Colchester Dr.

H. Public Hearings and Action

8. ORDINANCE #14-16/17 – Amending Chapter 27, re: Solar Ordinance. Passed first reading 3/6/17 and postponed on 3/20/17. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Cohen moved to postpone to next Council meeting; seconded by Morgan. The motion passed 7-0.

9. ORDINANCE #15-16/17 - Amending Chapter 27, "Zoning," regarding a Zone Map change from Residential A to Residential District G – 1337, 1343, 1351, 1350 and 1354 Broadway (Tax Map 32 Lots 168 and 169 and Tax Map 41 Lots 1, 27 and 27B). Passed first reading 3/20/17. ROLL CALL VOTE. Passage requires five (5) majority votes.

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

10. ORDER #166-16/17 - Public hearing on the proposed termination of the Peter H. Debevoise Memorial Scholarship Trust pursuant to 18-B M.R.S. § 414. Passage requires majority vote.

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

11. ORDER #167-16/17 - Public hearing to amend City Council Standing Rules. Passage requires majority vote.

The following spoke:

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 95
APRIL 3, 2017

George Corey, Franklin Terrace
Rosemarie DeAngelis, Pleasantdale
Barbara Psicos, Harbor Place

Cohen moved for passage, seconded by Beecher.

Mogan moved to amend Rule #35 to change the requirement from 3 Councilors to 2, seconded by Beecher.
The motion passed 7-0.

Smith moved to amend the start time of Council meetings from 6:30pm to 7:00pm, seconded by Beecher.
The motion passed 7-0.

The main motion passed as amended 7-0.

Action on Old and New Business

12. ORDER #168-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

Cohen moved for passage, seconded by Morgan. The motion passed 6-0 (Fox out of the room).

13. ORDER #169-16/17- Accepting \$1,420.00 under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

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

14. ORDER #170-16/17 - Authorizing the City Manager to submit the FY 2017-2018 Community Development Block Grant Annual Action Plan to the Cumberland County Community Development Program. Passage requires majority vote.

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

15. ORDER #171-16/17 – Authorizing the City Manager to sign a collective bargaining agreement with IAFF Local #1476 Public Safety Dispatchers for the period of July 1, 2016 to June 30, 2018. Passage requires majority vote.

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

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Cohen reported on attending the Class of '19 successful basketball fundraiser.

K. Executive Session

Morgan moved to go into Executive Session pursuant to 1 M.R.S.A. § 405(6)(E) to discuss the pending litigation matters of *Portland Pipe Line Corporation, et al. v. City of South Portland, et al.* and *City of South Portland, et al. v. Maine Municipal Association Property & Casualty Pool* with the City's legal counsel, seconded by Cohen. The motion passed 7-0.

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 96
APRIL 3, 2017

Cohen moved to come out of Executive Session at 9:20pm, seconded by Morgan. The motion passed 7-0.
Cohen moved to adjourn at 9:21pm, seconded by Morgan. The motion passed 7-0.

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Emily F. Scully

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 97
APRIL 19, 2017**

Roll Call: Mayor Smith called the meeting to order at 7:00pm. Councilor Fox was absent.

A. Acceptance of Minutes

Beecher moved for the acceptance of the minutes, seconded by Morgan. The motion passed 6-0.

B. Communications from City Manager

Mr. Morelli announced the next City Council workshop on April 24 to contain items regarding the marijuana moratorium and amendment to RESOLVE #6-16/17. The workshop on April 26 contains a review of "parking lot" budget items and a review of the FY18 CIP Budget.

Kevin Davis, Library Director, presented on Library Services Delivery to Homebound.

C. Reports from Boards and Committees

Cohen attended the last meeting of MMA LPC for the legislative year. Henderson attended a meeting of the Watershed Advisory Committee and the Bike/Ped committee.

D. Petitions and Communications

E. Appointment Calendar

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

Smith moved to postpone, seconded by Morgan. The motion passed 6-0.

2. ORDER #112-16/17 – Board of Assessment Review, District Five (Fox), for a term which expires 12/31/19. Postponed since 1/4/17. Passage requires majority vote.

Smith moved to postpone, seconded by Beecher. The motion passed 6-0.

3. ORDER #151-16/17 – Board of Appeals, District At-Large (Henderson), for an unexpired term which expires on 7/23/19. Passage requires majority vote.

Henderson moved to postpone, seconded by Beecher. The motion passed 6-0.

4. ORDER #163-16/17 – Energy & Recycling Committee, District Three (Rose), appointing **Michele Danois** for an unexpired term which expires 05/05/19. Passage requires majority vote.

Rose moved for passage, seconded by Cohen. The motion passed 6-0.

5. ORDER #172-16/17 – Appointing members to the Affordable Housing Ad-Hoc Committee. Passage requires majority vote.

Beecher moved for passage, seconded by Henderson. The motion passed 6-0.

F. Consent Calendar

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 98
APRIL 19, 2017

G. Citizen Discussion (First Part)

Russ Lunt, Brigham St.
Albert DiMillo, Colchester Dr.
Adrian Dowling, Brickhill Ave.

H. Public Hearings and Action

6. ORDINANCE #14-16/17 – Amending Chapter 27, re: Solar Ordinance. Passed first reading 3/6/17 and postponed since 3/20/17. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Rose motioned for passage, seconded by Morgan. The motion passed 6-0 on a roll call vote.

7. ORDER #173-16/17 – Granting North 43, 1 Spring Point Drive, a F/E Restaurant with Liquor License. Passage requires majority vote.

Cohen moved for passage, seconded by Beecher. The motion passed 6-0.

8. ORDER #174-16/17 – Granting South Portland Urban Air, LLC a F/E Restaurant with Malt & Vinous License. Passage requires majority vote.

Beecher moved for passage, seconded by Morgan. The motion passed 6-0.

I. Action on Old and New Business

9. ORDER #175-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

Beecher moved for passage, seconded by Morgan. The motion passed 6-0.

10. ORDER #176-16/17 – Granting a street closure of Madison Street Extension at Madison Street for the Bug Light Family 4th event on July 4, 2017 from 4:30pm to 10:15pm. Passage requires majority vote.

Morgan moved for passage, seconded by Cohen. The motion passed 6-0.

11. ORDER #177-16/17 – Authorizing the submission of a grant application to the Maine Bureau of Highway Safety under the 2017 Click It or Ticket/Buckle Up No Excuses Enforcement and Education Program and accepting awarded funds to be used by the Police Department. Passage requires majority vote.

Beecher moved for passage, seconded by Morgan. The motion passed 6-0.

12. ORDINANCE #16-16/17 – Amending Chapter 27, “Zoning,” regarding the Suburban Commercial District (CS) Zone and a Zone Map change from CPCCR at Clark’s Pond and substantial portions of the property owned by Ocean Properties at Sable Oaks to CS. First reading. Passage requires majority vote.

The following spoke:

Jim Hoy
Russ Lunt, Brigham St.
George Corey, Franklin Terrace
Pete Connell

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 99
APRIL 19, 2017**

Vincent Maietta
Leah Henniger
Adrian Dowling

Cohen moved for passage, seconded by Morgan. Cohen moved to amend the Ordinance to change mentions of the height restriction to 86', seconded by Beecher. The amendment passed 6-0. Rose moved to refer the Ordinance to another workshop for further discussion, seconded by Henderson. The motion failed 2-4 (Smith, Morgan, Beecher, Cohen).

The main motion passed as amended 6-0.

13. ORDINANCE #17-16/17 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding Food Trucks. First reading. Passage requires majority vote.

The following spoke:
George Corey, Franklin Terrace

Cohen moved for passage, seconded by Morgan. The motion passed 6-0.

14. ORDER #178-16/17 – Authorizing the submission of a Shore and Harbor Planning grant application through the Maine Coastal Program, allocating local matching funds from the Greater Portland Public Development Commission (GPPDC) grant account, and accepting awarded funds to be used by the Parks, Recreation and Waterfront Department. Passage requires majority vote.

Morgan moved for passage, seconded by Beecher. The motion passed 6-0.

J. Citizen Discussion (Second Part)

K. Councilor’s Round Robin

Cohen attended the recent Police Recognition Awards ceremony and thanked the Police and Fire Departments for all they do for the City.

Henderson praised the City.

L. Executive Session

Morgan moved to adjourn at 10:03pm, seconded by Cohen. The motion passed 6-0.

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Emily F. Scully

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 100
MAY 1, 2017

Roll Call: Mayor Smith called the meeting to order at 7:00pm. Councilors Rose and Fox were absent.

A. Acceptance of Minutes

Beecher moved for acceptance of the minutes, seconded by Cohen. The motion passed 5-0.

B. Communications from City Manager

Doug Howard, Public Works Director, presented an update on Swap Shop Rules and Policies. The Swap Shop is open Sundays in May and is staffed fully by volunteers.

C. Reports from Boards and Committees

Beecher reported on the success of the recent Medication Collection on 4/29. Smith attended a recent meeting of the O'Neil Street Facility Reuse Committee; the committee is working towards Phase II. Mayor Smith reminded residents that while Willard Beach is dog-friendly, there are restrictions.

D. Petitions and Communications

E. Appointment Calendar

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

Smith moved to postpone, seconded by Cohen. The motion passed 5-0.

2. ORDER #112-16/17 – Board of Assessment Review, District Five (Fox), for a term which expires 12/31/19. Postponed since 1/4/17. Passage requires majority vote.

Cohen moved to postpone, seconded by Morgan. The motion passed 5-0.

3. ORDER #151-16/17 – Board of Appeals, District At-Large (Henderson), for an unexpired term which expires on 7/23/19. Passage requires majority vote.

Henderson moved to postpone, seconded by Beecher. The motion passed 5-0.

4. ORDER #179-16/17 – Energy & Recycling Committee, District One (Morgan), for an unexpired term expiring 05/05/18. Passage requires majority vote.

Morgan moved to postpone, seconded by Cohen. The motion passed 5-0.

5. ORDER #180-16/17 – Planning Board, District Three (Rose), for an unexpired term expiring 04/01/18. Passage requires majority vote.

Cohen moved to postpone, seconded by Beecher. The motion passed 5-0.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 101
MAY 1, 2017**

6. ORDER #181-16/17 – Energy & Recycling Committee, District At- Large (Henderson), appointing **Jessica Williams** for a term expiring 05/05/2020. Passage requires majority vote.

Henderson moved for passage, seconded by Beecher. The motion passed 5-0.

7. ORDER #182-16/17 – Appointing Scott Morelli to the PACTS Policy Committee and Maxine Beecher as Alternate to the PACTS Policy Committee. Passage requires majority vote.

Smith moved for passage, seconded by Henderson. The motion passed 5-0.

8. ORDER #183-16/17 – Arts & Historic Preservation Committee, District One (Morgan), for an unexpired term expiring 10/20/19. Passage requires majority vote.

Morgan moved to postpone, seconded by Smith. The motion passed 5-0.

F. Consent Calendar

G. Citizen Discussion (First Part)

Russ Lunt, Brigham St.
Caroline Hendry, B St.
Greg Lewis, Mussey St.
Albert Dimillo, Colchester Dr.

H. Public Hearings and Action

9. ORDINANCE #16-16/17 – Amending Chapter 27, “Zoning,” regarding the Suburban Commercial District (CS) Zone and a Zone Map change from CPCCR at Clark’s Pond and substantial portions of the property owned by Ocean Properties at Sable Oaks to CS. Amended and passed first reading April 19, 2017. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

The following spoke:

Russ Lunt, Brigham St.
Greg Lewis, Mussey St.
Caroline Hendry

Morgan moved for passage, seconded by Cohen. The motion passed 5-0 on a roll call vote.

10. ORDINANCE #17-16/17 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding Food Trucks. Passed first reading April 19, 2017. ROLL CALL VOTE. Passage requires majority vote.

Cohen moved for passage, seconded by Beecher. The motion passed 5-0 on a roll call vote.

11. ORDER #184-16/17 – Granting South Portland Urban Air, LLC a Coin-Operated Game Machine License. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 102
MAY 1, 2017**

Cohen moved for passage, seconded by Beecher. The motion passed 5-0.

I. Action on Old and New Business

12. ORDER #185-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

Beecher moved for passage, seconded by Henderson. The motion passed 5-0.

13. RESOLVE #11-16/17 - Proclaiming the week of May 21, 2017 as Arbor Week in the City of South Portland. Passage requires majority vote.

Morgan moved for passage, seconded by Smith. The motion passed 5-0.

14. RESOLVE #12-16/17 - Proclaiming the week of May 14, 2017 as Commute Another Way Week in the City of South Portland. Passage requires majority vote.

Beecher moved for passage, seconded by Morgan. The motion passed 5-0.

15. RESOLVE #13-16/17 – Amending Resolve #6-16/17 condemning violence and hate speech, and expressing solidarity with Muslims and all those targeted for their ethnicity, race, or religion. Passage requires majority vote.

Cohen moved to postpone to 5/15/17, seconded by Morgan. The motion passed 5-0.

16. ORDINANCE #18-16/17- Amending Chapter 27, “Zoning Ordinance,” regarding extension of moratorium on the land use permitting and development of retail marijuana establishments and marijuana social clubs. First reading. Passage requires majority vote.

The following spoke:

Russ Lunt
Greg Lewis

Cohen moved for passage, seconded by Beecher. The motion passed 4-1 (Morgan).

17. ORDINANCE #19-16/17 - Amending Chapter 14, “Licensing”, regarding extension of moratorium on the licensing of retail marijuana establishments and marijuana social clubs. First reading. Passage requires majority vote.

The following spoke:

Greg Lewis
Russ Lunt

Cohen moved for passage, seconded by Beecher. The motion passed 4-1 (Morgan).

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 103
MAY 1, 2017

18. ORDER #186-16/17 – Implementing the 2018 Capital Improvement Program. Passage requires majority vote.

Beecher moved for passage, seconded by Smith. The motion passed 5-0.

19. ORDER #187-16/17 – Establishing times and locations for operation of food trucks on City property. Passage requires majority vote.

The following spoke:

Greg Lewis

Russ Lunt

Cohen moved for passage, seconded by Beecher. The motion passed 5-0.

20. ORDER #188-16/17 – Setting the opening time of the consolidated polling location at the South Portland Community Center for 7:00A.M. for the June 13, 2017 State Referendum Special Election, School Budget Validation Referendum and Portland Water District Board of Trustees Special Election. Passage requires majority vote.

Morgan moved for passage, seconded by Cohen. The motion passed 5-0.

J. Citizen Discussion (Second Part)

K. Councilor's Round Robin

Cohen and Beecher wished the City Clerk and her staff a happy Municipal Clerk's week. Henderson commented on "The Hungry Heart", a movie about the opioid addiction crisis and the importance of Home, Health, Community and Purpose. Smith mentioned that the upcoming event Tri-For-A-Cure is seeking volunteers.

L. Executive Session

Morgan moved to adjourn at 9:00pm, seconded by Cohen. The motion passed 5-0.

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Emily F. Scully

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 104
MAY 15, 2017**

Roll Call: Mayor Smith called the meeting to order at 7:00pm. All Councilors were present.

A. Acceptance of Minutes

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

B. Communications from City Manager

C. Reports from Boards and Committees

Beecher attended the recent Parks & Waterfront Alliance Casco Bay Cruise tour of the bay.

D. Petitions and Communications

E. Appointment Calendar

Item 18 was taken out of order.

18. RESOLVE #14-16/17 – Adopting a Proclamation recognizing Sybil Riemensnider for her contribution to The South Portland Food Cupboard. Passage requires majority vote.

The following commented:

Jane Eberle
Russ Lunt
Sybil Riemensnider

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

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

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

2. ORDER #112-16/17 – Board of Assessment Review, District Five (Fox), for a term which expires 12/31/19. Postponed since 1/4/17. Passage requires majority vote.

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

3. ORDER #151-16/17 – Board of Appeals, District At-Large (Henderson), for an unexpired term which expires on 7/23/19. Passage requires majority vote.

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

4. ORDER #179-16/17 – Energy & Recycling Committee, District One (Morgan), for an unexpired term expiring 05/05/18. Passage requires majority vote.

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

5. ORDER #180-16/17 – Planning Board, District Three (Rose), for an unexpired term expiring 04/01/18. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 105
MAY 15, 2017**

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

6. ORDER #183-16/17 – Arts & Historic Preservation Committee, District One (Morgan), for an unexpired term expiring 10/20/19. Passage requires majority vote.

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

7. ORDER #189-16/17 – Energy & Recycling Committee, District At-Large (Henderson), appointing **Greg Williams** for an unexpired term expiring 05/05/2020. Passage requires majority vote.

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

8. ORDER #190-16/17 – Energy & Recycling Committee, District At-Large (Beecher), for an unexpired term expiring 05/05/2020. Passage requires majority vote.

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

9. ORDER #191-16/17 – Energy & Recycling Committee, District At-Large (Beecher), appointing **Daniel Paul** for an unexpired term expiring 05/05/2020. Passage requires majority vote.

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

10. ORDER #192-16/17 – Conservation Commission, District Three (Rose), for an unexpired term expiring 03/03/2020. Passage requires majority vote.

Rose moved to postpone, seconded by Fox. The motion passed 7-0.

F. Consent Calendar

Passage of Consent Calendar requires majority vote.

11. ORDER #193-16/17 – Granting street closure of Broadway on May 29, 2017 from 10:30am to 12:00pm for the Memorial Day Parade.

12. ORDER #194-16/17 – Granting street closure of Fort Road, Benjamin Pickett Street, and Surfsite Road from 7:00am to 1:00pm for a triathlon on July 22 and 23, 2017 for Tri For A Cure.

13. ORDER #195-16/17 – Granting street closure of Ocean Street from the intersections of A Street to D Street from 2:00pm to 10:00pm on August 12, 2017 for the Knightville Street Festival.

The following spoke:

Russ Lunt, Brigham St.

Jim Hoy, Hill St.

Cohen moved for passage of the Consent Calendar, seconded by Rose. The motion passed 7-0.

G. Citizen Discussion (First Part)

Russ Lunt, Brigham St.

Bob Whyte, Orchard St.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 106
MAY 15, 2017**

Albert DiMillo, Colchester Dr.
Greg Lewis, Mussey St.

H. Public Hearings and Action

14. ORDINANCE #18-16/17- Amending Chapter 27, "Zoning Ordinance," regarding extension of moratorium on the land use permitting and development of retail marijuana establishments and marijuana social clubs. Passed first reading on May 1, 2017. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

The following spoke:

Bob Whyte, Orchard St.
Russ Lunt, Brigham St.
Greg Lewis, Mussey St.
Jim Hoy, Hill St.

Cohen moved for passage, seconded by Beecher. The motion failed 4-3 (Morgan, Rose, Fox) on a roll call vote.

15. ORDINANCE #19-16/17 - Amending Chapter 14, "Licensing", regarding extension of moratorium on the licensing of retail marijuana establishments and marijuana social clubs. Passed first reading May 1, 2017. ROLL CALL VOTE. Passage requires majority vote.

Cohen moved for passage, seconded by Beecher. The motion passed 4-3 (Morgan, Rose, Fox).

16. ORDER #196-16/17 – Granting Chicago Dogs, 671 Main Street, a F/E Restaurant with Liquor License. Passage requires majority vote.

The following spoke:

Russ Lunt, Brigham St.
Albert DiMillo, Colchester Dr.

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

I. Action on Old and New Business

17. RESOLVE #13-16/17 – Amending Resolve #6-16/17 condemning violence and hate speech, and expressing solidarity with Muslims and all those targeted for their ethnicity, race, or religion. Postponed on May 1, 2017. Passage requires majority vote.

The following spoke:

George Corey, Franklin Terrace
Robert Sellin, D St.
Jim Hoy, Hill St.
Patricia Whyte, Orchard St.
Mary Jane Ferrier, School St.
Bob Whyte, Orchard St.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 107
MAY 15, 2017**

Rose moved for passage, seconded by Fox. The motion passed 5-2 (Cohen, Beecher).

19. ORDER #197-16/17 – Award of Bid #31-17 to Chicago Dogs, of South Portland, ME, for the lease of the Willard Beach Concession Building. Passage requires majority vote.

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

20. ORDER #198-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

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

21. RESOLVE #15-16/17 – Adopting a Proclamation regarding Memorial Day. Passage requires majority vote.

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

22. ORDER #199-16/17 – Authorizing the City Manager to sign two license agreements with Portland Pipe Line Corporation extending the term for property used for the Greenbelt Walkway; one near Benjamin W. Pickett Street, and one behind Bonnybriar Road. Passage requires majority vote.

The following spoke:

Patricia Whyte, Orchard St.

Russ Lunt, Brigham St.

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

23. ORDER #200-16/17 – Award of Bid #26-17 to Penta, of Moultonboro, NH, for an Aeration Splitter Project at the Water Resource Protection Facility. Passage requires majority vote.

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

Items 24-34 were read and voted on as one item:

24. RESOLVE #16-16/17 - That \$19,050,373 be expended for Regular Instruction. Passage requires majority vote.

25. RESOLVE #17-16/17 - That \$9,089,213 be expended for Special Education. Passage requires majority vote.

26. RESOLVE #18-16/17 - That \$347,500 be expended for Career and Technical Education. Passage requires majority vote.

27. RESOLVE #19-16/17 - That \$957,076 be expended for Other Instruction. Passage requires majority vote.

28. RESOLVE #20-16/17 - That \$3,983,869 be expended for Student and Staff Support. Passage requires majority vote.

29. RESOLVE #21-16/17 - That \$1,445,177 be expended for System Administration. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 108
MAY 15, 2017**

30. RESOLVE #22-16/17 - That \$2,497,874 be expended for School Administration. Passage requires majority vote.

31. RESOLVE #23-16/17 - That \$2,008,911 be expended for Transportation and Buses. Passage requires majority vote.

32. RESOLVE #24-16/17 - That \$4,328,601 be expended for Facilities Maintenance. Passage requires majority vote.

33. RESOLVE #25-16/17 - That \$4,660,304 be expended for Debt service and Other Commitments. Passage requires majority vote.

34. RESOLVE #26-16/17 - That \$438,520 be expended for All Other Expenditures. Passage requires majority vote.

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

35. RESOLVE #27-16/17 - That \$35,855,791.50 be appropriated for the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that \$29,883,101.17 be raised as the City's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine revised Statutes, Title 20-A, section 15688. Passage requires majority vote.
Explanation: The City's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that the municipality must raise in order to receive the full amount of State dollars.

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

36. RESOLVE #28-16/17 - That \$4,057,799 be raised and appropriated for the annual payments on debt service previously approved by the voters for non-State funded school construction projects and non-State funded portions of school construction projects in addition to the funds appropriated as the local share of the City's contribution to the total cost of funding public education from pre-kindergarten to grade 12. Passage requires majority vote.

Cohen moved for passage, seconded by Fox. The motion passed 7-0.

Explanation: Non-State funded debt service is the amount of money needed for the annual payments on the City's long-term debt for major school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters of the City as follows:

- *SPHS Auditorium/Cafeteria Construction, approved by voters on November 8, 1994*
- *Elementary Schools Construction and Renovation, approved by voters on November 6, 2001*
- *SPHS Addition and Renovation, approved by voters on November 2, 2010*

37. RESOLVE #29-16/17 - That \$7,155,414.83 be raised and appropriated in additional local funds, which exceed the State's Essential Programs and Services Allocation model by \$6,394,662.67 as required to fund the budget recommended by the Board of Education. Passage requires majority vote.

The Board of Education recommends \$7,155,414.83 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$6,394,662.67.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 109
MAY 15, 2017**

- Co-curricular/Athletic costs not recognized by EPS
- *Maintaining/Staffing two small Middle Schools rather than one*
- Staffing for Nursing Services greater than acknowledged by EPS
- Maintaining/Staffing five small Elementary Schools rather than four
- Class Size Targets less than State standard
- *Purchase of one 84 passenger Type D school bus*
- Lease payment for SPHS iPads
- *Capital Improvement Projects for Mahoney, Memorial and SPHS approved by voters on June 9, 2009*

Explanation: The additional local funds are those locally raised funds over and above the municipality's local contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the school department budget for educational programs.

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

38. RESOLVE #30-16/17 -- That the Board of Education be authorized to expend \$48,807,418 for the fiscal year beginning July 1, 2017 and ending June 30, 2018 from the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-State funded school construction projects, additional local funds for school purposes under the Maine Revised statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools. Passage requires majority vote.

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

Items 39-41 were read and voted on as one item:

39. RESOLVE #31-16/17 - That the City of South Portland will appropriate \$25,000 for Adult Education and raise \$25,000 as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program. Passage requires majority vote.

40. RESOLVE #32 -16/17 - That the City of South Portland will raise and appropriate \$430,000 in additional local dollars in support of the food service program. Passage requires majority vote.

41. RESOLVE #33-16/17 – That the Board of Education be authorized to expend such other sums as may be received for state and federal grants or programs or other sources during the fiscal year for school and/or adult education purposes provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated. Passage requires majority vote.

Smith moved for passage, seconded by Fox. The motion passed 7-0.

42. RESOLVE #34-16/17- That the Board of Education be authorized to use all or part of additional state subsidy received, if any, to increase expenditures for school purposes in cost center categories approved by the School Board, increase the allocation of finances in a reserve fund approved by the School Board, and/or decrease the local cost share expectation, as defined in Title 20-A, section 15671-A(1)(B), for local property taxpayers for funding public education as approved by the School Board. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 110
MAY 15, 2017

Cohen moved for passage, seconded by Smith. The motion passed 7-0.

43. ORDER #201-16/17 – Authorizing the Superintendent to implement the FY18 School Department Capital Improvement Plan in the amount of \$1,016,417 as detailed in the Superintendent’s memo and FY18 Proposed CIP Expenditure Summary. Passage requires majority vote.

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

44. RESOLVE #35-16/17 – Supporting Solar Bills from the Legislature. Passage requires majority vote.

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

J. Citizen Discussion (Second Part)

K. Councilor’s Round Robin

L. Executive Session

Cohen moved to adjourn at 10:03pm, seconded by Morgan. The motion passed 7-0.

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Emily F. Scully

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 111
JUNE 5, 2017**

Roll Call: Mayor Smith called the meeting to order at 7:00pm. All Councilors were present.

A. Acceptance of Minutes

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

B. Communications from City Manager

Chief Jim Wilson recognized Captain Richard Cotton upon his retirement after 54 years of service to the Fire Department as a Call Company Member

The City Manager reminded the Council and public of the City Council's goal setting workshop on June 7, and the June 12 workshop on paper streets and Knightville zoning.

C. Reports from Boards and Committees

Beecher commented on the success of the food waste program and the positive status of ecomaine's finances.

D. Petitions and Communications

E. Appointment Calendar

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

Smith moved to postpone, seconded by Fox. The motion passed 7-0.

2. ORDER #112-16/17 – Board of Assessment Review, District Five (Fox), for a term which expires 12/31/19. Postponed since 1/4/17. Passage requires majority vote.

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

3. ORDER #151-16/17 – Board of Appeals, District At-Large (Henderson), appointing **Timothy Pinette** for an unexpired term which expires on 7/23/19. Passage requires majority vote.

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

4. ORDER #179-16/17 – Energy & Recycling Committee, District One (Morgan), for an unexpired term expiring 05/05/18. Passage requires majority vote.

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

5. ORDER #180-16/17 – Planning Board, District Three (Rose), appointing **Leslie Dillon** for an unexpired term expiring 04/01/18. Passage requires majority vote.

Rose moved to postpone, seconded by Cohen. The motion passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 112
JUNE 5, 2017**

6. ORDER #183-16/17 – Arts & Historic Preservation Committee, District One (Morgan), for an unexpired term expiring 10/20/19. Passage requires majority vote.

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

7. ORDER #190-16/17 – Energy & Recycling Committee, District At-Large (Beecher), for an unexpired term expiring 05/05/2020. Passage requires majority vote.

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

8. ORDER #192-16/17 – Conservation Commission, District Three (Rose), appointing **Cory McKenna** for a term expiring 03/03/2020. Passage requires majority vote.

Rose moved for passage, seconded by Cohen. Cohen moved to amend the ORDER to remove the word “unexpired”, seconded by Rose. The amendment passed 7-0. The motion passed 7-0.

9. ORDER #202-16/17 – Energy & Recycling Committee, District Five (Fox), for an unexpired term expiring 05/05/18. Passage requires majority vote.

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

10. ORDER #203-16/17 – Appointing **Justin Nichols** to fill a vacancy on the Pest Management Advisory Committee. Passage requires majority vote.

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

F. Consent Calendar

Passage of Consent Calendar requires majority vote.

11. ORDER #204-16/17 – Granting street closure of Preble Street at Willow Street, Pillsbury Street, up to 444 Preble Street for WillardFest on July 8, 2017 with a rain date of July 9, 2017, from 1:00pm to 7:00pm.

Cohen moved for passage of the Consent Calendar, seconded by Beecher. The motion passed 7-0.

G. Citizen Discussion (First Part)

Phil Notice, Ocean St.
Russ Lunt, Brigham St.
Greg Lewis, Mussey St.
Caroline Hendry, E St.
Annette Holmes, D St.
Rosemarie DeAngelis, Pleasantdale
George Corey, Franklin Terrace

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 113
JUNE 5, 2017**

H. Public Hearings and Action

12. ORDER #205-16/17 – Granting Island Dog Brewing, 125 John Roberts Road, a F/E Restaurant with Malt license. Passage requires majority vote.

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

I. Action on Old and New Business

13. ORDER #206-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

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

14. RESOLVE #36-16/17 – Adopting a proclamation acknowledging 80 years of education and stewardship of the Centerboard Yacht Club. Passage requires majority vote.

The following spoke:

Russ Lunt, Brigham St.
Richard Foley, Centerboard Yacht Club

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

15. ORDER #207-16/17 – Authorizing a Revolving Loan in the amount of \$86,000 to Mr. Quang Nguyen. Passage requires majority vote.

The following spoke:

Phil Notice, Ocean St.
Greg Lewis, Mussey St.
Russ Lunt, Brigham St.

Fox moved for passage, seconded by Morgan. Rose moved to commit the item to a future workshop for further discussion. The motion did not receive a second, and failed. The motion passed 7-0.

16. ORDINANCE #20-16/17 - Amending Chapter 6, "Elections," to add provisions regarding the citizen initiative process. First reading. Passage requires majority vote.

The following spoke:

George Corey, Franklin Terrace
Greg Lewis, Mussey St.

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

17. ORDINANCE #21-16/17 – Amending Chapter 27, "Zoning," regarding an Inclusionary Zoning ordinance and a Housing Trust Fund. First reading. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 114
JUNE 5, 2017**

The following spoke:

Rosemarie DeAngelis, Pleasantdale
Patricia Whyte, Orchard St.
Caroline Hendry, E St.
Bob Whyte, Orchard St.
Phil Notice, Ocean St.
Greg Lewis, Mussey St.

Morgan moved for passage, seconded by Beecher.

Rose moved to strike language from the ORDINANCE regarding mention of 12 ft' height, seconded by Henderson. The amendment passed 7-0.

Morgan moved to commit the ORDINANCE, as amended, to a future workshop for further discussion, seconded by Cohen. The motion passed 7-0.

18. ORDER #208-16/17 – Award of bid #32-17 to DataSpan, of Dallas, TX, for the purchase of network equipment. Passage requires majority vote.

Cohen moved for passage, seconded by Beecher. The motion passed 6-0 (Henderson out of the room).

19. ORDER #209-16/17 – Amending the curbside solid waste/recycling collection contract with Pine Tree Waste. Passage requires majority vote.

Morgan moved for passage, seconded by Fox. The motion passed 6-0 (Henderson out of the room).

20. ORDER #210-16/17 – Award of a sole source bid Physio-Control, of Redmond, WA, for a LifePak 15 for the Fire Department. Passage requires majority vote.

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

21. ORDER #211-16/17 – Amending the “Traffic Schedule,” regarding No Parking on Lawn Avenue both sides; adding a stop sign at the intersection of Wythburn Road and Mardale Avenue; and one-hour parking on the west side of Main Street from the private driveway at the north corner of Mardale Avenue to a point 150 feet north. Passage requires majority vote.

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

22. ORDER #212-16/17 – Authorizing the City Manager to sign a Cooperative Agreement with the Town of Cape Elizabeth, the Town of Scarborough, and the Town of Gorham, and the City of Westbrook for the purposes of honoring one another’s library cards and patrons at the South Portland Library. Passage requires majority vote.

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

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 115
JUNE 5, 2017

23. ORDER #213-16/17 - Award of bid #29-17 to Thomas Simpson, LLC, of South Portland, ME, for the lease of the Portland Street Pier. Passage requires majority vote.

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

24. RESOLVE #37-16/17 - Proclaiming July as Parks and Recreation Month in the City of South Portland. Passage requires majority vote.

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

25. ORDER #214-16/17 – Extending an Agreement with Portland Pipe Line Corporation for the City’s use of five acres of land at Bug Light Park. Passage requires majority vote.

The following spoke:

Patricia Whyte, Orchard St.
Greg Lewis, Mussey St.
Russ Lunt, Brigham St.
George Corey, Franklin Terrace

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

J. Citizen Discussion (Second Part)

Bob Whyte, Orchard St.

K. Councilor’s Round Robin

Cohen announced Lisa Thompson’s resignation, thanked her for her service and wished her well; Lisa accepted a position as Director of Parks and Recreation in Wiscasset. Cohen also recognized Sarah Neuts, Parks Director, who announced her retirement after 40 years of service with the City.

L. Executive Session

Rose motioned for adjournment at 10:45pm, seconded by Beecher. The motion passed 7-0.

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Emily F. Scully

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 116
JUNE 19, 2017**

Executive Session

A motion was made by Councilor Cohen at 6:15pm to enter into Executive Session pursuant to 1 M.R.S.A. §405 (6)(C) and(6)(E) for the purpose of discussing items relating to ON Semiconductor (formerly Fairchild Semiconductor), including: Discussing or conserving the condition or use of real property, or personal property permanently attached to real property, interest therein, or economic development, and Consulting with our attorney regarding the legal rights and duties of the City and City Council. Seconded by Mayor Smith. The motion passed 7-0.

Councilor Cohen moved to come out of executive session at 7:20pm, seconded by Councilor Rose. The motion passed 7-0.

Roll Call: Mayor Smith called the meeting to order at 7:20pm. All Councilors were present.

A. Acceptance of Minutes

June 5, 2017 City Council Meeting
June 7, 2017 City Council Workshop – Goal Setting

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

B. Communications from City Manager

The ceremony for Sam DiPietro Park takes place 6/20 at 4:30pm.

C. Reports from Boards and Committees

Rose shared an update on the Comprehensive Plan/West End Master Plan project and commended the project's encouragement of community feedback.

Mayor Smith shared an upcoming site walk and public discussion regarding the O'Neil Facility Re-use Project.

D. Petitions and Communications

The City Clerk shared the results of the June 13th election.

E. Appointment Calendar

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

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

2. ORDER #112-16/17 – Board of Assessment Review, District Five (Fox), for a term which expires 12/31/19. Postponed since 1/4/17. Passage requires majority vote.

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

3. ORDER #179-16/17 – Energy & Recycling Committee, District One (Morgan), for a term expiring 05/05/18. Passage requires majority vote.

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

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 117
JUNE 19, 2017**

4. ORDER #183-16/17 – Arts & Historic Preservation Committee, District One (Morgan), for a term expiring 10/20/19. Passage requires majority vote.

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

5. ORDER #190-16/17 – Energy & Recycling Committee, District At- Large (Beecher), for a term expiring 05/05/2020. Passage requires majority vote.

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

6. ORDER #202-16/17 – Energy & Recycling Committee, District Five (Fox), for a term expiring 05/05/18. Passage requires majority vote.

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

7. ORDER #214-16/17 – Planning Board, District At-Large (Beecher), appointing **Katherine Gatti** for an unexpired term expiring 04/01/19. Passage requires majority vote.

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

F. Consent Calendar

G. Citizen Discussion (First Part)

Russ Lunt, Brigham St.
Bill Laidley, Taylor St.
Greg Lewis, Mussey St.
Barbara Psichos, South Portland
Tex Haeuser, Planning Director

H. Public Hearings and Action

8. ORDINANCE #20-16/17 - Amending Chapter 6, "Elections," to add provisions regarding the citizen initiative process. Passed first reading 6/5/17. ROLL CALL VOTE. Passage requires majority vote.

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

I. Action on Old and New Business

9. ORDER #215-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

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

10. ORDER #216-16/17 – Authorizing the City's participation in submitting an application for a 2017 COPS Hiring Grant to be used by the Police Department. Passage requires majority vote.

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

11. ORDER #217-16/17– Setting the sewer user fees for Fiscal Year 2018. Passage requires majority vote.

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

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 118
JUNE 19, 2017

12. ORDER #218-16/17– Approving the submission of grant applications to PACTS for traffic, bicycle and pedestrian projects. Passage requires majority vote.

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

13. ORDER #219-16/17 – Authorizing the City Manager to execute and deliver an updated power purchase agreement, including a related license agreement, with ReVision SunFill, LLC for the installation of a photovoltaic array at the City's capped landfill located at 929 Highland Avenue. Passage requires majority vote.

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

14. ORDER #220-16/17 – Authorizing the City to accept a Local Sustainability Initiative Seed Grant from The Natural Resources Council of Maine in the amount of \$400 to be used by the Sustainability Coordinator to educate and inform citizens about the food waste collection pilot program. Passage requires majority vote.

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

15. RESOLVE#38-16/17 – Approving the FY 2018 Appropriation Resolve. Passage requires majority vote.

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

16. ORDER #221-16/17 – Transferring \$475,000 from Unassigned Fund Balance to the Property Tax Stabilization Reserve Account. Passage requires majority vote.

Cohen moved for passage, seconded by Henderson. The motion passed 7-0.

17. ORDER #222-16/17 –Authorizing the Finance Director to accept prepayment of FY 2018 property taxes. Passage requires majority vote.

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

18. ORDER #223-16/17 - Authorizing the Finance Director to release city interest in any real estate in the City of South Portland by quitclaim deed. Passage requires majority vote.

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

19. ORDER #224-16/17 – Award of sole source bid to Hydroworx, of Middletown, PA, for the purchase of a Therapy Hot Tub in the South Portland Community Center pool. Passage requires majority vote.

Greg Lewis, Mussey St, addressed this item.

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

20. ORDER #225-16/17 - Authorizing a 2% percent cost of living adjustment for non-union municipal employees. Passage requires majority vote.

Cohen moved for passage, seconded by Fox. The motion passed 7-0.

21. ORDER #226-16/17 – Authorizing the repurposing of existing CDBG funds for repairs/renovations to the Redbank Community Center. Passage requires majority vote.

Rose moved for passage, seconded by Morgan. Morgan moved to amend the ORDER to reflect the account amount, \$279,901.16. Seconded by Cohen. The amendment passed 7-0. The motion passed as amended 7-0.

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 119
JUNE 19, 2017

22. ORDER #227-16/17 – Rescheduling the July 3, 2017 City Council meeting to July 10, 2017 at 6:30 p.m. and directing the City Clerk to post notice of the change. Passage requires at least five votes.

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

J. Citizen Discussion (Second Part)

K. Councilor's Round Robin

Rose mentioned the Centerboard Yacht Club was complimentary of the efficient and organized way the City Council meeting is run.

Smith commented on the successful cultural community connection event held at Redbank Community Center on June 16. Council Cohen and Fox were also in attendance.

Morgan motioned for adjournment, seconded by Beecher. The motion passed 7-0.

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