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**IN COUNCIL SPECIAL MEETING VOL. 79 PAGE 1  
JULY 10, 2017**

**Roll Call:** Mayor Smith called the meeting to order at 6:30pm. 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**

**C. Reports from Boards and Committees**

**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 for postponement, 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 for postponement, seconded by Cohen. 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 for postponement, seconded by Beecher. The motion passed 7-0.

4. ORDER #183-16/17 – Arts & Historic Preservation Committee, District One (Morgan), appointing Susan Hasson for a term expiring 10/20/19. Passage requires majority vote.

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

5. ORDER #190-16/17 – Energy & Recycling Committee, District At- Large (Beecher), appointing **Jaime Madore** for a term expiring 05/05/2020. Passage requires majority vote.

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

6. ORDER #202-16/17 – Energy & Recycling Committee, District Five (Fox), appointing **Cara DeRose** for a term expiring 05/05/18. Passage requires majority vote.

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

7. ORDER #1-17/18 – Planning Board, District Five (Fox), appointing **Mary DeRose** for an unexpired term expiring 04/01/20. Passage requires majority vote.

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

**IN COUNCIL SPECIAL MEETING VOL. 79 PAGE 2**  
**JULY 10, 2017**

**8.** ORDER #2-17/18 – Board of Appeals, District Four (Cohen), appointing **Dan Fortin** for a term expiring 7/23/20. Passage requires majority vote.

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

**9.** ORDER #3-17/18 – Community Development Advisory Committee, District At-Large (Beecher), for an unexpired term expiring 01/15/20. Passage requires majority vote.

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

**10.** ORDER #4-17/18 – Arts & Historic Preservation Committee, District At-Large (Henderson), for an unexpired term expiring 10/20/20. Passage requires majority vote.

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

**11.** ORDER #5-17/18 – Appointing **Cynthia Tayman-Veroneau** to the Board of Directors for Opportunity Alliance for a three-year term ending June 30, 2020. Passage requires majority vote.

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

**12.** ORDER #6-17/18 – Economic Development Committee, District Four (Cohen), for an unexpired term expiring 03/23/19. Passage requires majority vote.

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

**F. Consent Calendar**

**G. Citizen Discussion (First Part)**

Russ Lunt, Brigham St.

**H. Public Hearings and Action**

**I. Action on Old and New Business**

**13.** ORDER #7-17/18 – Accepting miscellaneous donations. Passage requires majority vote.

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

**14.** ORDER #8-17/18– Setting the street opening fees for FY 2018. Passage requires majority vote.

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

**15.** RESOLVE #1-17/18 – South Portland joins Climate Mayors in Support of Paris Agreement. Passage requires majority vote.

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

**16.** ORDER #9-17/18 - Amending ORDER #141-05/06 designating certain areas as “Safe Zones” under State law. Passage requires majority vote.

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**JULY 10, 2017**

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

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

**17. ORDER #10-17/18** – Award of sole source bid to M.E. O'Brien & Sons, of Medfield, MA, for the installation of playground equipment at Sawyer Park. Passage requires majority vote.

The following commented on this:  
David Murphy, South Portland Land Trust  
Lisa M, South Portland  
Russ Lunt, Brigham St.

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

**18. ORDER #11-17/18** – Consideration of a request from the Civil Service Commission to retain outside legal counsel for review of ordinance changes. Passage requires majority vote.

The following commented on this:  
George Corey, Franklin Terrace  
Lee Harvey, Civil Service Commission

Cohen moved for passage, seconded by Morgan. The motion passed 4-3 (Rose, Fox, Henderson).

**J. Citizen Discussion (Second Part)**

George Corey, Franklin Terrace  
Lee Harvey, Civil Service Commission

**K. Councilor's Round Robin**

Cohen remarked on the successful 4<sup>th</sup> of July events at Bug Light Park and thanked Parks & Recreation staff for a great series of events, including the movie night which brought out approximately 2,000 people.

**L. Executive Session**

Morgan moved to adjourn at 8:10pm, seconded by Beecher. The motion passed 7-0.



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**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 1  
JULY 17, 2017**

Morgan moved to enter into Executive Session at 6:15pm, pursuant to 1 M.R.S.A. § 405(6)(E) to discuss the pending litigation of *Portland Pipe Line Corporation, et al. v. City of South Portland, et al.* with the City's legal counsel. The motion passed 5-0 (Fox and Cohen out).

Morgan moved to come out of executive session at 6:59pm, seconded by Henderson. The motion passed 6-0 (Cohen out).

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

**A. Acceptance of Minutes**

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

**B. Communications from City Manager**

HR Director Don Brewer – Update on Safety Committee

**C. Reports from Boards and Committees**

**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.

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

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 Beecher. The motion passed 6-0.

4. ORDER #3-17/18 – Community Development Advisory Committee, District At-Large (Beecher), for an unexpired term expiring 01/15/20. Passage requires majority vote.

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

5. ORDER #4-17/18 – Arts & Historic Preservation Committee, District At-Large (Henderson), for an unexpired term expiring 10/20/17. Passage requires majority vote.

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

6. ORDER #6-17/18 – Economic Development Committee, District Four (Cohen), for an unexpired term expiring 03/23/19. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 2**  
**JULY 17, 2017**

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

**7. ORDER #12-17/18** – Board of Appeals, District Three (Rose), appointing **Ryan Cyr** for a term expiring 07/23/20. Passage requires majority vote.

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

**F. Consent Calendar**

**G. Citizen Discussion (First Part)**

Russ Lunt, Brigham St.  
Albert DiMillo, Colchester Dr.  
Paul Cunningham, Edwards St.  
Greg Lewis, Mussey St.

**H. Public Hearings and Action**

**8. ORDER #13-17/18** – Granting On The Border, 420 Maine Mall Road, a Special Amusement Permit Without Dancing. Passage requires majority vote.

The following spoke:

Michael Sullivan, On The Border

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

**9. ORDER #14-17/18** – Adopting the Eighth Amendment to the Fairchild Semiconductor Tax Increment Financing (TIF) District Development Program. Passage requires majority vote.

The following spoke:

Greg Lewis, Mussey St; inquired about the benefits and tax breaks to Fairchild as a result of the TIF program.

Paul Cunningham, Edwards St; inquired about the benefits and tax breaks to Fairchild as a result of the TIF program.

George Corey, Franklin Terrace; asked if a presentation would be forthcoming; inquired if there was an outstanding balance owed from the Seventh Amendment.

Shana Cook-Mueller, Bernstein Shur, and Greg L'Heureux, Finance Director, explained the TIF District Development Program and answered questions from the public. There is no outstanding accrual owed to Fairchild . Presently, as a result of the TIF Program, Fairchild received approximately \$46,000 in tax reimbursement out of the approximately \$92,000 captured property taxes for FY17. For the coming year FY18, the reimbursement would be approximately 70,000 if the council approves the amendment. Thereafter the reimbursement would be based on the tiered 3 year average and the amount of captured taxes.

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

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 3  
JULY 17, 2017**

**I. Action on Old and New Business**

**10. ORDER #15-17/18** – Accepting miscellaneous donations. Passage requires majority vote.

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

**11. ORDINANCE #1-17/18** – Amending Chapter 27, “Zoning,” regarding an Inclusionary Zoning Ordinance and a Housing Trust Fund. First Reading. Passage requires majority vote.

The following commented:

Greg Lewis, Mussey St.

Henderson moved for passage and inclusion of proposed amendments, seconded by Fox. The motion passed 6-0.

**12. ORDER #16-17/18** – Award of Bid #06-18 to Whalley Computer Associates, Inc., of Southwick, MA, for the School Department. Passage requires majority vote.

The following commented:

Andrew Wallace, School IT Director

Russ Lunt, Brigham St.

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

**13. ORDER #17-17/18** – Award of sole source bid to Apple Computers, of Cupertino, CA, for the purchase of nine hundred and forty (940) iPads and eighty-five (85) Macbook Air Laptops for the School Department. Passage requires majority vote.

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

**14. RESOLVE #2-17/18** - Resolution pursuant to Section 612 of the City Charter Determining Details of Issue of General Obligation Refunding Bonds to be issued to refund all or portions of the City’s \$6,503,000 2010 General Obligation Bonds, dated February 1, 2010 and the City’s \$30,000,000 2012 General Obligation Bonds, dated May 30, 2012. Passage requires five (5) affirmative votes.

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

**J. Citizen Discussion (Second Part)**

The following spoke:

Adrian Dowling

**K. Councilor’s Round Robin**

Mayor Smith wished everyone good luck in Tri-For-A-Cure and thanked sponsors and volunteers.

Morgan reminded the public to urge department heads to request funding at annual budget meetings for any staffing needs.

Rose reminded presenters to please use 14-17 point font for easy reading on PowerPoint presentations.

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 4  
JULY 17, 2017**

Henderson reminded all of the solar array ground-breaking ceremony taking place tomorrow at 929 Highland Avenue.

**L. Adjourn**

seconded by Rose. The

Morgan moved to adjourn at 9:25pm,  
motion passed 6-0.

A handwritten signature in black ink, appearing to read "Morgan", is written over the text of the motion.

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**IN COUNCIL SPECIAL MEETING VOL. 79 PAGE 1**  
**JULY 24, 2017**

**Roll Call:** Mayor Smith called the meeting to order at 7:50pm. All Councilors were present.

**I. Action on Old and New Business**

1. RESOLVE #3-17/18 – Amending Resolve #16-16/17, that \$19,050,373 be expended for Regular Instruction. Passage requires majority vote.
2. RESOLVE #4-17/18 – Amending Resolve #17-16/17, that \$9,089,213 be expended for Special Education. Passage requires majority vote.
3. RESOLVE #5-17/18 – Amending Resolve #23-16/17, that \$2,008,911 be expended for Transportation and Buses. Passage requires majority vote.
4. RESOLVE #6-17/18 – Amending Resolve #24-16/17, that \$4,328,601 be expended for Facilities Maintenance. Passage requires majority vote.

The following commented:

Greg L'Heureux, Finance Director  
Russ Lunt Brigham St.  
Karen Callaghan, School Board

Cohen moved for passage on items 1-4, seconded by Morgan. The motion passed 7-0.

5. RESOLVE #7-17/18 - Amending Resolve #27-16/17, the FY 2018 School Department's Amounts 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 Amounts to 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.

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

6. RESOLVE #8-17/18 – Amending 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.

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

7. RESOLVE #9-17/18 - Amending Resolve #38-16/17 the FY 2018 Appropriation Resolve, to amend various estimated revenues and expenditures by \$101,024,683. Passage requires majority vote.

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

IN COUNCIL SPECIAL MEETING VOL. 79 PAGE 2  
JULY 24, 2017

**L. Adjourn**

Cohen moved to adjourn at 8:15pm, seconded by Fox. The motion passed 7-0.

A handwritten signature in black ink, appearing to read "Eric Fox", written in a cursive style.

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**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 1  
AUGUST 7, 2017**

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

**A. Acceptance of Minutes (from July 17, 2017 & July 24, 2017)**

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

**B. Communications from City Manager**

Update from Sustainability Director

Art in the Park and the Knightville Street Festival will be held this Saturday, August 12.

The Jetport Noise Committee has received some complaints of excessive jetport noise as of late. A statement issued from the Jetport explained that due to renovations on a regular runway, flight traffic has been redirected to another runway for the duration of the repairs. Repairs are expected to end early August.

**C. Reports from Boards and Committees**

Rose attended a recent meeting of the Energy & Recycling Committee and commented on the good brainstorming session around a climate action plan.

Smith attended a recent meeting of the O'Neil Street Facility Reuse Committee and announced that the committee has three recommendations that will come forward for Council consideration following the committee's public hearing and input meetings.

**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 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 #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.

**4. ORDER #3-17/18** – Community Development Advisory Committee, District At-Large (Beecher), for an unexpired term expiring 01/15/20. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 2  
AUGUST 7, 2017**

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

**5. ORDER #4-17/18** – Arts & Historic Preservation Committee, District At-Large (Henderson), for an unexpired term expiring 10/20/17. Passage requires majority vote.

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

**6. ORDER #6-17/18** – Economic Development Committee, District Four (Cohen), appointing **David Canarie** for an unexpired term expiring 03/23/19. Passage requires majority vote.

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

**7. ORDER #18-17/18** – 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.

**8. ORDER #19-17/18** – Board of Appeals, District Five (Fox), appointing **Cara Biddings** for a term expiring 07/23/20. Passage requires majority vote.

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

**F. Consent Calendar**

**9. ORDER #20-17/18** – Granting a street closure request of Hinckley Drive from 12:01 A.M. to 9:00 A.M. on August 12, 2017 for “Art in the Park” . Passage requires majority vote.

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

**G. Citizen Discussion (First Part)**

The following spoke:

Russ Lunt, Brigham St.

Carol Fanning, E St.

**H. Public Hearings and Action**

**10. ORDER #21-17/18** – Granting Deb’ s Sandwich Shop, 528 Main Street, an Outdoor Use of Public Sidewalk License. Passage requires majority vote.

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

**11. ORDER #22-17/18** – Granting Maine Ice Cream, 530 Main Street, an Outdoor Use of Public Sidewalk License. Passage requires majority vote.

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

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 3  
AUGUST 7, 2017**

**I. Action on Old and New Business**

**12. ORDER #23-17/18** – Accepting miscellaneous donations. Passage requires majority vote.

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

**13. ORDER #24-17/18** - Renaming Acton Street to McLaughlin Way. Passage requires majority vote.

The following spoke:  
Ronald McLaughlin, Acton Street

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

**14. ORDER #25-17/18** – Award of Bid #03-18 for the purchase of a one-ton, 4 x 4 truck with plow for the Fire Department. Passage requires majority vote.

The following spoke:  
Russ Lunt, Brigham St.  
Adrian Dowling, Brickhill

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

**15. ORDER #26-17/18** – Award of a sole source bid to Cobalt Light Systems, Inc., of Reston, VA, for a portable analyzer for both the Fire and Police Departments. Passage requires majority vote.

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

**16. ORDINANCE #2-17/18** – Amending Chapter 18, “Parks and Recreation,” regarding tobacco free parks and recreational facilities. First reading. Passage requires majority vote.

Morgan moved to postpone, seconded by Cohen. Cohen moved to withdraw from the agenda, seconded by Morgan. The motion to withdraw from the agenda passed 7-0.

**17. ORDINANCE #3-17/18** – Amending Chapter 12, “Housing,” regarding Housing Security. First reading. Passage requires majority vote.

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

**18. ORDER #27-17/18** – 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.

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

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 4  
AUGUST 7, 2017**

**19.** ORDER #28-17/18 – Authorizing the City of South Portland to join in the appeal of FEMA flood maps through the Ransom proposal. Passage requires majority vote.]

The following spoke:

Tex Haueser, Planning Director  
Nathan Dill, Ransom

Rose moved to commit this item to a workshop to be held on August 28, 2017; seconded by Fox. The motion passed 6-1 (Henderson).

**20.** ORDER #29-17/18 – Accepting the Goal-Setting Workshop Highlights Report. Passage requires majority vote.

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

**J. Citizen Discussion (Second Part)**

The following spoke:

George Corey, Franklin Terrace  
Sal Fratoni, Bay Road  
Duane Kline, Breakwater Dr  
Dan Hogan, E St.

**K. Councilor's Round Robin**

Rose commented on the recent sighting of a large yacht in the Portland Harbor which houses a large sailboat. The yacht is owned by a Russian oligarch.

Cohen reminded the public that the last Mill Creek concert is being held on Wednesday, and the last movie of the Bug Light Movie Series is being held on Thursday.

Beecher reminded the public that Art in the Park will be held on Saturday, and she will be filling in for Mayor Smith who will be out of town.

Henderson visited New Sharon, ME and commented on the beauty of the State.

Smith thanked all residents who came to speak on tonight's meeting topics and urged residents to continue to reach out to Councilors and attend future meetings.

Morgan thanked all who helped put together a successful Beach 2 Beacon race, and commented on the great City of South Portland.

Fox mentioned that he recently saw Albert DiMillo.

IN COUNCIL REGULAR MEETING VOL. 79 PAGE 5  
AUGUST 7, 2017

**L. Executive Session**

Morgan moved to adjourn  
motion passed 7-0.

at 8:55pm, seconded by Cohen. The

A handwritten signature in black ink, appearing to read "Jennifer Salvey". The signature is written in a cursive, flowing style.

A TRUE COPY ATTEST \_\_\_\_\_

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 1  
AUGUST 21, 2017**

**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 minutes, seconded by Beecher. The motion passed 6-0.

**B. Communications from City Manager**

**C. Reports from Boards and Committees**

Beecher commented on the celebration at Easy Day recognizing the accomplishments of the Little League team. Council requested staff to invite the team for recognition at an upcoming Council meeting.

**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 Cohen. The motion passed 6-0.

**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 Beecher. The motion passed 6-0.

**4. ORDER #3-17/18** – Community Development Advisory Committee, District At-Large (Beecher), for an unexpired term expiring 01/15/20. Passage requires majority vote.

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

**5. ORDER #4-17/18** – Arts & Historic Preservation Committee, District At-Large (Henderson), for an unexpired term expiring 10/20/17. Passage requires majority vote.

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

**6. ORDER #18-17/18** – Energy & Recycling Committee, District Five (Fox), appointing **Myzafar Yangia** for an unexpired term expiring 05/05/18. Passage requires majority vote.

There was no public comment.

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



**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 2  
AUGUST 21, 2017**

**7. ORDER #30-17/18** – Establishing an *ad hoc* Open Space Committee. Passage requires majority vote.

There was no public comment.

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

**8. ORDER #31-17/18** – Establishing an *ad hoc* Senior Citizen Advisory Committee. Passage requires majority vote.

There was no public comment.

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

**F. Consent Calendar**

**9. ORDER #32-17/18** – Granting a street closure request of Bayview Avenue from 4:00PM to 8:00PM on September 9, 2017, with a rain-date of September 10, 2017, for a neighborhood block party at the corner of Bayview Avenue and Bellevue Avenue. Passage requires majority vote.

The following commented on this item:

Russ Lunt, Brigham St.

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

Morgan moved to combine items #10-#15, seconded by Beecher. The motion passed 5-1 (Cohen).

**10. ORDER #33-17/18** – Award of Bid #07-18 to Interstate Electrical Service, of York, ME, for Lighting upgrades at the South Portland Municipal Pool. Passage requires majority vote.

**11. ORDER #34-17/18** – Award of Bid #13-18 to Robert H. Lord Company, of Manchester, CT, for Bleacher Replacement and Updates at the Redbank Community Center. Passage requires majority vote.

**12. ORDER #35-17/18** – Award of Bid #14-18 to New England Sports Floors, of Lowell, MA, to repair the Gymnasium Floor and Paint at the Redbank Community Center. Passage requires majority vote.

**13. ORDER #36-17/18** – Award of Bid #15-18 to A+ Athletic Products, of Rollinsford, NH, for a Basketball Backstop Winch System replacement and Divider Curtain repair at the Redbank Community Center. Passage requires majority vote.

**14. ORDER #37-17/18** – Award of Bid #16-18 to Doten's Construction, of Freeport, ME, for Kitchen Repairs and Upgrades at the Redbank Community Center. Passage requires majority vote.

**15. ORDER #38-17/18** – Award of Bid #17-18 to LGR1, Inc., of Lowell, MA, for Roof Repairs and Sealant of the Outside Walls at the Redbank Community Center. Passage requires majority vote.

Cohen moved for passage of items #10-#15, seconded by Morgan. The motion passed 6-0.

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 3  
AUGUST 21, 2017**

**G. Citizen Discussion (First Part)**

Russ Lunt, Brigham St.  
Marilyn Reilly, Augusta St.

**H. Public Hearings and Action**

**16. ORDINANCE #1-17/18** - Amending Chapter 27, "Zoning," regarding an Inclusionary Zoning Ordinance and a Housing Trust Fund. Amended and passed first reading 07/17/17 and referred back to the Planning Board. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Rose moved for passage, seconded by Henderson. The motion failed on a roll call vote 4-2 (Morgan, Cohen).

**17. ORDINANCE #3-17/18** – Amending Chapter 12, "Housing," regarding Housing Security. Passed first reading 08/08/17. ROLL CALL VOTE. Passage requires majority vote.

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

**I. Action on Old and New Business**

**18. ORDER #39-17/18** – Accepting miscellaneous donations. Passage requires majority vote.

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

**19. RESOLVE #10-17/18** – Proclaiming the month of September as Childhood Cancer Awareness Month. Passage requires majority vote.

The following commented:

Russ Lunt, Brigham St.  
Adrian Dowling, Brickhill

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

**20. ORDER #40-17/18** – Authorizing the City's participation in submitting an application and accepting a 2017 Edward Byrne Memorial Justice Assistance Grant in the amount of \$13,926 to be used by the Police Department. Passage requires majority vote.

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

**21. ORDER #41-17/18** – Adopting the West End Master Plan. Passage requires majority vote.

The following spoke:

Russ Lunt, Brigham St.  
Adrian Dowling, Brickhill

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

**J. Citizen Discussion (Second Part)**

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 4  
AUGUST 21, 2017**

**K. Councilor's Round Robin**

Cohen thanked City staff for all of the successful events held in the City throughout the summer months  
Beecher reviewed the goals and mission of the Senior Citizen Advisory Committee.  
Henderson noted that Art In The Park was great this year, and thanked everyone for the support of the Senior Citizen Advisory Committee.  
Smith thanked Councilor Beecher for filling in at Art In The Park, thanked Councilor Morgan for chairing the workshop, and mentioned that staff are working to bring the Little League team into a Council meeting for recognition soon.  
Rose congratulated Tex Hauser, Planning Director and Julie Rosenbach, Sustainability Director, on their efforts to bring forward a proposal for microgrids.

**L. Executive Session**

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



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**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 1  
SEPTEMBER 6, 2017**

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

**A. Acceptance of Minutes**

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

**B. Communications from City Manager**

Presentation of Manager's and Mayor's Best Photo Picks from Boys and Girls Club

Update from Public Works Director Doug Howard regarding sidewalk assessments and Westbrook Street

Reminder of community meeting regarding Willard Beach boat ramp concerns on September 7 at the Community Center.

The City Manager reminded viewers that the web live streaming is temporarily disabled; the meeting will be recorded and posted online as soon as possible.

**C. Reports from Boards and Committees**

Councilor Beecher reported the first meeting of the Senior Citizen Advisory Committee, scheduled for September 12 at City Hall to appoint its membership base. Information about the committee may be found on the City's website under Boards & Committees.

Mayor Smith reported the meeting of the O'Neil Street Facility Re-Use Committee will be meeting September 28 at 6:15 in Council Chambers.

**D. Petitions and Communications**

The City Clerk announced the resignation of District 2 Board of Education Member and requested the Council meet for a workshop immediately following the meeting to make a decision to appoint for vacancy. Rose moved to convene for workshop following the meeting; seconded by Beecher. The motion passed 5-1 (Morgan).

Nomination petition deadline is September 8<sup>th</sup>.

**E. Appointment Calendar**

Mayor Smith made a motion to combine items 1-4. Seconded by Morgan. The motion passed 6-0. The City Clerk read items 1-4.

**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.

**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.

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 2  
SEPTEMBER 6, 2017**

**3. ORDER #179-16/17** – Energy & Recycling Committee, District One (Morgan), for a term expiring 05/05/18. Passage requires majority vote.

**4. ORDER #3-17/18** – Community Development Advisory Committee, District At-Large (Beecher), for an unexpired term expiring 01/15/20. Passage requires majority vote.

Cohen moved to postpone items 1-4. Seconded by Beecher. The motion passed 6-0.

**5. ORDER #4-17/18** – Arts & Historic Preservation Committee, District At-Large (Henderson), appointing **Jessica Kessler** for an unexpired term expiring 10/20/17. Passage requires majority vote.

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

**F. Consent Calendar**

**6. ORDER #42-17/18** – Granting a sign permit for placement of a temporary sign on City property at 625 Broadway (GE Erskine Park), advertising the Tate House Museum Colonial Frolic on September 9, 2017. Passage requires majority vote.

**7. ORDER #43-17/18** – Granting a sign permit for placement of thirty (30) temporary signs located throughout the City promoting the Casco Bay Heat Pump Challenge (CBHPC). Passage requires majority vote.

Cohen moved for passage of the Consent Calendar, seconded by Morgan. The motion passed 6-0.

**G. Citizen Discussion (First Part)**

Russ Lunt, Brigham St.  
Marilyn Reilly, Augusta St.  
Greg Lewis, Mussey St.  
Rosemarie DeAngelis, Pleasantdale

**H. Public Hearings and Action**

**I. Action on Old and New Business**

**8. ORDER #28-17/18** – Authorizing the City of South Portland to join in the appeal of FEMA flood maps through the Ransom proposal. Postponed on August 7, 2017. Passage requires majority vote.

Morgan moved for passage, seconded by Cohen.

Rose moved to postpone until further information is available; the next Council meeting on 10/2. Seconded by Beecher. The motion failed 1-5 (Morgan, Cohen, Beecher, Henderson, Smith). Main motion passed 5-1 (Rose).

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 3  
SEPTEMBER 6, 2017**

**9. ORDER #44-17/18** – Accepting miscellaneous donations. Passage requires majority vote.

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

**10. ORDER #45-17/18** – Council approval for the extension of a Junked Motor Vehicle Permit located at 105 Sawyer Street. Passage requires majority vote.

Morgan moved for passage, seconded by Beecher. The motion failed 0-6 (Morgan, Rose, Cohen, Smith, Beecher, Henderson). The request for permit is denied.

**11. ORDER #46-17/18** – Award of Bid #24-18 to O' Connor GMC, of Augusta, ME for the purchase of two (2) school buses for the School Department. Passage requires majority vote.

The following spoke on this item:

Lisa Gadway, Department of Transportation  
Adrian Dowling, Brickhill

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

**12. RESOLVE #10-17/18** – Approving an Appropriation Resolve for FY2017 Bus Service Budget. Passage requires majority vote.

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

**13. ORDINANCE #4-17/18** – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding secondhand dealers and pawnbrokers. First reading. Passage requires majority vote.

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

**14. ORDINANCE #5-17/18** – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding CATV Franchising. First reading. Passage requires majority vote.

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

**J. Citizen Discussion (Second Part)**

Sal Fratoni, Bay Rd  
Adrian Dowling, Brickhill

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SEPTEMBER 6, 2017**

**K. Councilor's Round Robin**

Morgan thanked those who signed his nomination petition to make the November ballot. Smith shared a meeting about Community Gardens happening on September 19 at the old Hamlin school.

Cohen moved to recess for a workshop at 9:00pm, seconded by Beecher. The motion passed 6-0.

The City Clerk opened the workshop by asking the City Council for guidance on how the Council wishes to proceed with the District 2 School Board vacancy. The City Council unanimously decided to wait until the results of the election and then revisit the issue of appointment only if no candidate emerges victorious.

**L. Executive Session**

A motion was made by Cohen to go into Executive Session pursuant to 1 M.R.S.A. §405(6)(a), evaluation of the City Manager at 9:05pm, seconded by Morgan. The motion passed 6-0.

At 9:39 pm, Councilor Cohen made a motion to exit executive session. Seconded by Councilor Beecher. The motion passed 6-0.

At 9:39 pm, Councilor Morgan made a motion to adjourn. Seconded by Councilor Rose. The motion passed 6-0. Meeting adjourned at 9:39 pm.



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**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 1  
SEPTEMBER 18, 2017**

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

At the beginning of the meeting, Councilor Cohen moved to withdraw items #13 & #14 from the agenda, seconded by Morgan. The motion passed 7-0. These items will come before the Council at the next Council workshop.

**A. Acceptance of Minutes**

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

**B. Communications from City Manager**

A Mayoral Proclamation was read and presented recognizing members of the 2017 South Portland American Little League State Champions Team.

The Quarterly Investment Report was presented from the Department of Finance without comment.

**C. Reports from Boards and Committees**

Henderson reported on the first meeting of the Senior Citizen Advisory Committee. Cohen reported on the recent MMA Retreat in Kennebunkport.

**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 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 #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.

**4.** ORDER #3-17/18 - Community Development Advisory Committee, District At-Large (Beecher), appointing **Michael Taylor** for an unexpired term expiring 01/15/20. Passage requires majority vote.



**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 2  
SEPTEMBER 18, 2017**

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

**F. Consent Calendar**

**5.** ORDER #47-17/18 - Setting 7:00am as the time for the opening of the polls on Election Day, November 7, 2017. Passage requires majority vote.

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

**G. Citizen Discussion (First Part)**

Russ Lunt, Brigham St.  
Bob Klotz  
Jasella, Lincoln St.  
April, Cash St.  
Greg Lewis, Mussey St.

**H. Public Hearings and Action**

**6.** ORDINANCE #4-17/18 - Amending Chapter 14, "Licenses, Permits and Business Regulations Generally," regarding secondhand dealers and pawnbrokers. Passed first reading 9/6/17. ROLL CALL VOTE. Passage requires majority vote.

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

**7.** ORDINANCE #5-17/18 - Amending Chapter 14, "Licenses, Permits and Business Regulations Generally," regarding CATV Franchising. Passed first reading 9/6/17. ROLL CALL VOTE. Passage requires majority vote.

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

**8.** ORDER #48-17/18 - Granting Maine Mall Bistro LLC d/b/a Tuscan Table, 390 Gorham Road, a F/E with Liquor License. Passage requires majority vote.

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

**9.** ORDER #49-17/18 - Granting Big Fin LLC, d/b/a Big Fin Poke, 29 Western Avenue, a F/E with Malt and Vinous License. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 3  
SEPTEMBER 18, 2017**

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

**I. Action on Old and New Business**

**10. RESOLVE #11-17/18** - Proclaiming the month of September as Pain Awareness & National Recovery Month. Passage requires majority vote.

The following spoke:  
Ernie Merritt, Saco  
Samanatha Shepherd, UNE

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

**11. ORDER #50-17/18** - Accepting miscellaneous donations. Passage requires majority vote.

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

**12. ORDER #51-17/18** - Extending, pursuant to 23 M.R.S. § 3032, the deadline for action by the City Council either to accept or allow a deemed vacation of certain paper streets for an additional period of 20 years; and authorizing the recording of notice regarding the same. Passage requires majority vote.

The following spoke:  
Jasella, Lincoln St.  
April, Cash St.

Cohen moved for passage, seconded by Morgan. Morgan moved to amend the order and Exhibit A attachment to include Exhibit 19 as part of the proposed streets for extension, seconded by Cohen. The motion passed 7-0. The main motion passed as amended 7-0.

**13. RESOLVE #12 - 17/18** - Requesting Council guidance regarding amendments to Chapter 27, "Zoning" regarding Marijuana Zoning. Passage requires majority vote.

Withdrawn from the agenda.

**14. RESOLVE #13 - 17/18** - Requesting Council guidance regarding amendments to Chapter 14, "Licensing" regarding Marijuana Licensing. Passage requires majority vote.

Withdrawn from the agenda.

**15. ORDINANCE #6-17/18** - Amending Chapter 27, "Zoning," regarding a Zone Text and

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 4  
SEPTEMBER 18, 2017**

Zone Map change for the West End Avenue Commercial Corridor (WACC), the West End Neighborhood Center (WNC), the West End Residential District (WR) and the IL zone. First reading. Passage requires majority vote.

The following spoke:

Stephanie Carver, GPCOG

Craig Piper, Comp Plan Implementation Committee Chair

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

**16. ORDINANCE #7-17/18** - Amending Chapter 27, "Zoning," regarding a Zone Map change from Transitional Residential (RT) District and Limited Business (LB) District to Meetinghouse Hill Community Commercial (MHCC) District - 352, 362, 366, 372, 374, 376 and 378 Cottage Road (Tax Map 10, Lots 206, 207, 208, 209, 209A, 210 and 211). First reading. Passage requires majority vote.

Morgan moved for passage, seconded by Cohen. Cohen moved to accept the recommendations from the Planning Board and amend the Ordinance to include disallowance for drive-thrus and the recommended building height restriction. Seconded by Beecher. The motion for amendment passed 7-0.

The main motion passed as amended 5-2 (Henderson, Smith).

**17. ORDER #52-17/18** - Adopting the MMA Model Ordinance GA Appendices A - H for the period of October 1, 2017 - September 30, 2018. Passage requires majority vote.

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

**18. ORDER #53-17/18** - Appointing the Voting Delegate to the 2017 Maine Municipal Association's Annual Business Meeting. Passage requires majority vote.

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

**19. ORDER #54-17/18** - Award of Contracts for the Hot Tub Project at the Community Center Pool. Passage requires majority vote.

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

**20.** ORDER #55-17/18 - Accepting \$25,680 from the Maine Municipal Association.  
Passage requires majority vote.

Fox. Morgan moved to  
Municipal Association  
Fox. The motion passed  
amended.



Beecher moved for passage, seconded by  
amend the order to include "Maine  
Employee Health Trust", seconded by  
7-0. The main motion passed 7-0 as

**J. Citizen Discussion (Second Part)**

April, Cash St.  
John W., Cash St.

**K. Councilor's Round Robin**

Rose thanked the Council for the postponement of the recreational marijuana resolves.  
Henderson reminded the public of the Casco Bay Heat Pump Challenge event occurring on 9/23.

**L. Executive Session**

Fox moved to adjourn at 9:35pm, seconded by Cohen. The motion passed 7-0.

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OCTOBER 2, 2017**

**Roll Call:** Mayor Smith called the meeting to order at 7:00pm. All Councilors were present. At the beginning of the meeting, Mayor Smith called for a moment of silence for victims of the recent attack in Las Vegas.

Morgan moved to waive Council Rules to add ORDER #65-17/18 to the agenda, to be read and voted on before ORDINANCE #7. Seconded by Cohen. The motion passed 6-1 (Smith).

**A. Acceptance of Minutes**

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

**B. Communications from City Manager**

**C. Reports from Boards and Committees**

Rose reported that the last Energy & Recycling Committee failed to meet quorum, so no formal action was taken at the meeting, but general updates were discussed.

Smith shared on the progress of the O'Neil Street Facility Re-Use Committee; another public forum will be held; to be scheduled soon.

**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 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 Smith. The motion passed 7-0.

**4.** ORDER #56-17/18 – Arts & Historic Preservation Committee, District At-Large (Beecher), appointing **Doreen Gay** for a term which expires 10/27/20. Passage requires majority vote.

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

**5.** ORDER #57-17/18 – Arts & Historic Preservation Committee, District At-Large (Henderson), appointing **Jessica Kessler** for a term which expires 10/27/20. Passage requires majority vote.

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

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**6.** ORDER #58-17/18 – Appointing **Joshua Pobrislo** as Health Officer for a 3-year term, which will expire on October 2, 2020. Passage requires majority vote.

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

**F. Consent Calendar**

**G. Citizen Discussion (First Part)**

Doug Howard, Director of Public Works  
Russ Lunt, Brigham St.  
Robert Sellin, D St.  
John Crowley, Smith St.

**H. Public Hearings and Action**

**7.** ORDINANCE #6-17/18 - Amending Chapter 27, "Zoning," regarding a zone text and zone map change for the West End Avenue Commercial Corridor (WACC), the West End Neighborhood Center (WNC), the West End Residential District (WR) and the IL zone. Passed first reading September 18, 2017. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

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

ORDER #65-17/18, proposed at the beginning of the meeting, was read. ORDER #65-17/18 is a companion ORDER accompanying ORDINANCE #7-17/18 that was discussed and recommended at the last meeting. ORDER #65-17/18 orders that upon passage of ORDINANCE #7, a plan for monitoring traffic in the vicinity of those properties impacted by the rezoning, and that any recommendations shall be brought forward to the City Council no later than March 30, 2018.

Morgan moved for passage, seconded by Cohen. Cohen moved to amend the order to change recommendations brought forward to the Council from proposed date of December 31, 2019 to March 30, 2018. Seconded by Henderson. The amendment passed 7-0. The main motion passed, as amended, by roll call vote of 6-1 (Smith).

**8.** ORDINANCE #7-17/18 – Amending Chapter 27, "Zoning," regarding a zone text and zone map change from Transitional Residential (RT) District and Limited Business (LB) District to Meetinghouse Hill Community Commercial (MHCC) District – 352, 362, 366, 372, 374, 376 and 378 Cottage Road (Tax Map 10, Lots 206, 207, 208, 209, 209A, 210 and 211). Passed first reading September 18, 2017. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

The following spoke on this item:

Katie Cosgrove  
Patricia Whyte, Orchard St.  
Russ Lunt, Brigham St.  
George Corey, Franklin Terrace

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

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**9.** ORDER #59-17/18 – Granting Island Dog Brewing, 125 John Roberts Road, a Special Amusement Permit Without Dancing. Passage requires majority vote.

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

**I. Action on Old and New Business**

**10.** ORDER #60-17/18 – Accepting \$593.00 under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

The following spoke on this item:

Kate Lewis, Mussey St.

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

**11.** ORDER #61-17/18 – Accepting \$771.25 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 Rose. The motion passed 7-0.

**12.** ORDINANCE #8 - 17/18 – Amending Chapter 27, “Zoning” regarding Recreational Marijuana Zoning. First reading. Passage requires majority vote.

The following spoke on this item:

Russ Lunt, Brigham St.

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

**13.** ORDINANCE #9 – 17/18 – Amending Chapter 14, “Licensing” regarding Recreational Marijuana Licensing. First reading. Passage requires majority vote.

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

**14.** ORDER #62-17/18 – Accepting miscellaneous donations. Passage requires majority vote.

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

**15.** ORDER #63-17/18 – Adopting the *Complete Streets Policy*. Passage requires majority vote.

The following spoke on this item:

Russ Lunt, Brigham St.

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

**16.** ORDER #64-17/19 – Award of Contracts for the Hot Tub Project at the Community Center. Passage requires majority vote.

The following spoke on this item:

Russ Lunt, Brigham St.

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OCTOBER 2, 2017**

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

**J. Citizen Discussion (Second Part)**

Patricia Whyte, Orchard St.  
Robert Sellin, D St.

**K. Councilor's Round Robin**

Councilor Morgan and Mayor Smith thanked Councilors for a cooperative meeting.

Councilor Cohen reflected on the recent attacks in Las Vegas and thanked first responders.

**L. Executive Session**

Fox moved to adjourn at 9:05pm, seconded by Morgan. The motion passed 7-0. Meeting was adjourned.



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**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 1  
OCTOBER 16, 2017**

**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 minutes, seconded by Beecher. The motion passed 6-0.

**B. Communications from City Manager**

Mayor Smith read a Mayoral Proclamation recognizing the eldest known citizen of the City of South Portland, Eva Ledger (107 years old). Eva Ledger, Landry Village, spoke. Rosemarie DeAngelis, Pleasantdale, spoke. A group photograph was taken.

**C. Reports from Boards and Committees**

Councilors Beecher and Henderson spoke on the development of the Senior Citizen 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.

Morgan moved to postpone, seconded by Smith. 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.

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

3. ORDER #179-16/17 – Energy & Recycling Committee, District One (Morgan), appointing **John Crowley**, for an unexpired term which expires 05/05/18. Passage requires majority vote.

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

4. ORDER #66-17/18 – Arts and Historical Preservation Committee, District Two (Cohen), appointing **Ashley Krulik**, for a term which expires 10/20/20. Passage requires majority vote.

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

5. ORDER # 67-17/18 – Appointing **Robert Stevens Link**, Warden, District 3, Pro- Tempore, for the November 7, 2017 State of Maine Referendum and General Municipal Election. Passage requires majority vote.

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

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**6. ORDER #68-17/18** – Appointing **Stephen Martin**, Warden, District 4, Pro-Tempore, for the November 7, 2017 State of Maine Referendum and General Municipal Election. Passage requires majority vote.

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

**7. ORDER #69-17/18** – Appointing **Jane Lord**, Ward Clerk, District 4, Pro-Tempore, for the November 7, 2017 State of Maine Referendum and General Municipal Election. Passage requires majority vote.

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

**8. ORDER #70-17/18** – Appointing **Frank Lyons**, Ward Clerk, District 5, Pro-Tempore, for the November 7, 2017 State of Maine Referendum and General Municipal Election. Passage requires majority vote.

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

**F. Consent Calendar**

**9. ORDER #71-17/18** – Street closure request of Broadway for Veterans Day Parade on November 11, 2017 from 9am-12pm. Passage requires majority vote.

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

**G. Citizen Discussion (First Part)**

Russ Lunt, Brigham St.  
Steve Marston, Hillside Ave.  
George Corey, Franklin Terrace

**H. Public Hearings and Action**

**I. Action on Old and New Business**

**10. ORDINANCE #7-17/18.** Possible reconsideration of Ordinance #7-17/18 (amending Chapter 27, “Zoning Ordinance,” regarding Meetinghouse Hill Community Center text and map) and action on Substitute Ordinance #7-17/18 to correct code book numbering/formatting discrepancies. Passage of Substitute Ordinance #7-17/18 requires at least five votes and a roll call vote.

Cohen moved to reconsider ORDINANCE #7; seconded by Morgan. The motion passed 6-0. Cohen moved to amend Ordinance #7 to replace with Substitute Ordinance #7, seconded by Morgan. The motion passed 6-0, adopting Substitute Ordinance #7 on a roll call vote.

**11. ORDER #72-17/18** – Accepting miscellaneous donations. Passage requires majority vote.

The following spoke:

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Russ Lunt, Brigham St.  
Jack Roberts, South Portland/Cape Elizabeth Rotary

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

**12. RESOLVE #14-17/18 - Proclaiming Free Speech Week.** Passage requires majority vote.

The following spoke:

Patricia Whyte, Orchard St.

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

**13. RESOLVE #15-17/18 – Proclaiming November 1, 2017 as Extra Mile Day.** Passage requires majority vote.

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

**14. ORDER #73-17/18 – Authorizing the City accepting a grant from Maine Coastal Program in the amount of \$54,805 to be used by the Water Resource Protection Department.** Passage requires majority vote.

The following spoke:

Fred Dillon, Stormwater  
Russ Lunt, Brigham St.  
Kate Lewis, Mussey St.

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

**15. ORDER #74-17/18 - Amending the *Traffic Schedule* regarding bus stops on Highland Avenue.** Passage requires majority vote.

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

**J. Citizen Discussion (Second Part)**

Patricia Whyte, Orchard St.

**K. Councilor's Round Robin**

Beecher recognized Linda Cohen as MMA's new President.

Smith reminded residents of the solar array ribbon cutting ceremony on October 17 at 8:30am.

Henderson reflected on the memories of Eva Ledger who spoke on the walkability of the City in the 1930s.

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**L. Executive Session**

Morgan moved to adjourn at 8:25pm, seconded by Beecher. The motion passed 6-0.



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**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 1  
NOVEMBER 6, 2017**

**Roll Call:** Mayor Smith called the meeting to order at 7:10pm. All Councilors were present. At the beginning of the meeting, Mayor Smith called for a moment of silence for the recent victims of the Texas church shooting.

**A.Acceptance of Minutes**

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

**B.Communications from City Manager**

Update from Julie Rosenbach, Director of Sustainability Office, regarding the Food Waste Pilot Project

The City Manager encouraged residents to vote in tomorrow's election.

**C.Reports from Boards and Committees**

Henderson shared updates on pedestrian safety meetings and a public meeting scheduled to be held on November 15 to discuss traffic on Cottage Road.

Rose shared an update about the goals and future direction of the Comp Plan Implementaion Committee.

Beecher shared an update on the progress of the Senior Citizen survey.

**D.Petitions and Communications**

**E.Appointment Calendar**

Rose moved to condense items 1, 2, & 3 to be read and voted on as one item, seconded by Fox. 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.
- 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.
- 3.ORDER #75-17/18 – Arts & Historic Preservation Committee,District Two (Smith), for an unexpired term which expires 10/20/18.Passage requires majority vote.

Cohen moved to postpone items 1, 2 & 3; seconded by Beecher. The motion passed 7-0.

**F.Consent Calendar**

4.ORDER #76-17/18 – Off-premise Sign permit request from theSustainability Office for signs advertising the HouseholdHazardous Waste Drop Off Event on November 18, 2017 from9:00 A.M. to 1:00 P.M. at the New Municipal Services Facilitylocated at 929 Highland Avenue. Passage requires majority vote.

5. ORDER #77-17/18 – South Portland Parks, Recreation and Waterfront and the South Portland/Cape Elizabeth Chamber are requesting the closure of Hinckley Drive for the Annual Mill Creek Park Tree Lighting on December 1, 2017 from 4:00 P.M to 7:30 P.M. Passage requires majority vote.

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NOVEMBER 6, 2017**

**6. RESOLVE #16-17/18** – Asking that bells be rung at 11:00 a.m. on Veterans Day. Passage requires majority vote.

**7. RESOLVE #17-17/18** – Proclaiming November 25, 2017 as Small Business Saturday. Passage requires majority vote.

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

**G. Citizen Discussion (First Part)**

Russ Lunt, Brigham St.  
George Corey, Franklin Terrace

**H. Public Hearings and Action**

**8. ORDINANCE #8 - 17/18** – Amending Chapter 27, “Zoning” regarding Recreational Marijuana Zoning. Passed first reading on October 2, 2017. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

The following spoke:

Chris O’Neil, Portland  
Russ Lunt, Brigham St.

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

**9. ORDINANCE #9 – 17/18** – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding Recreational Marijuana Licensing. Passed first reading on October 2, 2017. ROLL CALL VOTE. Passage requires majority vote.

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

**I. Action on Old and New Business**

**10. ORDER #78-17/18** – Requiring the City Council to review the amendments to Chapter 27, “Zoning,” evidenced by Ordinance #8-17/18, and Chapter 14, “Licensing,” evidenced by Ordinance #9-17/18, on or before May 6, 2018. Passage requires majority vote.

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

**11. ORDER #79-17/18** – Amending the City’s Master Fee Schedule of Licenses, Permits, Inspection and Application Fees regarding setting the license fees for Adult Use Marijuana Establishments. Passage requires majority vote.

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

**12. ORDINANCE #10-17/18** – Amending Chapter 27, “Zoning regarding Recreational Marijuana in the Western Avenue Commercial Corridor (WACC); the West End Neighborhood Center (WNC) Zone; the West End Residential District (WR) and the Meeting House Hill Community Commercial (MHCC) Zone. First reading. Passage requires majority vote.

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

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**13. ORDER #80-17/18** – Accepting miscellaneous donations. Passage requires majority vote.

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

**14. ORDER #81-17/18** – Appealing the denial of the Public Works' Director for a curb cut on Main Street for Rolando's Redemption Center. Passage requires majority vote.

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

**15. ORDER #82-17/18** – Accepting a Department of Homeland Security grant (SPFD) in the amount of \$176,169.92. Passage requires majority vote.

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

**16. ORDER #83-17/18** – Accepting an Office of Cumberland County Underage Drinking Enforcement Grant in the amount of \$1,200 to be used by the Police Department. Passage requires majority vote.

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

**17. ORDER #84-17/18** – Amending the "Traffic Schedule," regarding designating Dartmouth Street and Rumery Road as Tow-Away Zones. Passage requires majority vote.

The following spoke:

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

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

**18. ORDER #85-17/18**-Accepting \$937.00 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 Rose. The motion passed 7-0.

**19. ORDER #86-17/18** – Award of Bid #27-18 to GEI Consulting Engineers and Scientists, of Portland, ME for Portland Street Pier consulting services. Passage requires majority vote.

The following spoke:

Russ Lunt, Brigham St.

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

**J. Citizen Discussion (Second Part)**

Patricia Whyte, Orchard St.

**K. Councilor's Round Robin**

Beecher congratulated the Police Department on a successful drug-take-back event. Wished good luck to all candidates in tomorrow's election.

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 4  
NOVEMBER 6, 2017**

Smith wished good luck to all candidate's in tomorrow's election and mentioned the Veterans Day Parade held on Saturday, November 11 from 10-12pm, urging all residents to attend.

Smith also mentioned a fundraiser event occurring on Wednesday to support Day One non-profit.

Morgan thanked everyone for support for re-election.

Rose acknowledged candidates and wished everyone good luck.

Cohen wished the City Clerk a successful election and thanked crews for successful storm clean-up, and mentioned the Veterans Day Parade.

**L. Executive Session**

Fox moved for adjournment at 8:45pm, seconded by Beecher. The motion passed 7-0. Meeting adjourned.



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**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 1  
NOVEMBER 20, 2017**

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

**A. Acceptance of Minutes**

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

**B. Communications from City Manager**

Update from Superintendent Ken Kunin regarding the status of the Middle School Project.  
City Manager Scott Morelli mentioned the Police Department accreditation notice.  
City Manager Scott Morelli addressed concerns and complaints about the recent Household Waste drop off-event and ideas of how the event can be improved in the future.

**C. Reports from Boards and Committees**

Henderson shared an update of the Metro Colation and addressing homelessness; and an update on the Smart Corridor committee addressing street traffic.  
Beecher shared an update on the Senior Citizen Advisory Committee, encouraging those who received surveys to return them; an update from ecomaine on grants for schools to implement recycling programs.  
Smith addressed the upcoming meeting of the O'Neil Street committee, held on 11/30 at 6:30pm.

**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 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 Beecher. The motion passed 7-0.

3. ORDER #75-17/18 – Arts & Historic Preservation Committee, District Two (Smith), for an unexpired term which expires 10/20/18. Passage requires majority vote.

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

4. ORDER #87-17/18 – Energy & Recycling Committee, District Five (Fox), appointing for an expired term which expires on 05/05/18. Passage requires majority vote.

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

**F. Consent Calendar**

**G. Citizen Discussion (First Part)**

Russ Lunt, Brigham St.

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**H. Public Hearings and Action**

**5. ORDER #88-17/18** – Establishing the new AVESTA Westbrook Street One Municipal Affordable Housing Development Tax Increment Financing District and approving the Associated Development Program. Passage requires majority vote.

City Manager Scott Morelli introduced the item and introduced Shana Cook Mueller to speak about the item. Shana Cook-Mueller, Bernstein Shur, presented information about TIFs and described the differences in this project from other TIF projects. One of the major differences is that for this TIF project, the City portion of TIF funds can be used for education costs.

Tyler Norod, AVESTA, spoke on the specifics of the TIF request. This project would be for the full 30 years with 100% capture. The ground floor (for retail space) will not be included in the TIF. The TIF allows to pay for construction costs. The TIF projects helps support the scoring guide that the State uses to decide which projects receive funding; a TIF shows support from the community. The current plan incorporates larger lobby space for community to gather.

The following spoke on this item:

Russ Lunt, Brigham St – expressing support of the project

Morgan moved for passage, seconded by Beecher.

Morgan, Beecher and Smith spoke in support of the project.

Mayor Smith called for the vote. The motion passed 7-0.

**6. ORDER #89-17/18** - 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.

The following spoke:

Patricia Whyte, Orchard St.

Russ Lunt, Brigham St.

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

**7. ORDER #90-17/18**– Granting TriCorp Amusements, Inc., d/b/a Cinemagic, a Coin-Operated Game Machine License. Passage requires five (5) affirmative votes.

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

**I. Action on Old and New Business**

**8. Reconsideration of ORDER #81-17/18** – Appealing the denial of the Public Works' Director for a new curb cut at 851 Main Street for Rolando's Redemption Center. Passage requires majority vote.

The following spoke:

Dan Cook, New York Ave

Adrian Dowling, Brickhill Ave

Kate Lewis, Mussey St.

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NOVEMBER 20, 2017**

Russ Lunt, Brigham St.

Cohen moved to reconsider; seconded by Rose. The motion passed 7-0.

Cohen moved to withdraw her original motion for passage; Henderson withdrew the second.

Cohen moved to postpone to 12/6; seconded by Rose. The motion passed 5-2 (Smith, Morgan).

**9. ORDER #91-17/18** – Award of Bid #32-18 for the purchase of a three-quarter ton, 4 x 4 crew cab pickup truck for the South Portland School Department. Passage requires majority vote.

Beecher moved for passage, seconded by Fox. The motion passed 5-2 (Morgan, Smith).

**10. ORDER #92-17/18** – Accepting miscellaneous donations. Passage requires majority vote.

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

**J. Citizen Discussion (Second Part)**

Patricia Whyte, Orchard St.

Cassandra Grey, South Portland

Don Cook, New York Ave

Kate Lewis, Mussey St.

Adrian Dowling, Brickhill Ave

**K. Councilor's Round Robin**

Beecher expressed that she was looking forward to receiving results from the Senior Citizen survey. Henderson, Morgan, Rose, Cohen, expressed gratitude to Fox and Smith for their service on the Council.

Fox and Smith thanked everyone for their support.

Morgan apologized to Dan Cook for comments made previously in the meeting.

**L. Executive Session**

A motion was made to go into executive session pursuant to 1 M.R.S.A., §405 (6)(a), evaluation of City Clerk by Smith, seconded by Morgan. The motion passed 7-0.

The Council ended executive session at 9:35pm; motion made by Fox and seconded by Cohen, passed 7-0.

Morgan moved to adjourn at 9:36pm, seconded by Rose. The motion passed 7-0.



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**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 1  
DECEMBER 4, 2017**

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

Mayor Smith invited Reverend Kenneth Lewis Jr. to give the invocation. Mayor Smith led the pledge of allegiance.

The City Clerk called the roll and announced a quorum was present. Councilor Fox and Mayor Smith shared parting remarks.

City Clerk Scully invited Councilors Elect Dowling, Lewis and Councilor Morgan to the lectern and administered the oath of office.

Smith and Fox came off the Council; Councilors Lewis, Dowling and Morgan took seats at the dais.

City Clerk Scully called for nominations for Mayor for 2017/2018.

Morgan nominated Councilor Cohen, seconded by Beecher. There were no other nominations. The motion passed 6-0 (Rose absent). Councilor Cohen was declared Mayor for 2017/2018.

Mayor Cohen presented parting gifts to former Mayor Smith, and presented the Inaugural Address.

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

City Clerk Scully read Resolve #18-17/18.

Lewis moved for passage of Resolve #18-17/18, seconded by Dowling. The motion passed 6-0.

Mayor Cohen reminded Councilors that a photo will be taken immediately following the School Board inauguration, and asked for a motion to adjourn.

Morgan moved to adjourn, seconded by Henderson. The motion passed 6-0. The Council adjourned at 4:20pm.



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**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 1  
DECEMBER 6, 2017**

**Roll Call:** Mayor Cohen called the meeting to order at 7:00pm. All Councilors were present. At the beginning of the meeting, Mayor Cohen called to withdraw item #9 from the agenda, without prejudice.

**A. Acceptance of Minutes**

Morgan moved to accept the minutes, seconded by Rose. The motion passed 7-0.

**B. Communications from City Manager**

Update from Laura Moorehead/O'Neil Street Facility Re-Use Committee regarding the O'Neil Street Property

**C. Reports from Boards and Committees**

Beecher shared an update on the Senior Citizen Advisory Committee; despite a glitch in some of the surveys that were sent out, several hundred have been returned and the committee will soon begin their work on analyzing the results.

Dowling mentioned that the Jetport Noise Committee has been busy this year due to an increase in complaints and noise from the jetport this year, moreso than recent years.

**D. Petitions and Communications**

**E. Appointment Calendar**

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

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

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

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

**3.** ORDER #75-17/18 – Arts & Historic Preservation Committee, District Two (Lewis), for an unexpired term which expires 10/20/18. Passage requires majority vote.

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

**4.** ORDER #87-17/18 – Energy & Recycling Committee, District Five (Dowling), for an unexpired term which expires on 05/05/18. Passage requires majority vote.

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

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

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DECEMBER 6, 2017**

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

**6. ORDER #94-17/18** – Arts & Historic Preservation Committee, District Five (Dowling), for an unexpired term which expires on 10/20/19. Passage requires majority vote.

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

**F. Consent Calendar**

**G. Citizen Discussion (First Part)**

Russ Lunt, Brigham St.  
John Murphy, Willard St.  
Peter Cook, Thompson St.  
Mike Connolly, Bay View

**H. Public Hearings and Action**

**7. ORDINANCE #10-17/18** – Amending Chapter 27, “Zoning regarding Recreational Marijuana in the Western Avenue Commercial Corridor (WACC); the West End Neighborhood Center (WNC) Zone; the West End Residential District (WR) and the Meeting House Hill Community Commercial (MHCC) Zone. Passed first reading on November 6, 2017. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

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

**8. ORDER #95-17/18** – Granting VanSleep, LLC, d/b/a Tru by Hilton Portland, ME, 369 Maine Mall Road, a Food Establishment/Hotel with Liquor License. Passage requires majority vote.

The following spoke:

Russ Lunt, Brigham St.  
Tex Hauser, Planning Director

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

**I. Action on Old and New Business**

**9. ORDER #81-17/18** – Appealing the denial of the Public Works’ Director for a new curb cut at 851 Main Street for Rolando’s Redemption Center. Postponed on November 20, 2017. Passage requires majority vote.

Morgan moved to withdraw the item from the agenda without prejudice, seconded by Beecher. The motion passed 7-0.

**10. ORDER #96-17/18-** Amending the Drug and Alcohol Testing Policy for Safety Sensitive Positions. Passage requires majority vote.

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

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 3  
DECEMBER 6, 2017**

**11. ORDER #97-17/18** – Award of Bid #31-18 to Pierce Manufacturing, Inc., of Appleton, WI, for the purchase of a Quint Fire Truck for the South Portland Fire Department. Passage requires majority vote.

The following spoke:

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

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

**12. ORDER #98-17/18** – Authorizing the City Manager to sign a contract between the City of South Portland and RANSOM Consulting, Inc., of Portland, ME for the FEMA Map Appeal Phase 1. Passage requires majority vote.

Rose moved to table this item until the end of the agenda, after Council enters Executive Session for consultation with the City's attorney. Seconded by Morgan. The motion to table passed 7-0.

**13. ORDINANCE #11-17/18** – Amending Chapter 27 "Zoning," regarding the CS and PO Zones. First reading. Passage requires majority vote.

The following spoke:

Russ Lunt, Brigham St.  
George Corey, Franklin Terrace

Rose moved to divide the question, separating the map change from the text change. Henderson seconded the motion. The motion passed 7-0.

Rose moved for passage on the map change, to be brought back to Council for second reading at the 2<sup>nd</sup> meeting in January. Seconded by Henderson. The motion passed 7-0.

Morgan moved to postpone the text change to the first meeting in January, seconded by Lewis. The motion passed 6-1 (Henderson).

**14. ORDER #99-17/18** – Accepting miscellaneous donations. Passage requires majority vote.

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

**15. ORDER #100-17/18** – Setting December 18, 2017 as the date for a Public hearing in City Council Chambers to review City Council Standing Rules. Passage requires majority vote.

Morgan moved for passage, seconded by Henderson. Morgan moved to amend ORDER #100 to replace the date of public hearing from 12/18/17 to workshop on 12/27/17, seconded by Beecher. The motion passed 7-0. The order passed as amended 7-0.

Cohen requested a motion to enter into executive session. Morgan moved to enter into executive session, pursuant to 1 MRSA Section 405(6)(E) to confer with the corporation counsel with regard to the rights and duties of the City Council with respect to contract negotiations with RANSOM Consulting, Inc. for professional engineering services. Seconded by Beecher. The motion passed 7-0. Council entered into Executive Session at 9:37pm.

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DECEMBER 6, 2017**

Morgan moved to come out of executive session at 9:55pm, seconded by Beecher. The motion passed 7-0.

Mayor Cohen removed ORDER #98 from the table.

**12. ORDER #98-17/18** – Authorizing the City Manager to sign a contract between the City of South Portland and RANSOM Consulting, Inc., of Portland, ME for the FEMA Map Appeal Phase 1. Passage requires majority vote.

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

**J. Citizen Discussion (Second Part)**

**K. Councilor's Round Robin**

Councilors welcomed new and returning Councilors. Lewis thanked the Clerk, City Manager, and Mayor Cohen for support in getting oriented as a new Councilor. Rose thanked Mayor Cohen for excellent handling of parliamentary procedures. Mayor Cohen recognized the Parks department for a wonderful tree lighting in Mill Creek Park.

**M. Adjourn**

Morgan moved to adjourn at 10:00pm, seconded by Dowling. The motion passed 7-0.



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**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 1  
DECEMBER 18, 2017**

**Executive Session**

A motion was made to go into executive session pursuant to 1 M.R.S.A. § 405(6)(E) to discuss the pending litigation of *Portland Pipe Line Corporation, et al. v. City of South Portland, et al.* with the City's legal counsel. Motion made by Councilor Morgan, seconded by Beecher. The motion passed 4-0 (Lewis, Rose, Dowling absent). Council entered executive session at 6:30pm.

Morgan moved to come out of executive session at 7:00pm, seconded by Rose. The motion passed 7-0.

**A. Roll Call**

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

**B. Acceptance of Minutes**

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

**C. Communications from the City Manager**

Update from Tex Haeuser, Director of Planning & Development, and Hannah Holmes, Chair of Arts & Historic Preservation Committee regarding Mill Creek Public Improvements.

**D. Reports from Boards and Committees**

Morgan reported on the Portland Pier group; great turnout for first meeting.

Henderson gave an update on the Bike/Ped committee's recent meeting where proposals were discussed for traffic improvements; some of these proposals may be coming forward to an upcoming Council workshop.

Henderson also shared an update on the Senior Citizen Advisory Committee; over 1,000 surveys have been returned. The committee will begin analysis and hopefully have results by June.

**E Petitions and Communications**

**F. Appointment Calendar**

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

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

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

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

3. ORDER #75-17/18 – Arts & Historic Preservation Committee, District Two (Lewis), for an unexpired term which expires 10/20/18. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 2  
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Lewis moved to postpone, seconded by Rose. The motion passed 7-0.

**4. ORDER #87-17/18** – Energy & Recycling Committee, District Five (Dowling), appointing **Michael Caudle** for an unexpired term which expires on 05/05/18. Passage requires majority vote.

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

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

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

**6. ORDER #94-17/18** – Arts & Historic Preservation Committee, District Five (Dowling), appointing **Mary DeRose** for an unexpired term which expires on 10/20/19. Passage requires majority vote.

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

**G. Consent Calendar**

**H. Citizen Discussion (First Part)**

Elizabeth Rose, Preble St.  
Peter Cook, Thompson St.  
Tony, Willard Haven Rd.  
Russ Lunt, Brigham St.  
John Murphy, Willard St.  
Paul, Ocean House Rd.

**I. Public Hearings and Action**

**7. ORDER #101-17/18** – Granting VanSleep, LLC d/b/a Tru by Hilton Portland, 369 Maine Mall Road, a Lodging Establishment License. Passage requires majority vote.

The following spoke:

Russ Lunt, Brigham St.

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

**8. ORDER #102-17/18** – Granting CarMax Auto Superstore, Inc., 415 Maine Mall Road, a Used Car Lot License, new business. Passage requires majority vote.

The following spoke:

Russ Lunt, Brigham St.

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

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 3  
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**J. Action on Old and New Business**

**9.**ORDER #103-17/18 – Accepting miscellaneous donations. Passage requires majority vote.

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

**10.**ORDER #104-17/18 - Authorizing the submission of a grant application to the Maine Bureau of Highway Safety under the 2018 Distracted Driving Enforcement Program and accepting awarded funds to be used by the Police Department. Passage requires majority vote.

The following spoke:

Patricia Whyte, Orchard St.  
Chief Googins, Police Chief  
Russ Lunt, Brigham St.

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

**11.**ORDER 105-#17/18 - Authorizing the submission of a grant application to the Maine Bureau of Highway Safety under the 2018 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.

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

**12.**ORDER #106-17/18 - Authorizing the City's participation in submitting an application for and accepting a 2018 Evidenced Based Impaired Driving grant and accepting awarded funds to be used by the Police Department. Passage requires majority vote.

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

**13.** ORDER #107-17/18 - Authorizing the submission of a grant application to the Maine Bureau of Highway Safety under the 2018 Data-Driven Speed Enforcement Program. Passage requires majority vote.

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

**14.** ORDER #108-17/18 – Setting the dates and locations for Council District Meetings. Passage requires majority vote.

The following spoke:

Russ Lunt, Brigham St

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

**15.** RESOLVE #19-17/18 – Approving an Appropriation Transfer Resolve For FY2018 Planning. Passage requires majority vote.

The following spoke:

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DECEMBER 18, 2017**

Russ Lunt, Brigham St.

Beecher moved for passage, seconded by Morgan.

Rose moved to divide the question, separating funding the Planning Department portion of the resolve (Part A) and the plans to fund the Economic Development Director position as described in the attached plan by the City Manager (Part B). Seconded by Dowling.

The motion to divide the question passed 4-3 (Morgan, Beecher Cohen).

Rose moved for passage of appropriating funds for the Planning Department, as described in RESOLVE #19. Seconded by Dowling. The motion passed 7-0.

Rose moved to commit the topic of funding of the Economic Development Director position to workshop. Seconded by Dowling. The motion passed 5-2 (Morgan, Beecher).

**16. ORDER #109-17/18 – Award of bid #29-18 to FB Environmental/Terrance J DeWan & Associates of Portland, ME, for the Open Space Plan. Passage requires majority vote.**

Megan Sheean, Chair of the Conservation Commission, spoke on this topic.

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

**K. Citizen Discussion (Second Part)**

**L. Councilor's Round Robin**

Councilors wished everyone happy holidays, and to be safe on the roads. Dowling mentioned receiving several emails and phone calls regarding the short-term rental issue; he will reply to all comments as soon as possible.

**M. Executive Session**

**N. Adjournment**

Lewis moved to adjourn at 8:45pm, seconded by Rose. The motion passed 7-0.

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JANUARY 3, 2018**

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

**A.Roll Call**

All Councilors were present.

**B.Acceptance of Minutes**

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

**C.Communications from the City Manager**

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

**D.Reports from Boards and Committees**

**E Petitions and Communications**

**F.Appointment Calendar**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**G.Consent Calendar**

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

**H.Citizen Discussion (First Part)**

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

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**I.Public Hearings and Action**

**J.Action on Old and New Business**

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

The following spoke:

Russ Lunt, Brigham St.

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

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

Morgan moved for passage, seconded by Beecher.

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

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

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

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

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

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

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

\*These require a formal vote.

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

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

Dowling seconded the motion.

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

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

\*These require a formal vote.

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

Any workshop item has already (under Standing Rule #34) been proposed as a main motion and seconded. It must therefore automatically proceed to a Council vote in a regular meeting to be disposed of formally in that meeting as long as the sponsor and cosponsor have not withdrawn their support of the motion. However, during the Council meeting, any member reserves the



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**right to object to consideration of a question (i.e., consideration of that agenda item) and proceed to a vote on the objection.”**

Seconded by Rose. The amendment passed 7-0.

The main motion passed 7-0, as amended.

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

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

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

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

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

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

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

**K.Citizen Discussion (Second Part)**

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

**L.Councilor’s Round Robin**

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

**M.Executive Session**

**N.Adjournment**

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



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**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 1  
FEBRUARY 6, 2018**

**Executive Session**

Councilor Rose was physically absent and requested to participate in Executive Session by remote access (phone). Councilor's request was denied by a vote of 5-1 (Henderson). A motion made to go into executive session pursuant to 1 M.R.S.A. § 405(6)(E) to consult with the Corporation Counsel regarding the City's legal rights and duties relating to short-term rental regulation and enforcement by Councilor Morgan and seconded by Councilor Henderson at 6:06 P.M. Passed 6-0 (Rose absent). Councilor Morgan motioned and was seconded by Councilor Beecher to come out of Executive Session. Passed 6-0 (Rose absent).

**A. Roll Call**

Councilor Rose was absent.

**B. Acceptance of Minutes**

Beecher motioned for passage, seconded by Lewis. 6-0

**C. Communications from the City Manager**

- Presentation of FY17 Year End Audit (Greg L'Heureux, Finance Director & RKO, Auditing Firm)

**D. Reports from Boards and Committees**

**E. Petitions and Communications**

**F. Appointment Calendar**

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

Lewis motioned for passage, seconded by Dowling. Passed 6-0

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

Dowling motioned for passage, seconded by Morgan. Passed 6-0

3. ORDER #75-17/18 – Arts & Historic Preservation Committee, District Two (Lewis), appointing **Lynn Duryea** for an unexpired term which expires 10/20/18. Passage requires majority vote.

Lewis motioned for passage, seconded by Beecher. Passed 6-0

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FEBRUARY 6, 2018**

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

Morgan motioned for postponement, seconded by Beecher. Postponed 6-0

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

Henderson motioned for passage, seconded by Dowling. Passed 6-0

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

Cohen motion for passage, seconded by Lewis. Passed 6-0

7. ORDER #118-17/18 – Energy & Recycling Committee, District Five (Dowling) for an unexpired term which expires on May 5, 2018. Passage requires majority vote.

Morgan motioned for postponement, seconded by Beecher. Postponed 6-0

8. ORDER #119-17/18 – Community Development Advisory Committee, District One (Morgan) for a term which expires on January 15, 2021. Passage requires majority vote.

Morgan motioned for postponement, seconded by Beecher. Postponed 6-0

9. ORDER #120-17/18 – Community Development Advisory Committee, District Two (Lewis) appointing **Anton Hoecker** for a term which expires on January 15, 2021. Passage requires majority vote.

Lewis motioned for passage, seconded by Beecher. Passed 6-0

10. ORDER #121-17/18 – Community Development Advisory Committee, District Five (Dowling) appointing **Michael Fletcher** for an unexpired term which expires on January 15, 2021. Passage requires majority vote.

Dowling motioned for passage, seconded by Lewis. Passed 6-0

11. ORDER #122-17/18 – Appointing **Justin Nichols** for a term which expires on January 31, 2021 on the Pest Management Advisory Committee. Passage requires majority vote.

Morgan motioned for passage, seconded by Henderson. Passed 6-0

12. ORDER #123-17/18 – Appointing **Bret LeBleu** for a term which expires on January 31, 2021 on the Pest Management Advisory Committee. Passage requires majority vote.

Beecher motioned for passage, seconded by Lewis. Passed 6-0

13. ORDER #125-17/18 – Harbor Commission, Mayoral Appointment, appointing **Patrick Arnold** for a term which expires on June 30, 2020. Passage requires majority vote.

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Cohen motioned for passage, seconded by Morgan. Passed 6-0

**G. Consent Calendar**

**H. Citizen Discussion (First Part)**

Russ Lunt, Brigham St.

**I. Public Hearings and Action**

14. ORDINANCE #11-17/18 (map only) – Amending Chapter 27 “Zoning,” regarding the CS and PO Zones map change. Passed first reading on December 6, 2017. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

The following people addressed this item:

Russ Lunt, Brigham St.

Morgan motioned for passage, seconded by Henderson. Passed 6-0

**J. Action on Old and New Business**

15. ORDER #124-17/18 – Accepting miscellaneous donations. Passage requires majority vote.

The following people addressed this item:

Ken Bell, Broadway

Dowling motioned for passage, seconded by Lewis. Passed 6-0

16. ORDER #126-17/18 – Award of bid to Data Transfer Systems (DTS), of Orlando, FL, for purchase and implementation of computerized maintenance management system software. Passage requires majority vote.

Beecher motioned for passage, seconded by Henderson. Passed 6-0

17. ORDER #127-17/18 – Award of Bid #36-18 to Casco Bay Ford, of Yarmouth, ME, for the purchase of three (3) vehicles for the Police Department. Passage requires majority vote.

Beecher motioned for passage, seconded by Morgan. Passed 6-0

18. ORDER #128 -17/18 – Authorizing a municipal lease purchase for the Quint Fire Truck for the South Portland Fire Department. Passage requires majority vote.

The following people addressed this item:

Russ Lunt, Brigham St.

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Morgan motioned for passage, seconded by Henderson. Passed 6-0

19. RESOLVE #20-17/18 – Approving an Appropriation Transfer Resolve for Building Repairs and Improvements at the Planning & Development Department, 496 Ocean Street. Passage requires majority vote.

The following people addressed this item:

John Murphy, Willard St.

Dowling motioned for passage, seconded by Beecher. 6-0

20. ORDINANCE #12-17/18 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding Short Term Rentals. First Reading. Passage requires majority vote.

The following people addressed this item:

Peter Anderson, Anthoine St.

Diane Romano, Simonton St.

Justin T, Preble St.

Chris May, 57 High St.

Alen Tipton, Sawyer St.

Ken Bell, Broadway

Lisa Ellington, Romano Rd.

Adam, Preble St.

Nancy Morris, Franklin Terr.

Leslie, Preble St.

Bob Whyte, Orchard St.

Tim Stickney, Bluff Rd.

Dan Romano, Simonton St.

Patricia Morrison, Preble St.

Kay Mishkin, Romano Rd.

Moya Bell, Broadway

Mike H. Sunset Ave.

Georgia Williamson, Victory Ave.

Robert Scheindel, Graffam St.

Faye Grandmaier, Benjamin Pickett St.

Chris Roman, Arundel, Maine

Anne Binder, Preble St.

Sagunti ?, Cottage Rd.

Patricia Whyte, Orchard St.

Marilyn Shendell, Preble St.

Ken Thomas, Portland

George Corey, Franklin Terr.

Russ Lunt, Brigham St.

Rosemarie DeAngelis, Buttonwood St.

Mary Jane Perry, Pillsbury St.

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John Murphy, Willard St.  
Peter Stanton, Deake St.  
Colin Boyd, Victory Ave.  
Jeff Steinbrink, Cottage Rd.

Morgan motioned for passage, seconded by Dowling for passage.

Morgan motioned and Lewis seconded to amend the Ordinance as follows:

14-814 as follows:

**Phase Three:** Commencing on June 1, 2018, all provis impairions of this Article shall apply; provided, however, that an Owner who provides written evidence, reasonably satisfactory to the City Clerk or his/her designee, of a contract for a short term rental – other than a Hosted Home Stay rental or a Non-Hosted Home Stay Rental – entered into prior to February 6, 2018 for a short-term rental that is to occur prior to September 15, 2018 may honor that contract to the extent that the application of this Article would result in a substantial impairment of such existing contract.

The following people addressed this amendment:

George Corey, Franklin Terr.  
Bob Whyte, Orchard St.  
Colin Boyd, Victory Ave.  
Rosemary Deangelis, Buttonwood St.  
Diane Romano, Simonton St.  
Anne Binder, Preble St.  
Jeff Steinbrink, Cottage Rd.  
Peter Stanton, Deake St.  
Dan Romano, Simonton St.  
John Murphy, Willard St.  
Mary Sheindel, Preble St.  
Nancy Morris, Franklin Terr.  
Georgia Williamson, Victory Ave.  
Melanie Walker, B St.  
Brad Bigbee, Preble St.  
Mike H. Sunset Ave.  
Ken Bell, Broadway  
Glenn Perry, Pillsbury St.

The amendment passed 6-0

Morgan motioned and Lewis seconded to amend the Ordinance as follows:

Provisions that would need to be amended include:

- Sec. 14-801 – definition of “Hosted Home Stay”

“In the case of a two-, ~~three-~~, or four-family dwelling unit, the unit is considered a Hosted Home Stay if the Owner is present in ~~either one of the~~ one of the units on such parcel during the short-term rental period.”

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- Sec. 14-803(e) – STR in Apartments Prohibited

“(e) Occupancy or use of a dwelling unit within an apartment building of five or more dwelling units for rentals of less than 30 consecutive days is prohibited.”

- Table 14-805 – type of structure, Owner/Host operations, notice to neighbors, inspection

	<b><u>Hosted Home Stay</u></b>
<b><u>Type of Structure</u></b>	One-family dwelling unit (including an associated authorized accessory dwelling unit) or a two-, <u>three-, or four-</u> family dwelling unit
<b><u>Owner/Host Operations</u></b>	If a single-family dwelling unit, Owner is present in the dwelling unit (or associated authorized accessory dwelling unit) during the short-term rental period; if a two-, <u>three-, or four-</u> family dwelling unit, Owner is present in <del>either</del> <u>one of the</u> dwelling units on such parcel during the short-term rental period
<b><u>Notice to Neighbors?</u></b>	<del>No</del> <u>For three- and four-family dwelling units, at commencement of a new non-short-term rental tenancy, Owner must acquire written acknowledgement of notice provided to tenant(s) of Owner's intent to operate a short-term rental in the building during the tenancy</u>
<b><u>Inspection</u></b>	Self-inspection upon registration and renewal; <u>except that for three- and four-family dwelling units, if determined to be necessary by Fire Chief, inspection by Fire Chief or his designee prior to initial registration [required or permissive?];</u> thereafter, at the request of City inspection officials

- Sec. 14-805(b)(10) – amend posting
- Sec. 14-805(b)(14) – amend inspection requirement

“For all registrations, the Owner must submit a completed self-inspection checklist on a form provided by the City Clerk’s Office. For Non-Hosted Home Stay registrations and Hosted Home Stay registrations of buildings with three- or four-family dwelling units, prior to the issuance of an initial registration for the dwelling unit, the Fire Chief or his/her designee may inspect the dwelling unit to ensure that all applicable fire prevention and life safety requirements are met and, if such inspection is conducted, must provide a positive recommendation, in writing to the City Clerk, that the dwelling unit complies with all applicable fire prevention and life safety requirements prior to the issuance of any registration number.”

- Sec. 14-805(b)(17) – Limit to only one STR per property.

“Short-term rental registrations are limited to one registration per property.”

The following people addressed this amendment:

- Diane Romano, Simonton, St.
- Brad Bigbee, Preble St.
- Bob Whyte, Orchard St.
- Dan Romano, Simonton St.
- Nat Towle, Marriner St.
- Ken Bell, Broadway
- Colin Boyd, Victory Ave.
- Glenn Perry, Pillsbury St.
- George Corey, Franklin Terr.
- Ken Thomas, Portland

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The amendment passed 6-0

Lewis motioned and Henderson seconded to amend regarding notice to abutters of all Short Term Rentals.

Lewis withdrew the motion to amend.

Henderson motioned and Beecher seconded to amend as follows:

Amend Table 14-805 as follows:

<b>Occupancy limits</b>	Maximum two guests and one child under the age of two <del>allowed per occupancy</del> <u>per bedroom, not to exceed two bedrooms.</u> <u>Maximum four guests and two children under the age of two allowed per occupancy.</u>	Maximum two guests and one child under the age of two per bedroom allowed per occupancy
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Amend Sec. 14-805(b)(11) as follows:

11. Occupancy limits. For Hosted Home Stay registrations, overnight short-term guest occupancy shall be limited to two guests and one child under the age of two per bedroom, not to exceed two bedrooms. For Non-Hosted Home Stay registrations, overnight short-term guest occupancy shall be limited to two guests and one child under the age of two per bedroom. A floor plan and current photographs of each room of each unit to be registered must be submitted with the registration form.

The motion to amend failed 2 – 4 (Morgan, Beecher, Cohen and Dowling opposed).

Lewis motioned, seconded by Beecher to amend as follows:

Sec. 14-805(c) as follows:

- (c) Notwithstanding any other provision of this Article to the contrary, an Owner may rent his/her/its primary residence for 14 or fewer days in any 365 day period in increments of at least 7 days without the need to register the dwelling unit that serves as the Owner's primary residence and without regard to the zoning district in which the dwelling unit is located. Any Owner taking advantage of this limited exemption shall provide written evidence reasonably satisfactory to the City Clerk that the dwelling unit is the Owner's primary residence that the owner can claim homestead exemption and/or that the rental of the dwelling unit has not exceeded 14 days in any 365 day period upon request from the City Clerk or his/her designee. Failure to do so shall constitute a violation of this Article.



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The following people addressed this amendment:

Diane Romano, Simonton St.  
Dan Romano, Simonton St.  
Patricia Whyte, Orchard St.  
Cecily Upton, Preble St.  
Melanie Wiker, D St  
Georgia Williamson, Victory Ave.  
Jeff Steinbrink, Cottage Rd.  
George Corey, Franklin Terr.  
Ken Thomas, Portland  
Scott Lewis, Scarborough  
Mike H., Sunset Ave.  
Peter Stanton, Deake St.  
Nancy Morris, Franklin Terr.  
Bob Whyte, Orchard St.  
Roberta Zuckerman, Preble St.  
Colin Boyd, Victory Ave.

The motion was withdrawn by Councilor Lewis.

The main Motion passed as amended. 6-0

21. ORDINANCE #13-17/18 – Amending Chapter 27 “Zoning,” regarding Short Term Rentals. First Reading. Passage requires majority vote.

Morgan motioned for passage, seconded by Lewis.

The following people addressed this item:

Diane Romano, Simonton St.  
George Corey, Franklin Terr.

The motion passed 6-0.

22. ORDER #129-17/18 – Authorizing the Mayor to sign petition for Mayors Against Illegal Guns. Passage requires majority vote.

Dowling motioned for passage, seconded by Henderson.

The following people addressed this item:

Bob Whyte, Orchard St.

The motion passed 6-0

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**K. Citizen Discussion (Second Part)**

Bob Whyte, Orchard St.

**L. Councilor's Round Robin**

Councilor Cohen reminded citizens of the District Meeting on Thursday.

Councilor Dowling read 2 quotes.

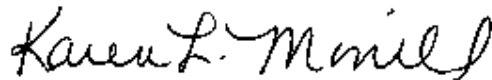
**M. Executive Session**

**N. Adjournment**

Morgan motioned for adjournment, seconded by Beecher.

Adjourned 6-0

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\_\_\_\_\_  
Assistant City Clerk

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 1  
FEBRUARY 20, 2018**

Mayor Cohen called the meeting to order at 7:00pm. A moment of silence was held for the victims of the recent school shooting in Florida.

**A.Roll Call**

All Councilors were present.

**B.Acceptance of Minutes**

Beecher moved for passage. Lewis moved to amend the minutes to correct language of a motion made to Sec.14-805(c ) as captured in the minutes from February 6; seconded by Morgan. The motion passed 7-0. The main motion passed as amended 7-0.

**C.Communications from the City Manager**

Eastern Trail "Close the Gap" Update

**D.Reports from Boards and Committees**

Beecher attended an ecomaine meeting, disused the food waste pilot project and the future plans of that program and encouraged the City Manager to connect with ecomaine's CEO to discuss this and bring to a future workshop; also mentioned the progress of the senior citizen advisory survey project; all surveys are now scanned and in the process of being analyzed. Lewis spoke about the open space strategic plan and encouraged residents to reach out if interested in serving on the open space committee. Dowling gave an update on the Comprehensive Implementation Plan Committee.

**E.Petitions and Communications**

Local Limits Review Industrial Pretreatment Program

**F.Appointment Calendar**

Morgan moved to postpone items 1-4; seconded by Lewis. The motion passed 7-0.

- 1.ORDER #93-17/18 – Planning Board, District Two (Lewis) for an unexpired term which expires on 4/1/19 . Passage requires majority vote.
- 2.ORDER #118-17/18 – Energy & Recycling Committee, District Five (Dowling) for an unexpired term which expires on May 5,2018. Passage requires majority vote.
- 3.ORDER #119-17/18 – Community Development Advisory Committee, District One (Morgan) for a term which expires on January 15, 2021. Passage requires majority vote.
- 4.ORDER #130-17/18 – Economic Development Committee, District Four (Cohen), for an unexpired term which expires March 3, 2019. Passage requires majority vote.

**G. Consent Calendar**

5. ORDER #131-17/18 – Granting the South Portland Historical Society a street closure of Madison Street Extension at Madison Street from 11:00am to 2:00pm for the Bug Light Kite Festival to be held on May 19, 2018. Passage requires majority vote.

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

**H. Citizen Discussion (First Part)**

Russ Lunt, Brigham St.  
Rosemarie DeAngelis, Pleasantdale

**Items #8, #9, & #10 were taken out of order.**

**8. ORDER #132-17/18** – Approving the Title VI/Environmental Justice Non-Discrimination Plan for the South Portland Bus Service. Passage requires majority vote.

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

**9. RESOLVE #21-17/18** – Proclaiming Recognition of the 2017 Police Officer of the Year. Passage requires majority vote.

The following spoke on this item:

Russ Lunt, Brigham St.

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

**10. ORDER #133-17/18** – Award of Bid #34-18 to O'Connor Auto Park, of Augusta, ME, for the purchase of an 84 Passenger Type "D" Rear Engine school bus for the School Department. Passage requires majority vote.

The following spoke on this item:

Ken Kunin, Superintendent of Schools  
Patricia Whyte, Orchard St.

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

**I. Public Hearings and Action**

**6. ORDINANCE #12-17/18** – Amending Chapter 14, "LICENSES, PERMITS AND BUSINESS REGULATIONS GENERALLY," regarding Short Term Rentals. Amended and passed first reading on February 6, 2018. ROLL CALL VOTE. Passage requires majority vote.

The following spoke:

R. Jean, Preble St.  
J. Mangene, Preble St.  
K. Anderson, Preble St.  
D. Morano, Simonton St.  
J. Moody, Cash St.  
J. Murphy, Willard St.  
C. April, Cash St.  
P. Stanton, Cash St.  
M. Hender, Sunset Ave.  
M. Frabotta, Preble St.  
P. Morrison, Preble St.  
W.A., West Simonton St.

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Katie Bicklow, South Portland  
Jeff Steinbeck, Cottage Rd.  
Patricia Whyte, Orchard St.  
P. Anderson, Anthoine St.  
K. Thomas, Ocean St.  
C. Hendry, B St.  
S. Devens, Scarborough  
Ann Binder, Preble St.  
Roberta Zuckerman, Preble St.  
Rosemarie DeAngelis, Pleasantdale

Morgan moved for passage, seconded by Lewis. The motion passed 6-1 (Dowling) on roll call vote.

**7. ORDINANCE #13-17/18 – Amending Chapter 27 “ ZONING,”** regarding Short Term Rentals. Passed first reading on February 6, 2018. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

The following spoke:

A. Romano, Simonton St.  
J. Murphy, Willard St.  
K. Thomas, Ocean St.  
P. Stanton, Deake St.  
Tex Haeuser, Planning & Development Director  
D. Romano, Simonton St.  
Rosemarie DeAngelis, Pleasantdale  
Peter Anderson, Anthoine St.  
Georgia W., Victory Ave.

Morgan moved for passage, seconded by Henderson. The motion passed 5-2 (Rose, Dowling) on roll call vote.

**J. Action on Old and New Business**

**11. ORDER #134–17/18 – Amending the Schedule of License, Permit, Inspection and Application Fees** related to Article XVII of Chapter 14, “LICENSES, PERMITS AND BUSINESS REGULATIONS GENERALLY,” regarding Short Term Rentals. Passage requires majority vote.

The following spoke:

A. Binder, Preble St.  
A. Romano, Simonton St.  
K. Thomas, Ocean St.  
D. Romano, Simonton St.  
P. Stanton, Deake St.  
Georgia W., Victory Ave  
Russ Lunt, Brigham St  
Tex Haeuser, Planning & Development

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

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 4  
FEBRUARY 20, 2018**

**12. ORDINANCE #14-17/18** – Amending Article VI of Chapter 5, “BUILDINGS,” regarding disorderly houses. First reading. Passage requires majority vote.

The following spoke:

M. Henderson, Sunset Ave  
P. Anderson, Anthoine St.

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

**13. ORDINANCE #15-17/18** - Amending Chapter 27, “ZONING,” regarding a Zone Map change from Residential G (G) to Limited Business District (LB) – 780 Broadway. First reading. Passage requires majority vote.

The following spoke:

M. Green, Aquarius Property  
D. Romano, Simonton St.  
L. Bancroft, Aquarius  
Russ Lunt, Brigham St.

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

**14.ORDER #135-17/18** – Authorizing the City Manager to execute and deliver a release deed to Paul Vose for a 10 foot wide strip of vacant land located off Henley Street. Passage requires majority vote.

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

**15.ORDER #136-17/18** – Accepting miscellaneous donations. Passage requires majority vote.

The following spoke:  
D.Romano, Simonton St.

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

**16.ORDINANCE #16-17/18** – Amending Chapter 14, “LICENSES, PERMITS AND BUSINESS REGULATIONS GENERALLY,” regarding Taxicabs and Vehicles for Hire. First reading. Passage requires majority vote.

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

**K.Citizen Discussion (Second Part)**

A. Romano, Simonton St.  
P. Anderson, Anthoine St.  
Georgia W., Victory Ave.  
Peter Stanton, Deake St.  
Scott H, Scarborough

**L.Councilor’s Round Robin**

Councilors thanked the public for attending.

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**M.Executive Session**

**N.Adjournment**

Dowling moved to adjourn at 12:25am February 21, 2018, seconded by Morgan.  
The motion passed 7-0.



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**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 1  
MARCH 6, 2018**

**A. Roll Call**

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

**B. Acceptance of Minutes**

Beecher moved for acceptance of the minutes, seconded by Morgan. Dowling moved to amend the minutes to include an update on the Comprehensive Plan Implementation Committee made at the February 20, 2018 meeting under Reports from Boards and Committees. Seconded by Rose. The motion to amend passed 7-0. Henderson moved to amend the minutes to remove that she did not attend the Bike/Ped Committee as reported on the February 20, 2018 minutes under Reports from Boards and Committees. Seconded by Beecher. The motion to amend passed 7-0. The main motion passed 7-0.

**C. Communications from the City Manager**

**D. Reports from Boards and Committees**

Councilor Morgan reported on attending a recent meeting of the Portland Street Pier project and gave an update on what the group is currently working on.

Lewis reported on the rescheduling of the Middle Schools Project meeting date; looking for residents on the west end of the City to participate in the Open Space Committee.

Henderson spoke on health care and the upcoming April 3 deadline of lawmakers in Augusta to enact medicare expansion in the context of a story recently shared at a Clark's Pond Watershed Committee meeting about used needles recently found near the watershed.

Mayor Cohen reported that she will not be present for the workshop on March 13; Councilor Morgan will chair the workshop.

**E. Petitions and Communications**

**F. Appointment Calendar**

**Beecher moved to postpone items 1, 2, 3, 4, 6, and 7. Seconded by Lewis. The motion passed 7-0.**

1. ORDER #93-17/18 – Planning Board, District Two (Lewis) for an unexpired term which expires on 4/1/19 . Passage requires majority vote.
2. ORDER #118-17/18 – Energy & Recycling Committee, District Five (Dowling) for an unexpired term which expires on May 5, 2018. Passage requires majority vote.
3. ORDER #119-17/18 – Community Development Advisory Committee, District One (Morgan) for a term which expires on January 15, 2021. Passage requires majority vote.
4. ORDER #130-17/18 – Economic Development Committee, District Four (Cohen), for an unexpired term which expires March 3, 2019. Passage requires majority vote.
6. ORDER #138-17/18 – Civil Service Commission, District One (Morgan) for a term which expires on March 1, 2023. Passage requires majority vote.



**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 2  
MARCH 6, 2018**

7. ORDER #139-17/18 – Conservation Commission, District Five (Dowling) for a term which expires on March 3, 2021. Passage requires majority vote.

5. ORDER #137-17/18 - Board of Assessment Review, District Three (Rose), appointing **Paul Cloutier**, for a term which expires on March 16, 2021. Passage requires majority vote.

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

**G. Consent Calendar**

**H. Citizen Discussion (First Part)**

D. Romano, Simonton St.

Russ Lunt, Brigham St.

P. Anderson, Anthoine St.

**I. Public Hearings and Action**

8. ORDINANCE #14-17/18 – Amending Article VI of Chapter 5, “BUILDINGS,” regarding disorderly houses. Passed first reading on February 20, 2018. ROLL CALL VOTE. Passage requires majority vote.

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

9. ORDINANCE #15-17/18 - Amending Chapter 27, “ZONING,” regarding a Zone Map change from Residential G (G) to Limited Business District (LB) – 780 Broadway. Passed first reading on February 20, 2018. ROLL CALL VOTE. Passage requires five (5) majority votes.

The following spoke:

Russ Lunt, Brigham St.

Andrew Green, Broadway

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

10. ORDINANCE #16-17/18 – Amending Chapter 14, “LICENSES, PERMITS AND BUSINESS REGULATIONS GENERALLY,” regarding Taxicabs and Vehicles for Hire. Passed first reading on February 20, 2018. ROLL CALL VOTE. Passage requires majority vote.

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

11. ORDER #140-17/18 - Approving a Business License for ABC Taxi 2, 78 Pleasant Avenue, Unit 2, for a Certificate of Public Convenience. Passage requires majority vote.

The following spoke:

Ed Googins, Police Chief

Mary, Owner of ABC Taxi

John McDonough, ABC Taxi

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

**J. Action on Old and New Business**

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 3  
MARCH 6, 2018**

**12.** ORDER #141-17/18 –Award of Bid #40-18 to Liberty Chevrolet, Inc. of Wakefield, MA, for the purchase of a 2018 SUV for the South Portland Police Department. Passage requires majority bid.

The following spoke:  
Russ Lunt, Brigham St.

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

**13.** ORDER #142-17/18 – Authorizing the submission of a grant application to the Maine Bureau of Highway Safety under the Targeted Pedestrian-Motor Vehicle Enforcement Program and accepting awarded funds to be used by the Police Department. Passage requires majority vote.

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

**14.** ORDER #143-17/18 – Award of Bid #37-18 to Gorham Sand & Gravel, of Buxton, ME, for the Pleasantdale Sewer Separation Project. Passage requires majority vote.

The following spoke:  
Justin Gove, Water Resource Protection

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

**15.** ORDINANCE #17-17/18 – Amending Chapter 14, “LICENSES, PERMITS AND BUSINESS REGULATIONS GENERALLY,” and Chapter 17, “OFFENSES – MISCELLANEOUS PROVISIONS,” regarding construction activity at night. First reading. Passage requires majority vote.

The following spoke:  
Patricia Whyte, Orchard St.

Morgan moved for passage, seconded by Beecher.

Morgan moved to amend Sec. 14-25(b)(8) to add #8, detailed plan for proposed lighting at night and renumber subsequent requirements. Seconded by Beecher. The motion passed 7-0.

The main motion passed as amended 7-0.

**16.** ORDINANCE #18-17/18 – Amending Chapter 9 “GARBAGE AND REFUSE,” and Chapter 14, “LICENSES, PERMITS AND BUSINESS REGULATIONS GENERALLY,” regarding waste hauler operations and licensing. First reading. Passage requires majority vote.

The following spoke:  
Russ Lunt, Brigham St.  
Judy Kline, Breakwater

Morgan moved for passage, seconded by Rose.

Morgan moved to amend Sec. 9-33(c)(7) & 9-34(b)(2) to add “SP” zone after VCW. Seconded by Henderson. The motion passed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 4  
MARCH 6, 2018**

The main motion passed as amended 7-0.

**17. RESOLVE #22-17/18** – Opposing oil and gas offshore drilling off the coast of Maine. Passage requires majority vote.

The following spoke:

P. Skerry, ND  
Abby Huntoon, Ledge Rd  
R. Zuckerman, Preble St.  
D. Romano, Simonton St.  
Patricia Whyte, Orchard St.  
Judy Kline, Breakwater

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

**K. Citizen Discussion (Second Part)**

There was no discussion.

**L. Councilor's Round Robin**

Rose appreciated the collegial dialogue among Councilors and expressed disappointment that the posting for Economic Development Director moved forward without a Council order, noting that the Sustainability Coordinator position required approval by Council.

Cohen explained that the Sustainability Coordinator was a new position to the city which is why it went before Council for approval; the position of Economic Development Director is not a new position and does not require Council approval. Cohen expressed disappointment about misinformation being spread over social media and encouraged residents to do their research regarding any claim of Council action.

Dowling encouraged the public not to believe everything that's read on the internet.

Henderson encouraged the public to urge lawmakers to meet the April 3 deadline for Medicaid expansion and expressed the importance of access to healthcare for all citizens.

**M. Executive Session**

**N. Adjournment**

Morgan moved to adjourn, seconded by Beecher; the motion passed 7-0.  
The meeting adjourned at 9:33pm.



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**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 1  
MARCH 20, 2018**

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

**A. Roll Call**

All Councilors were present.

**B. Acceptance of Minutes**

Councilor Beecher moved for acceptance, seconded by Councilor Dowling. Councilor Henderson moved to amend the minutes to add context of Clark's Pond Watershed Committee and used needles to March 6, 2018 discussion of health care. Seconded by Councilor Morgan. Passed 7-0. Main motion passed as amended 7-0.

**C. Communications from the City Manager**

**D. Reports from Boards and Committees**

Mayor Cohen gave an update on recent trip to Washington, DC for MMA municipal conference.

Councilor Beecher attended recent ecomaine awards dinner; Jane Eberle won an award.

Councilor Beecher also attended Meals on Wheels delivery; very positive experience.

Councilor Henderson reminded the public of an upcoming Comp Plan Implementation Committee meeting regarding Knightville.

Councilor Lewis gave an update on the Open Space Committee; the committee is still seeking residents from the west end of the City to join.

**E. Petitions and Communications**

The City Clerk presented the Certification of the Referendum Petition to Repeal Ordinance #12-17/18 (Chapter 14) and Ordinance #13-17/18 (Chapter 27) regarding Short Term Rentals.

**F. Appointment Calendar**

The City Clerk read the rules for public comment.

Councilor Dowling moved to postpone items 2, 3, 4 and 5, seconded by Councilor Henderson. The motion passed 7-0.

**2.** ORDER #118-17/18 – Energy & Recycling Committee, District Five (Dowling) for an unexpired term which expires on May 5, 2018. Passage requires majority vote.

**3.** ORDER #119-17/18 – Community Development Advisory Committee, District One (Morgan) for a term which expires on January 15, 2021. Passage requires majority vote.

**4.** ORDER #130-17/18 – Economic Development Committee, District Four (Cohen), for an unexpired term which expires March 3, 2019. Passage requires majority vote.

**5.** ORDER #138-17/18 – Civil Service Commission, District One (Morgan) for a term which expires on March 1, 2023. Passage requires majority vote.

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

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

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 2  
MARCH 20, 2018**

**6.ORDER #139-17/18** – Conservation Commission, District Five (Dowling) **Michael Caudle** for a term which expires March 3, 2021. Passage requires majority vote.

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

**7.ORDER #144-17/18** – Economic Development Committee, District Five (Dowling) appointing **Bruce Bennett** for a term which expires on March 23, 2021. Passage requires majority vote.

Councilor Dowling moved for passage; seconded by Councilor Rose. The motion passed 7-0.

**8.ORDER #145-17/18** – South Portland Housing Authority, District Two (Lewis), appointing **Christine Dearborn** for a term which expires on 03/25/23. Passage requires majority vote.

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

**G.Consent Calendar**

**H.Citizen Discussion (First Part)**

Albert DiMillo, Colchester Dr  
Russ Lunt, Brigham St  
Diane Romano, Simonton St  
Peter Stanton, Deake St  
Michael Frabotta, Preble St.  
John Wibby, Cash St  
April C, Cash St  
A. Bell, Broadway  
D. Romano, Simonton St.  
Paul Fielding, Winding Way  
John Murphy, Willard  
Melanie Wiker, D St.  
P. Anderson, Anthoine St.  
George Corey, Franklin Terrace  
Rosemarie DeAngelis, Pleasantdale

**I.Public Hearings and Action**

**9.ORDINANCE #12-17/18** – Reconsideration of Ordinance #12-17/18, amending Chapter 14, "LICENSES, PERMITS AND BUSINESS REGULATIONS GENERALLY," regarding Short Term Rentals. Passage requires majority vote.

Councilor Morgan moved to reconsider, seconded by Councilor Henderson. The motion passed 7-0.

Councilor Morgan moved to postpone the item until April 3, 2018; seconded by Councilor Lewis. The motion passed 7-0.

**10.ORDINANCE #12-17/18** – Reconsideration of Ordinance #12-17/18, amending Chapter 14, "LICENSES, PERMITS AND BUSINESS REGULATIONS GENERALLY," regarding Short Term Rentals. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 3**  
**MARCH 20, 2018**

Councilor Morgan moved to reconsider, seconded by Councilor Beecher. The motion passed 7-0. Councilor Morgan moved to postpone the item until April 3, 2018; seconded by Councilor Beecher. The motion passed 7-0.

**11. ORDINANCE #17-17/18** – Amending Chapter 14, “LICENSES, PERMITS AND BUSINESS REGULATIONS GENERALLY,” and Chapter 17, “OFFENSES – MISCELLANEOUS PROVISIONS,” regarding construction activity at night. Amended and passed first reading on March 6, 2018. ROLL CALL VOTE. Passage requires majority vote.

The following spoke:  
Melanie Wiker, Knightville

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

**12. ORDINANCE #18-17/18** – Amending Chapter 9 “GARBAGE AND REFUSE,” and Chapter 14, “LICENSES, PERMITS AND BUSINESS REGULATIONS GENERALLY,” regarding waste hauler operations and licensing. Amended and passed first reading on March 6, 2018. ROLL CALL VOTE. Passage requires majority vote.

The following spoke:  
TJ Troiano

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

**J. Action on Old and New Business**

**13. ORDER #146-17/18** – Directing the City Clerk to post notice of Public Hearing regarding referred Ordinance #12-17/18 and Ordinance #13-17/18 to be taken up by the City Council on April 3, 2018. Passage requires majority vote.

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

**14. ORDER #147-17/18** – Award of Bid #38-18 to Damon Mechanical Services, of Auburn, ME, for the purchase of the Polyethylene Chemical Storage Tank Replacement. Passage requires majority vote.

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

**15. ORDER #148-17/18** – Award of Bid #39-18 to Atlantic Mechanical, Inc., of Woolwich, ME, for CSO Secondary Clarifier upgrades. Passage requires majority vote.

Councilor Beecher moved for passage, seconded by Councilor Rose. Councilor Beecher moved to amend the order to remove “CSO” and replace with the word “Secondary”; seconded by Councilor Rose. The motion passed 7-0. The main motion passed 7-0 as amended.

**16. ORDER #149-17/18** – Authorizing the City Manager to sign a contract between the City of South Portland and StreetScan, Inc., of Burlington, MA to perform pavement condition assessment services. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 4  
MARCH 20, 2018**

The following spoke:

Justin Gove, Water Resource Protection  
Doug Howard, Public Works Director  
Russ Lunt, Brigham St.  
Paul Fielding, Winding Way  
George Corey, Franklin Terrace

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

**17. ORDER #150-17/18**– Setting April 5, 2018 as the date for a Public Hearing in City Council Chambers for the Proposed FY 2019 Municipal Budget. Passage requires majority vote.

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

**18. ORDER #151-17/18** – Authorizing the City Manager to accept delivery of an easement deed and agreement for property at the intersection of Broadway and Elm Street from Terrence A. Parent and Joan C. Parent, for the Elm and Broadway intersection improvements included in the Pleasantdale Sewer Separation project. Passage requires majority vote.

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

**19. ORDER #152-17/18** – Authorizing the City Manager to accept delivery of an easement deed from Turners Island LLC, for property along the northeasterly sideline of Elm Street adjacent to the existing rail crossing for installation of a new storm drain utility as part of the Pleasantdale Sewer Separation project. Passage requires majority vote.

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

**20. ORDER #153–17/18** – Amending the City’s Master Fee Schedule of License, Permit, Inspection, and Application Fees regarding setting the license fees for night time construction activity. Passage requires majority vote.

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

**K. Citizen Discussion (Second Part)**

Ken Thomas, Ocean St.

**L. Councilor’s Round Robin**

Mayor Cohen recognized the City’s “birthdate” and incorporation date.

Councilor Rose thanked a constituent who sewed him a shirt; Councilor Rose will be absent for the April 3<sup>rd</sup> meeting, shared thoughts on the short-term rental ordinance.

**M. Executive Session**



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**N. Adjournment**

Councilor Morgan moved to adjourn at 9:44pm, seconded by Councilor Beecher. The motion passed 7-0.

A handwritten signature in black ink, appearing to read "Eric J. Salley". The signature is written in a cursive style with a large initial "E".

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

Mayor Cohen called the meeting to order at 7:00pm. At the beginning of the meeting, Councilor Morgan made a motion to withdraw ORDER #162 from the agenda; seconded by Councilor Beecher. The motion to withdraw passed 6-0. The item will be placed on the agenda after a future workshop.

Mayor Cohen asked the Council for unanimous consent to move ORDER #164 and RESOLVE #23 out of order, to be taken up before Public Hearings and Action. There was no objection.

**A. Roll Call**

Councilor Rose was absent.

**B. Acceptance of Minutes**

Councilor Beecher moved for acceptance of the March 20, 2018 minutes. Seconded by Councilor Morgan. The motion passed 6-0.

**C. Communications from the City Manager**

City Manager Scott Morelli introduced Stephanie Weaver as the new Human Resources Director for the City.

The Police Department was recognized for their recent accreditation earning from CALEA.

The City Manager invited the Finance Director, Greg L'Heureux to explain how the City creates the annual budget.

The City Manager reminded the public of the budget hearing taking place on April 5 at 7:00pm in Council Chambers.

**D. Reports from Boards and Committees**

Councilor Beecher shared that the Senior Citizen Advisory Committee is in the process of creating focus groups and continuing to work on the results from the survey.

Councilor Dowling was asked to serve on the Metro Transit West Task Force committee and recently attended a meeting.

Mayor Cohen congratulated the Police Department on their CALEA accreditation.

**E. Petitions and Communications**

Memo from Energy & Recycling Committee to the City Council

**F. Appointment Calendar**

Councilor Morgan moved to postpone items 1, 2, 4, 6 and 8. Seconded by Councilor Beecher. The motion passed 6-0.

**1. ORDER #118-17/18 – Energy & Recycling Committee, District Five (Dowling) for an unexpired term which expires on May 5, 2018. Passage requires majority vote.**

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 2**  
**APRIL 3, 2018**

2. ORDER #119-17/18 – Community Development Advisory Committee, District One (Morgan) for a term which expires on January 15, 2021. Passage requires majority vote.

4. ORDER #138-17/18 – Civil Service Commission, District One (Morgan) for a term which expires on March 1, 2023. Passage requires majority vote.

6. ORDER #155-17/18 – Planning Board, District Three (Rose), for a term which expires April 1, 2021. Passage requires majority vote.

8. ORDER #157-17/18 – Economic Development Committee, District One (Morgan), for a term which expires March 23, 2021. Passage requires majority vote.

3. ORDER #130-17/18 – Economic Development Committee, District Four (Cohen), appointing **Jennifer Voisine** for an unexpired term which expires March 3, 2019. Passage requires majority vote.

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

5. ORDER #154-17/18 – Planning Board, District At-Large (Henderson), appointing **William Laidley** for a term which expires April 1, 2021. Passage requires majority vote.

The following spoke:

Russ Lunt, Brigham St.

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

7. ORDER #156-17/18 – Economic Development Committee, District Two (Lewis), appointing **Joel Ouellette** for a term which expires March 23, 2021. Passage requires majority vote.

Councilor Lewis moved for passage, seconded by Councilor Dowling. The motion passed 6-0.

9. ORDER #158-17/18 –appointing **Kara Auclair, David Larki and Leah Bruns** to the *Ad hoc* Affordable Housing Committee. Passage requires majority vote.

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

## **G. Consent Calendar**

### **H. Citizen Discussion (First Part)**

The following spoke:

Russ Lunt, Brigham St.

Taylor Strubell, Energy & Recycling Committee

Items #16 and #17 were taken out of order:

16. ORDER #164-17/18 – Authorizing the City Manager to execute a license agreement with METRO to establish new bus stops, and consenting to the establishment of a new western bus route operated by METRO connecting the current Route 5 in the Maine Mall area to the City of Westbrook and points north.

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Passage requires majority vote.

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

**17. RESOLVE #23-17/18** – Adopting a proclamation acknowledging SPC-TV's efforts on educating the public on the role of media democracy. Passage requires majority vote.

The City Clerk read the resolve.

Moe Amaral, SPC-TV spoke on this item.

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

**I. Public Hearings and Action**

**10. REFERRED ORDINANCES #12-17/18 & #13-17/18** – Public hearing and action on the Referred Ordinances #12-17/18 & #13-17/18 regarding short-term residential rentals. At the conclusion of the public hearing, the Council may act to repeal the referred ordinances or to send them to a referendum vote. Passage requires majority vote.

The following spoke:

- T. Akers, Willard Rd.
- April C., Cash St.
- P. Fielding, Winding Way
- M. Pock, Grand St.
- D. Romano, Simonton St.
- S. Holland, Willard Haven Rd.
- M. Calico, South Portland
- P. Anderson, Anthoine St.
- P. Morrison, Preble St.
- R. Young, Chase St.
- J. Delano, Wharf St.
- Dan Romano, Simonton St.
- R. Sellin, Deake St.
- J. Murphy, Willard St.
- M. Wiker, D. St.
- M. Frabotta, Preble St.
- J. Steinbrick, Cottage Rd.
- N. Field, Willard St.
- M. Connoll, Bayview Ave.
- S. Anton, South Portland
- D. Thomas, Froswick Ave.
- N. West, Deake St.
- G. Corey, Franklin Terrace
- G Williamson, Victory Ave
- Russ Lunt, Brigham St
- A. Hoecker, South Portland
- K. Thomas, Ocean St.
- P. Stanton, Deake St.
- Rosemarie DeAngelis, Pleasantdale

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C.Floyd, Victory Ave.

Councilor Morgan moved to repeal ORDINANCE #12-17/18 and ORDINANCE #13-17/18, seconded by Councilor Beecher. The motion passed 6-0. The Council asked the City Manager to schedule a workshop on this topic for April 24<sup>th</sup>.

Mayor Cohen called for a five minute recess.

**J. Action on Old and New Business**

**11.** ORDER #159-17/18 - Authorizing the City Manager to submit the FY 2018-2019 Community Development Block Grant Annual Action Plan to the Cumberland County Community Development Program. Passage requires majority vote.

Councilor Morgan moved for passage, seconded by Councilor Beecher. Councilor Morgan moved to amend ORDER #159 to include the fiscal note of "\$401,457", seconded by Councilor Beecher. The motion passed 6-0. The main motion passed, as amended, 6-0.

**12.** ORDER #160-17/18 – Amending the *Restricted Property* map regarding sex offender residency restrictions. Passage requires majority vote.

Councilor Lewis moved for passage, seconded by Councilor Dowling. The motion passed 6-0.

**13.** ORDER #161--17/18 – Accepting \$812.00 under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

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

**14.** ORDER #162--17/18 – Award of Bid #26-18 to Mainway Landscaping & Excavation, of Saco, ME, for the replacement of the Deake Street Stairway. Passage requires majority vote.

*This item was withdrawn from the agenda at the beginning of the meeting.*

**15.** ORDER #163-17/18 – Authorizing the City accepting a grant from Casco Bay Estuary Partnership's Community Grant program in the amount of \$2,000 to be used for Pope Preserve Signage. Passage requires majority vote.

Councilor Dowling moved for passage, seconded by Councilor Lewis. The motion passed 6-0.

**18.** ORDER 165-17/18 – Setting the City Manager's annual salary. Passage requires majority vote.

The following spoke:

Diane, Romano, Simonton St.

Russ Lunt, Brigham St.

Dan Romano, Simonton St.

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

**K. Citizen Discussion (Second Part)**

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Diane Romano, Simonton St.  
Dan Romano, Simonton St.  
P. Fielding, Winding Way

**L. Councilor's Round Robin**

Councilor Dowling expressed gratitude to the residents and thanked the Planning Board for their service.

Councilor Henderson commented that we have a great community.

Councilor Lewis thanked all for their input, and all who want to serve and do serve on committees.

**M. Executive Session**

**N. Adjournment**

Councilor Mogan moved to adjourn at 9:46pm, seconded by Councilor Dowling. The motion passed 6-0.



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**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 1  
APRIL 17, 2018**

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

**A. Roll Call**

Councilor Lewis was absent.

**B. Acceptance of Minutes**

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

**C. Communications from the City Manager**

Mayor Cohen led the dedication of Council Lectern – handmade by Richard Reed former Parks and Recreation Employee. Mr. Reed's family was present and said a few words, thanking the City for recognizing Mr. Reed's contributions to the City.

The City Manager reminded the public of the annual South Portland Earth Day Litter Cleanup taking place on April 21 and hosted by the South Portland Land Trust.

**D. Reports from Boards and Committees**

Councilor Beecher shared an update on the Senior Citizen Advisory Committee. Mayor Cohen attended a gala fundraiser for the Eastern Trail and attended the ribbon cutting for Two Fat Cats Bakery. The bakery was donating proceeds to the South Portland Food Cupboard.

**E. Petitions and Communications**

**F. Appointment Calendar**

Councilor Morgan moved to postpone items 1, 2, 3, 4 and 6, seconded by Councilor Beecher. The motion passed 6-0.

1. ORDER #118-17/18 – Energy & Recycling Committee, District Five (Dowling) for an unexpired term which expires on May 5, 2018. Passage requires majority vote.

2. ORDER #119-17/18 – Community Development Advisory Committee, District One (Morgan) for a term which expires on January 15, 2021. Passage requires majority vote.

3. ORDER #138-17/18 – Civil Service Commission, District One (Morgan) for a term which expires on March 1, 2023. Passage requires majority vote.

4. ORDER #155-17/18 – Planning Board, District Three (Rose), for a term which expires April 1, 2021. Passage requires majority vote.

6. ORDER #166-17/18 – Arts & Historic Preservation Committee, District Four (Cohen) for an unexpired term which expires October 10, 2020. Passage requires majority vote.

5. ORDER #157-17/18 – Economic Development Committee, District One (Morgan), appointing **David Wakelin** for a term which expires March 23, 2021. Passage requires majority vote.

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There was no public comment.

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

**7.ORDER #167-17/18** – Appointing **Claude Morgan** to the Greater Portland Council of Governments' (GPCOG) Regional Voice Committee. Passage requires majority vote.

There was no public comment.

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

**8.ORDER #168-17/18** – Appointing members to the Community Climate Adaptation and Action Plan (CAAP) Joint Steering Committee. Passage requires majority vote.

There was no public comment.

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

**9.ORDER #169-17/18** – Appointment of Democratic, Republican, Green Independent, Libertarian, and Unenrolled Election Clerks for a two (2) year term.

There was no public comment.

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

**G.Consent Calendar**

**10.ORDER #170-17/18** – Granting street closure of Hinckley Drive from 6:00 a.m. to 9:00a.m. on August 11, 2018 for the Art in the Park event.

**11.ORDER #171-17/18** – Setting 7:00 AM as the opening time of the polls for the June 12, 2018 State Primary/Referendum and School Budget Validation Referendum Election.

Councilor Beecher moved for passage of the consent calendar, seconded by Councilor Dowling. The consent calendar passed 6-0.

**H.Citizen Discussion (First Part)**

Russ Lunt, Brigham St.  
Marilyn Reilly, Augusta St.  
John Murphy, Willard St.  
Diane Romano, Simonton St.  
Patricia Morrison, Preble St.  
Jeff Steinbrinck, Cottage Rd.  
Dan Romano, Simonton St.

**I.Public Hearings and Action**

Public comment was opened for items #12 & #13.

The following spoke:

Robert Coppersmith, business owner



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**12.ORDER #172-17/18** – Granting Bobs LLC, DBA Coppersmith Restaurant, 671 MainStreet, a Food Establishment with Liquor License. Passage requires majority vote.

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

**13.ORDER #173-17/18** - Granting Bobs LLC, DBA Coppersmith Restaurant, 671 MainStreet, a Special Amusement without Dancing License. Passage requires majority vote.

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

**J.Action on Old and New Business**

*Mayor Cohen read an announcement that former First Lady Barbara Bush had passed away. A moment of silence was held.*

**14.RESOLVE #24-17/18** – Adopting a goal to reduce greenhouse gas emissions citywide80% by 2050 and transitioning to 100% clean energy for municipal operations by 2040.Passage requires majority vote.

The following spoke:

Dan Romano, Simonton St.  
Julie Rosenbach, Sustainability Director  
Diane Romano, Simonton St.  
Roberta Zuckerman, South Portland

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

**15. ORDER #174-17/18** - Amending the *Traffic Schedule* regarding no parking on the westerly side of Elm Street for 120 feet from intersection. Passage requires majority vote.

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

**16. RESOLVE #25-17/18** - Approving an Appropriation Transfer Resolve for FY2018 to fund a Planning Study for HVAC and Systems/Controls Improvements and a Hazardous Building Materials Study. Passage requires majority vote.

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

**17. ORDER #175-17/18** - Award of Bid #45-18 to Thomas Simpson, Inc, of 5 Fairlawn Avenue, South Portland, ME, for the lease of the Portland Street Pier. Passage requires majority vote.

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

**18. ORDER #176-17/18** – Authorizing the method of sale of a tax acquired parcel of land at 75 Sunset Avenue (Tax Map 53, Lot 58A) as a negotiated sale to the four abutting property owners pursuant to Sec. 2-171(2)(a)(4) of the Code of Ordinances. Passage requires majority vote.

The following spoke:

Randy Keenan  
Russ Lunt, Brigham St.

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Bill Laidley, Taylor St.

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

**19. ORDER #177-17/18** – Appealing the Public Works Director’s denial of three curb cuts on Park Avenue and Bowdoin Avenue for One Duval Properties and A & M Ventures, LLC. Passage requires majority vote.

The following spoke:

Art Duval  
Shawn Frank, engineer  
Russ Lunt, Brigham St.  
Bill Laidley, Taylor St.  
Tex Haeuser, Planning Director

Councilor Morgan moved for passage, seconded by Councilor Dowling. Councilor Morgan moved to amend the order to include the words “a practical” before the word “hardship”. Seconded by Councilor Beecher. The amendment passed 6-0. The main motion passed, as amended, 6-0.

**20. ORDER #178-17/18** – Amending the City’s Master Fee Schedule of License, Permit, Inspection, and Application Fees regarding the fee structure for Coin Operated Machine licenses. Passage requires majority vote.

The following spoke:

Russ Lunt, Brigham St.  
Clarise Bell, Round One  
Steven Takachi, Round One

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

**21. ORDINANCE #19-17/18** – Amending Chapter 2, “Administration and Legislation,” regarding *Ad hoc* Committees. First reading. Passage requires majority vote.

Councilor Morgan moved for passage, seconded by Councilor Beecher. The motion passed 5-0 (Councilor Dowling out of the room).

**22. ORDER #179-17/18** - Purchase of City street lights from Central Maine Power (CMP). Passage requires majority vote.

The following spoke:

Georgiana D’vanis, Victory Ave  
Greg L’Heureux, Finance Director  
George Corey, Franklin Terrace  
Bill Laidley, Taylor St.  
Russ Lunt, Brigham St.  
Dan Romano, Simonton St.

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

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**23.** ORDER #180-17/18 – Accepting miscellaneous donations. Passage requires majority vote.

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

**K. Citizen Discussion (Second Part)**

There was no discussion.

**L. Councilor's Round Robin**

Councilor Rose thanked everyone for their patience while he was away.

Mayor Cohen acknowledged the passing of Jim Dyer, former School Board member. Mayor Cohen also acknowledged the passing of Jack O'Brien, former Judge of Probate.

Councilor Dowling recognized six South Portland residents who ran in the Boston Marathon.

Councilor Henderson acknowledged the demolition of the former Griffin Club in Knightville.

**M. Executive Session**

**N. Adjournment**

Councilor Dowling moved to adjourn, seconded by Councilor Rose. The motion passed 6-0. The meeting adjourned at 10:15pm.



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

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

**A.Roll Call**

All Councilors were present.

**B.Acceptance of Minutes**

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

**C.Communications from the City Manager**

Greg L'Hereux, Finance Director, introduced IT Director Mike Dery.

There was a brief update from LeeAnne Dodge for SoPo Unite.

**D.Reports from Boards and Committees**

Councilor Henderson shared an update on the Senior Citizen Advisory Committee. Three out of four focus groups have met. Councilor Lewis shared an update on the Open Space Committee and O'Neil Street Facility Re-use Committee. The O'Neil Street Facility Re-use Committee is currently in the process of reviewing proposals. Councilor Morgan attended a recent presentation of the Portland Street Pier project. Mayor Cohen shared that MMA recently had an audit; there were no issues found.

**E. Petitions and Communications**

**F.Appointment Calendar**

Councilor Morgan moved to postpone items 1, 2, 3, 5 and 6. Seconded by Councilor Beecher. The motion passed 7-0.

- 1.ORDER #118-17/18 – Energy & Recycling Committee, DistrictFive (Dowling) for an unexpired term which expires on May 5,2018. Postponed since February 6, 2018. Passage requires majority vote.
- 2.ORDER #119-17/18 – Community Development AdvisoryCommittee, District One (Morgan) for a term which expires onJanuary 15, 2021. Postponed since February 6, 2018. Passagerequires majority vote.
- 3.ORDER #138-17/18 – Civil Service Commission, District One(Morgan) for a term which expires on March 1, 2023. Postponedsince March 6, 2018. Passage requires majority vote.
- 5.ORDER #166-17/18 – Arts & Historic Preservation Committee, District Four (Cohen)for an unexpired term which expires October 10, 2020. Postponed on April 17, 2018.Passage requires majority vote.
- 6.ORDER #181-17/18 – Library Advisory Board, District Four (Cohen), for an unexpiredterm which expires 12/31/19. Passage requires majority vote.
- 4.ORDER #155-17/18 – Planning Board, District Three (Rose),appointing **Elsa Mullin** for a term which expires April 1, 2021.Postponed since April 3, 2018. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 2**  
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Councilor Rose moved for passage, seconded by Councilor Dowling. The motion passed 7-0.

**G.Consent Calendar**

**H.Citizen Discussion (First Part)**

J. Steinbrinck, Cottage Road  
Russ Lunt, Brigham St.  
Peggy Stewart, Bayview  
Sulemana Sumare, South Portland

**I.Public Hearings and Action**

**7.ORDINANCE #19-17/18** – Amending Chapter 2, “Administration and Legislation,” regarding *Ad hoc* Committees. Passed first reading on April 17, 2018. ROLL CALL VOTE. Passage requires majority vote.

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

**8.ORDER #182-17/18** – Granting My Thai LLC, 740 Broadway, a Food Establishment with Liquor License. Passage requires majority vote.

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

**9.ORDER #183-17/18** – Granting Southern Ratio, Inc. d/b/a Scratch Baking company, “The Toast Bar”, 205 Broadway, a Food Establishment with Malt and Vinous License. Passage requires majority vote.

The following spoke:

Patti Smith, Parriott St.  
Russ Lunt, Brigham St.

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

**10.ORDER #184-17/18** – Granting Round One Entertainment, Inc. d/b/a/ Round 1 Bowling & Amusement, 364 Maine Mall Road, a Food Establishment with Liquor License. Passage requires majority vote.

The following spoke:

Russ Lunt, Brigham St.  
Joanne Simonelli, Bennett Law Firm

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

**11.ORDER #185-17/18** – Granting Round One Entertainment, Inc. d/b/a Round 1 Bowling & Amusement, 364 Maine Mall Road, a Coin Operated Device License for 261 game machines. Passage requires five (5) affirmative votes.

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

**J.Action on Old and New Business**

**12.ORDER #186-17/18** – Accepting miscellaneous donations. Passage requires majority vote.

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

**13.RESOLVE #26-17/18 - Proclaiming the week of May 20, 2018 as Arbor Week in the City of South Portland. Passage requires majority vote.**

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

**14.ORDINANCE #20-17/18 – Amending Chapter 19, “Personnel Rules and Regulations,” regarding the Civil Service Commission. First Reading. Passage requires majority vote.**

The following spoke:

Rosemarie DeAngelis, Pleasantdale

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

**15. ORDER #187-17/18 – Award of Bid #46-18 to Dayton Sand & Gravel, of Dayton, ME for paving services for the Public Works Department. Passage requires majority vote.**

The following spoke:

Dan Romano, Simonton St.

Russ Lunt, Brigham St.

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

**16. ORDER #188-17/18 – Authorizing the method of sale of a City-owned parcel of land located at 1 Park Avenue (Tax Map 33, Lot 15) as a negotiated sale to the abutting property owner, A & M Ventures, LLC, pursuant to Sec. 2-171(2)(b)(3) of the Code of Ordinances and further authorizing the City Manager to negotiate and complete such sale. Passage requires majority vote.**

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

**17. ORDINANCE #21-17/18 – Amending Ch. 27, “Zoning,” regarding a text amendment and Zoning map change from Main Street Community Commercial District and Residential District A zones to Conditional Residential and Limited Commercial Use District G at 611 Main Street (Map 53, Lot 302E). First reading. Passage requires majority vote**

The following spoke:

Natalie West, Deake St.

Ann S., Wisteria Way

Ruweda Ali, Sunset Park

Meg Johnson, Pennsylvania Ave

Tom Kahill, Highland Ave

Steve Bijoga, Westbrook

Robert Sellin, Deake St.

Elise Baldacci, Thirlmere Ave

Louise Tate, Deake St.

Greg Foster, Ridgeland Gardens

Ekhlas Ahmed, Portland

Ghassan Hassoon, Portland

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Joanna, Broadway  
Deborah Deen, Arizona  
Aqeel Mohialdeen, South Portland  
Jumana Labeed  
Christie Dearborn, SPHA  
Matt Lunt, Keswick Rd  
Joyce Mendoza, Thirlmere Ave  
Jonathan James, Thornton  
C., Claire, Lathom Rd  
Scott M, Thirlmere Ave  
Rosemarie DeAngelis, Pleasantdale  
Ryan O'Hare, Portland  
Bethany Mckeen, Thirlmere  
Joey Brunelle, Portland  
Yordanos Gebremikael  
Leah Bruns, Affordable Housing Committee  
Russ Lunt, Brigham St.  
Kevin Pownal  
Mike Duveny, Ocean St.  
Pious Ali, Portland  
Victoria Morales, Thirlmere  
Devin Deane, Thirlmere  
Elizabeth Shirk, Keswick  
Douglas McKenzie, Thirlmere

Councilor Dowling moved for passage, seconded by Councilor Beecher. The motion passed 5-2 (Cohen, Morgan).

*A motion was made by Councilor Morgan to continue with the agenda past 11:00pm. Seconded by Councilor Dowling. The motion passed 6-1 (Beecher).*

**18. RESOLVE #27-17/18** – Approving an Appropriation Transfer in the amount of \$546,505 for FY 18 for defense of the Clear Skies Ordinance. Passage requires majority vote.

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

**19. ORDER #189-17/18** – Authorizing the City Manager to execute a license and indemnification agreement between the City and the Long Creek Watershed Management District to allow LCWMD to perform monitoring, inspection and maintenance of stormwater management improvements in a portion of the Cummings Road Right-of-Way and on adjoining land over which the City has obtained an easement from Weight Watchers of Maine, Inc. Passage requires majority vote.

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

**20. ORDER #190-17/18** – Adopting the Council goals set at the Goal Setting Workshop on March 28, 2018. Passage requires majority vote.

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

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 5  
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**K. Citizen Discussion (Second Part)**

**L. Councilor's Round Robin**

Councilor Lewis noted that SoPo Unite had left some information hand-outs; these will be available at City Hall outside the Clerk's office for the public.

Mayor Cohen was not able to be present for the Deake Street site walk and may be late for next week's workshop due to attending a graduation ceremony.

**M. Executive Session**

**N. Adjournment**

Councilor Dowling moved to adjourn, seconded by Councilor Lewis. The motion passed 7-0. The Council adjourned at 11:59pm.



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**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 1  
MAY 15, 2018**

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

**A. Roll Call**

All Councilors were present.

**B. Acceptance of Minutes**

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

**C. Communications from the City Manager**

City Manager Scott Morelli introduced new Economic Director, William Mann. The City Manager reported on the recent visit of 3<sup>rd</sup> graders visit to City Hall. Greg L'Heurux, Finance Director, distributed the Quarterly Investment Report to the Council.

**D. Reports from Boards and Committees**

Councilor Rose recently attended a meeting of the Comprehensive Plan Implementation Committee; the committee is looking at a Knightville Master Plan. Councilor Lewis reported that the Open Space Committee is working on creating a survey on open spaces that will soon be distributed for public input. Councilor Lewis encouraged the public to attend two upcoming meetings of the Middle School Facilities Committee later this month and the straw poll vote on June 13. Councilor Dowling reminded the public of the PWM Jetport Noise Committee meeting on Friday at 6:30pm in Council Chambers.

**E. Petitions and Communications**

**F. Appointment Calendar**

Councilor Morgan moved to postpone items 1, 2, 3, 8, 9 and 10; seconded by Councilor Beecher. The motion passed 7-0.

**1.** ORDER #118-17/18 – Energy & Recycling Committee, District Five (Dowling) for term which expires on May 5, 2021. Passage requires majority vote.

**2.** ORDER #119-17/18 – Community Development Advisory Committee, District One (Morgan) for a term which expires on January 15, 2021. Postponed since February 6, 2018. Passage requires majority vote.

**3.** ORDER #138-17/18 – Civil Service Commission, District One (Morgan) for a term which expires on March 1, 2023. Postponed since March 6, 2018. Passage requires majority vote.

**8.** ORDER #193-17/18 – Energy & Recycling Committee, District Five (Dowling), for a term which expires May 5, 2021. Passage requires majority vote.

**9.** ORDER #194-17/18 – Energy & Recycling Committee, District Two (Lewis), for a term which expires May 5, 2021. Passage requires majority vote.

**10.** ORDER #195-17/18 – Energy & Recycling Committee, District One (Morgan), for a term which expires May 5, 2021. Passage requires majority vote.

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 2**  
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**4. ORDER #166-17/18** – Arts & Historic Preservation Committee, District Four (Cohen), appointing **Jon Godin** for an unexpired term which expires October 10, 2020. Postponed since April 17, 2018. Passage requires majority vote.

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

**5.ORDER #181-17/18** – Library Advisory Board, District Four (Cohen), appointing **Jana Karlis** for an unexpired term which expires 12/31/19. Postponed since May 1, 2018. Passage requires majority vote.

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

**6.ORDER #191-17/18** – Energy & Recycling Committee, District One (Morgan), appointing **John Crowley** for a term which expires May 5, 2021. Passage requires majority vote.

The following spoke:

Rosemarie DeAngelis, Pleasantdale

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

**7.ORDER #192-17/18** – Energy & Recycling Committee, District Two (Lewis), appointing **Taylor Strubell** for a term which expires May 5, 2021. Passage requires majority vote.

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

**11.ORDER #196-17/18** – Harbor Commission, Mayoral Appointment (Cohen), appointing **Luis Tirado**, for an unexpired term which expires June 30, 2020. Passage requires majority vote.

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

### **G.Consent Calendar**

**12.ORDER #197-17/18** – Granting street closure of Broadway from Southern Maine Community College parking lot to the Veteran's Monument in Mill Creek Park from 10:00A.M. to 12:00 P.M. for the Memorial Day Parade on Monday, May 28, 2018.

**13.RESOLVE #26-17/18** – Adopting a Proclamation regarding Memorial Day, and directing that flags be placed on the graves of veterans.

The following spoke:

Russ Lunt, Brigham St.

Councilor Lewis moved for passage of the Consent Calendar, seconded by Councilor Dowling. The motion passed 7-0.

### **H.Citizen Discussion (First Part)**

Russ Lunt, Brigham St.

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**I.Public Hearings and Action**

**14.ORDINANCE #20-17/18** – Amending Chapter 19, “Personnel Rules and Regulations,” regarding the Civil Service Commission. Passed first reading on May 1, 2018. ROLL CALL VOTE. Passage requires majority vote.

The following spoke:

Rosemarie DeAngelis, Pleasantdale  
Caroline Hendry, B St.  
David Lourie, Esq, Cape Elizabeth

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

**15.ORDINANCE #21-17/18** – Amending Ch. 27, “Zoning,” regarding a text amendment and Zoning map change from Main Street Community Commercial District and Residential District A zones to Conditional Residential and Limited Commercial Use District G at 611 Main Street (Map 53, Lot 302E). Passed first reading May 1, 2018. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

The following spoke:

Jonathan James, Thornton Ave  
Scott McCain, Thirlmere Ave  
Devin Deane, Thirlmere Ave  
Richard Gilbert, Thirlmere Ave  
Meg Johnson, Pennsylvania Ave  
Heather Bridges, Mclean St  
Martha Martensen, Thirlmere Ave  
Ann Shank, Wisteria Way  
Victoria Morales, Thirlmere Ave  
Kevin Steer, Thirlmere Ave  
Karla O’Claive, Leafim St  
Beth D., Thirlmere Ave  
Justine Orden, Mclean St  
Chris Gorman, Turner Island  
Janet Blanchette, Thirlmere Ave  
Joyce Mendoza, Thirlmere Ave  
Charlotte Simpson, Valor St  
Don Cook, New York Ave  
Taylor Strubell, Knightville  
Amy Thompson, Thirlmere Ave  
Laurie Carr, South Portland  
Peggy McQuinn, Oakwood  
Russ Lunt, Brigham St  
Nicholas Boggs, Gerry Ave  
Douglas McKenzie, Thirlmere Ave  
Matt Lunt, Keswick  
Caroline Hendry, B St  
Rosemarie DeAngelis, Pleasantdale  
Micah I, Sunset Ave

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Councilor Beecher moved for passage, seconded by Councilor Dowling. The motion passed 5-2 (Cohen, Morgan).

**16.** ORDER #198-17/18 – Public hearing and action regarding the renewal of Lodging Establishment license for K-LAL, LLC d/b/a Knights Inn, 634 Main Street. Passage requires majority vote.

The following spoke:

David Lourie, Esq., representing the owners of Maine Motel and Knights Inn  
Mark Franco, Esq., representing the Chief of Police  
Chief Edward Googins, Police Chief  
Heather Bridges, Mclean St  
Gavin B, Gerry Ave  
Devin Deane, Thirlmere Ave

Councilor Morgan moved to deny the renewal of the lodging establishment license for Knights Inn, seconded by Councilor Henderson. The motion passed 5-2 (Dowling, Lewis).

**17.** ORDER #199-17/18 – Public hearing and action regarding the renewal of Lodging Establishment license for KOLA, LLC d/b/a Maine Motel, 606 Main Street. Passage requires majority vote.

The following spoke:

David Lourie, Esq., representing the owners of Maine Motel and Knights Inn  
Mark Franco, Esq., representing the Chief of Police  
Chief Edward Googins, Police Chief  
Devin Deane, Thirlmere Ave  
Terrence G., Thomas St  
Irfan Chand, owner of Anchor Motel  
Jonathan James, Thornton Ave  
Micah I, Sunset Ave  
Victoria Morales, Thirlmere Ave

Councilor Morgan moved to deny the renewal of the lodging establishment license for Maine Motel, seconded by Councilor Beecher. The motion passed 7-0.

Councilor Morgan moved to continue with the items on the agenda past 11:00pm, seconded by Councilor Lewis. The motion passed 6-1 (Dowling).

*Items 18-32 were read and voted on together.*

**18.** ORDER #200-17/18 – Public hearing and action regarding the renewal of Lodging Establishment license for Naimat, LLC d/b/a Anchor Motel, 715 Main Street. Passage requires majority vote.

**19.** ORDER #201-17/18 – Public hearing and action regarding the renewal of Lodging Establishment license for Lafayette South Portland, LLC d/b/a Best Western Merry Manor Inn, 700 Main Street. Passage requires majority vote.

**20.** ORDER #202-17/18 – Public hearing and action regarding the renewal of Lodging Establishment license for New Gen Hotels Group, LLC d/b/a Comfort Inn, 90 Maine Mall Road. Passage requires majority vote.

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- 21.** ORDER #203-17/18 – Public hearing and action regarding the renewal of Lodging Establishment license for SPCY, LLC d/b/a Courtyard by Marriott, 100 Southborough Drive. Passage requires majority vote.
- 22.** ORDER #204-17/18 – Public hearing and action regarding the renewal of Lodging Establishment license for New Gen Hospitality, LLC d/b/a Days Inn, 461 Maine Mall Road. Passage requires majority vote.
- 23.** ORDER #205-17/18 – Public hearing and action regarding the renewal of Lodging Establishment license for Van Eastland, LLC d/b/a Double Tree by Hilton, 363 Maine Mall Road. Passage requires majority vote.
- 24.** ORDER #206-17/18 – Public hearing and action regarding the renewal of Lodging Establishment license for Northeastern Group Management, LLC d/b/a Econolodge, 80 John Roberts Road. Passage requires majority vote.
- 25.** ORDER #207-17/18 – Public hearing and action regarding the renewal of Lodging Establishment license for Olympia Equity Investors XII/Milroc Hospitality Partners, LLC d/b/a Hampton Inn South Portland, 171 Philbrook Avenue. Passage requires majority vote.
- 26.** ORDER #208-17/18 – Public hearing and action regarding the renewal of Lodging Establishment license for Beddy Bye, LLC d/b/a Holiday Inn Express, 303 Sable Oaks Drive. Passage requires majority vote.
- 27.** ORDER #209-17/18 – Public hearing and action regarding the renewal of Lodging Establishment license for New Gen Group, LLC d/b/a Howard Johnson, 675 Main Street. Passage requires majority vote.
- 28.** ORDER #210-17/18 – Public hearing and action regarding the renewal of Lodging Establishment license for Maine Community College System d/b/a Southern Maine Community College McKernan Hospitality Center, 122 Mckernan Drive. Passage requires majority vote.
- 29.** ORDER #211-17/18 – Public hearing and action regarding the renewal of Lodging Establishment license for ZOYA, LLC d/b/a Pine Haven Motel, 857 Main Street. Passage requires majority vote.
- 30.** ORDER #212-17/18 – Public hearing and action regarding the renewal of Lodging Establishment license for Lullaby, LLC d/b/a Portland Marriott at Sable Oaks, 200 Sable Oaks Drive. Passage requires majority vote.
- 31.** ORDER #213-17/18 – Public hearing and action regarding the renewal of Lodging Establishment license for NKS Hospitality, LLC, d/b/a Quality Inn, 738 Main Street. Passage requires majority vote.
- 32.** ORDER #214-17/18 – Public hearing and action regarding the renewal of Lodging Establishment license for VanSleep, LLC d/b/a Tru by Hilton, 369 Maine Mall Road. Passage requires majority vote.

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

**J.Action on Old and New Business**

*Items 33-43 were read and voted on together.*

- 33.** RESOLVE #27-17/18 - That \$20,426,897 be expended for Regular Instruction. Passage requires majority vote.

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**34. RESOLVE #28-17/18** – That \$9,652,421 be expended for Special Education. Passage requires majority vote.

**35. RESOLVE #29-17/18** - That \$0 be expended for Career and Technical Education. Passage requires majority vote.

**36. RESOLVE #30-17/18** - That \$1,071,820 be expended for Other Instruction. Passage requires majority vote.

**37. RESOLVE #31-17/18** - That \$3,488,139 be expended for Student and Staff Support. Passage requires majority vote.

**38. RESOLVE #32-17/18** – That \$1,485,665 be expended for System Administration. Passage requires majority vote.

**39. RESOLVE #33-17/18** - That \$2,549,908 be expended for School Administration. Passage requires majority vote.

**40. RESOLVE #34-17/18** - That \$2,093,625 be expended for Transportation and Buses. Passage requires majority vote.

**41. RESOLVE #35-17/18** - That \$4,565,535 be expended for Facilities Maintenance. Passage requires majority vote.

**42. RESOLVE #36-17/18** - That \$4,509,412 be expended for Debt service and Other Commitments. Passage requires majority vote.

**43. RESOLVE #37-17/18** - That \$478,477 be expended for All Other Expenditures. Passage requires majority vote.

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

**44. RESOLVE #38-17/18** - That \$37,801,690.89 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 \$31,636,137.75 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.*

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

**45. RESOLVE #39-17/18** - That \$3,919,849 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.

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*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*

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

**46. RESOLVE #40-17/18** - That \$6,911,439.25 be raised and appropriated in additional local funds, which exceed the State's Essential Programs and Services Allocation model by \$6,911,439.25 as required to fund the budget recommended by the Board of Education. Passage requires majority vote.

*The Board of Education recommends \$6,911,439.25 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$6,911,439.25.*

- *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 78 Type C school bus*
- *Lease payments for SPHS iPads, 6<sup>th</sup> grade iPads, SPHS staff laptops, and interactive whiteboards/displays*
- *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.*

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

**47. RESOLVE #41-17/18** – That the Board of Education be authorized to expend \$50,321,899 for the fiscal year beginning July 1, 2018 and ending June 30, 2019 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.

*Items 48-50 were read and voted on together.*

**48. RESOLVE #42-17/18** - 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.

**49. RESOLVE #43-17/18** - That the City of South Portland will raise and appropriate \$470,000 in additional local dollars in support of the food service program. Passage requires majority vote.

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**50. RESOLVE #44-17/18** – 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.

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

**51. RESOLVE #45-17/18** – 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.

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

**52. ORDER #215-17/18** – Authorizing the Superintendent to implement the FY19 School Department Capital Improvement Plan in the amount of \$680,183 as detailed in the Superintendent's memo and FY19 Proposed CIP Expenditure Summary. Passage requires majority vote.

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

**53. ORDER #216-17/18** – Authorizing the submission of a Shore and Harbor Planning grant application through the Maine Coastal Program, allocating local matching funds from the Cummings Road Business Park TIF account, and accepting awarded funds to be used for planning related to the Portland Street Pier. Passage requires majority vote.

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

**54. ORDER #217-17/18** – Authorizing the City Manager to sign the Metropolitan Planning Agreement for Cooperative, Comprehensive and continuing Transportation Planning and Programming. Passage requires majority vote.

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

**55. ORDER #218-17/18** – Implementing the 2019 Capital Improvement Program. Passage requires majority vote.

The following spoke:

Russ Lunt, Brigham St

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

**M. Citizen Discussion (Second Part)**

**N. Councilor's Round Robin**

**O. Executive Session**



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**P. Adjournment**

Councilor Morgan moved to adjourn, seconded by Councilor Rose. The motion passed 7-0. The Council adjourned at 12:49am, Wednesday, May 16.



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**IN COUNCIL SPECIAL MEETING VOL. 79 PAGE 1  
MAY 22, 2018**

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

**A. Roll Call**

All Councilors were present.

**H. Action on Old and New Business**

1.Consideration of Findings of Fact Related to the Denial of the Knights Inn (Order #198-17/18) and Maine Motel (Order #199-17/18) Lodging Establishment License Renewal Applications. Passage requires majority vote.

The following spoke:

David Lourie, Esq.

Rosemarie DeAngelis, Pleasantdale

Councilor Morgan moved to accept the findings of fact, seconded by Councilor Henderson.

Councilor Lewis moved to amend the conclusions for "Knights Inn", last sentence of paragraph to insert "repeated incidents of" before "prostitution". Seconded by Morgan. The motion passed 7-0.

The main motion passed as amended 7-0.

Morgan moved to adjourn at 7:16pm, seconded by Beecher. The motion passed 7-0.



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**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 1  
JUNE 5, 2018**

**M. Executive Session**

Councilor Dowling moved to enter executive session at 6:15pm, pursuant to 1 M.R.S.A. § 405(6)(E) to discuss the pending litigation matter of K-LAL, LLC d/b/a Knights Inn, et al. v. City of South Portland with the Corporation Counsel. Seconded by Councilor Morgan. The motion passed 5-0 (Beecher, Rose absent).

Councilor Morgan moved to come out of executive session at 7:00pm, seconded by Councilor Dowling. The motion passed 7-0.

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

**A. Roll Call**

All Councilors were present.

Councilor Morgan moved to waive Council Standing Rule #4 to allow an item to be added to the agenda, seconded by Councilor Dowling. The motion passed 7-0.

Councilor Morgan moved to reconsider ORDER #198-17/18, seconded by Councilor Dowling. The motion passed 7-0.

Councilor Morgan moved to postpone ORDER #198-17/18 to the June 19 Council Meeting, seconded by Councilor Beecher. The motion passed 7-0.

Councilor Morgan moved to reconsider ORDER #199-17/18, seconded by Councilor Lewis. The motion passed 7-0.

Councilor Morgan moved to postpone ORDER #199-17/18 to the June 19 Council Meeting, seconded by Councilor Beecher. The motion passed 7-0.

Councilor Morgan addressed an allegation of being biased in regards to the lodging establishment license hearings and vote on May 15, 2018. Councilor Morgan asserted he acted in good faith and asked for a motion to continue to act on the items as they come before the Council in the future. Motion made by Councilor Henderson, seconded by Councilor Beecher, passed 6-0 (Morgan abstained).

**B. Acceptance of Minutes**

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

**C. Communications from the City Manager**

Introduction of Executive Office Summer Intern – Chase Hewitt

Update on Maine Turnpike Authority Portland Mainline Study

**D. Reports from Boards and Committees**

Councilor Lewis gave an update on the Open Space Committee. A survey has been launched requesting

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**JUNE 5, 2018**

feedback on open space and is available on the City's website. Councilor Lewis reminded citizens of the straw poll on the middle school project on June 13. Councilor Beecher gave an update on the Senior Citizen Advisory Committee. The committee has received data back from the survey and will be ready to share the results soon. Councilor Morgan attended the GPCOG PACTS summit meeting and spoke on a panel about innovation and infrastructure. Mayor Cohen was appointed to the MMA Executive Committee and will be attending future meetings as they are announced.

**E. Petitions and Communications**

**F. Appointment Calendar**

Councilor Rose moved to postpone items 1-6, seconded by Councilor Lewis. The motion passed 6-0 (Dowling out of the room).

1. ORDER #118-17/18 – Energy & Recycling Committee, District Five (Dowling) for term which expires on May 5, 2021. Passage requires majority vote.

2. ORDER #119-17/18 – Community Development Advisory Committee, District One (Morgan) for a term which expires on January 15, 2021. Postponed since February 6, 2018. Passage requires majority vote.

3. ORDER #138-17/18 – Civil Service Commission, District One (Morgan) for a term which expires on March 1, 2023. Postponed since March 6, 2018. Passage requires majority vote.

4. ORDER #193-17/18 – Energy & Recycling Committee, District Five (Dowling), for a term which expires May 5, 2021. Postponed on May 15, 2018. Passage requires majority vote.

5. ORDER #194-17/18 – Energy & Recycling Committee, District Two (Lewis), for a term which expires May 5, 2021. Postponed on May 15, 2018. Passage requires majority vote.

6. ORDER #195-17/18 – Energy & Recycling committee, District One (Morgan), for a term which expires May 5, 2021. Postponed on May 15, 2018. Passage requires majority vote.

**G. Consent Calendar**

7. ORDER #219-17/18 – Granting street closure of Pillsbury Street, Willow Street and Elsmere Avenue on Saturday, July 14, 2018 from 1:00 p.m. to 7:00 p.m. for Willard Fest 2018.

8. ORDER #220-17/18 – Granting street closure of Loveitts Field Road, between Channel Road and Birch Road, on June 23, 2018 from 2:00 p.m. to 8:00 p.m. for the Loveitts Field Block Party.

9. ORDER #221-17/18 – Granting street closure of Pine Street on June 23, 2018 from 2:00 p.m. to 6:00 p.m. for the Ferry Village Block Party.

Councilor Beecher moved for passage of the Consent Calendar, seconded by Councilor Lewis. The motion passed 6-0 (Dowling out of the room).

**H. Citizen Discussion (First Part)**

Jane Eberle, SPHS

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Russ Lunt, Brigham St  
Albert DiMillo, Colchester Dr  
Rosemarie DeAngelis, Pleasantdale  
Beverly Martin, Mclean St.  
Margaret Eston, Cash St

**I.Public Hearings and Action**

**10.ORDER #222-17/18** - Granting NewGen Ventures, LLC d/b/a Home2Suites , 50 Maine Mall Road, a Lodging Establishment License. Passage requires majority vote.

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

**11.ORDER #223-17/18** – Granting Lisa Plourd, d/b/a Knitting Nook, LLC, 124 Sawyer Street, a F/E Restaurant with Malt & Vinous License. Passage requires majority vote.

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

**12.ORDER #224-17/18** – Granting Jessica Ann Bell, d/b/a Flip Creperie, LLC, 429 Preble Street, Unit 2, a F/E Restaurant with Malt & Vinous License. Passage requires majority vote.

The following spoke:  
Diane Romano, Simonton St

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

**J.Action on Old and New Business**

**13.ORDER #225-17/18** – Authorizing the City Manager to sign two license agreements withPortland Pipe Line Corporation extending the term for property used for the GreenbeltWalkway; one near Benjamin W. Pickett Street, and one behind Bonnybriar Road.Passage requires majority vote.

The following spoke:  
Russ Lunt, Brigham St.

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

**14. ORDER #226-17/18** – Award of bid #42-18 to Windward Development, LLC of South Portland, ME, for the redevelopment of the City’s former Public Works Facility on O’Neil Street. Passage requires majority vote.

The following spoke:  
Joshua Reny, Assistant City Manager  
Margaret Eston, Cash St  
Jack Reposer, Walnut St  
Tony P., South Portland  
Steve Martson, Hillside Ave  
Russ Lunt, Brigham St  
Ed Rowe, developer

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Staff will ask for feedback on the draft proposal from the former O'Neil Street Facility Reuse Committee.

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

**15. ORDER #227-17/18** – Award of sole source bid to Sports Turf Specialties, Inc. of Wrentham, MA, for the rehabilitation of the soccer field at the Wainwright Farm Recreation Complex. Passage requires majority vote.

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

**16. ORDER #228-17/18** – Authorizing the Code Enforcement Officer to execute a consent agreement between Matthew T. Hebert and the City relating to a side yard setback encroachment at 32 Hall Street (Map 52, Lot 73B). Passage requires majority vote.

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

**17. ORDER #229-17/18** – Accepting miscellaneous donations. Passage requires majority vote.

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

**18. ORDER #230-17/18** – Setting June 19, 2018 as the date for consideration of a new City Council standing rule regarding access to the Corporation Counsel. Passage requires majority vote.

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

**19. ORDER #231-17/18** – Authorizing membership in the Maine Service Center Coalition for 2018 and appointment of a voting delegate and alternate. Passage requires majority vote.

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

**20. ORDINANCE #22-17/18** – Amending Chapter 14, "Licenses, Permits and Business Regulations Generally," regarding Short Term Rentals. First Reading. Passage requires majority vote.

The following spoke:

- George Corey, Franklin Terrace
- Alan B, Victory Ave
- Kelley Bouchard, Press Herald
- Roberta Zuckerman
- Diane Romano, Simonton St
- Ken Thomas, Ocean St
- Nancy Field, Willard St
- Patricia Morrison, Preble St
- Peter Anderson, Anthoine St
- John Murphy, Willard St
- Peter Stanton, Deake St
- Georgia, Victory Ave

Councilor Morgan moved for passage, seconded by Councilor Henderson. The motion passed 5-2 (Dowling, Rose).

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**JUNE 5, 2018**

Councilor Morgan moved to take up items on the agenda past 11:00pm, seconded by Councilor Lewis. The motion passed 5-2 (Dowling, Rose).

**21. ORDINANCE #23-17/18 – Amending Chapter 27, “Zoning,” regarding Short Term Rentals. First Reading. Passage requires majority vote.**

The following spoke:

John Murphy, Willard St  
Georgia, Victory Ave  
April Curcio, Cash St

Councilor Morgan moved for passage, seconded by Councilor Beecher. The motion passed 5-2 (Dowling, Rose).

**K. Citizen Discussion (Second Part)**

Peter Anderson, Anthoine St

**L. Councilor’s Round Robin**

Councilor Lewis reminded the public about the middle school project and straw poll vote on June 13. Encouraged the public to pay attention and show up to participate.

Councilor Rose mentioned the Centerboard Yacht Club hosting the Atlantic Cup event again this year, taking place 6/9-6/10.

Mayor Cohen thanked everyone who participated and came out for the Memorial Day Parade. The event was well attended and appreciated by the veterans.

Councilor Dowling said that decisions are made by those who show up.

**N. Adjournment**

Councilor Morgan moved to adjourn at 11:40pm, seconded by Councilor Rose. The motion passed 7-0.



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JUNE 19, 2018**

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

**A. Roll Call**

All Councilors were present.

**B. Acceptance of Minutes**

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

**C. Communications from the City Manager**

The City Manager postponed the scheduled Introduction of Facilities Manager – David Cunningham and Announcement of the Open Space Survey and Public Forum to the next meeting.

**D. Reports from Boards and Committees**

Councilor Dowling reported on a change to the way the Planning Department is now posting the Planning Board material online. Going forward, all meeting packet material is being posted to the website.

Councilor Lewis spoke on the Open Space Committee and survey. A public forum is being held on July 31. Councilor Lewis also spoke on the public skate park meeting that was held June 18. 25 people attended, there were lots of ideas and a committee is being formed.

Councilor Beecher shared an update on the Senior Citizen Advisory Committee; the survey data is being organized and expected to be shared soon.

**E. Petitions and Communications**

**F. Appointment Calendar**

1. ORDER #118-17/18 – Energy & Recycling Committee, District Five (Dowling) for term which expires on May 5, 2021. Postponed since February 6, 2018. Passage requires majority vote.

2. ORDER #119-17/18 – Community Development Advisory Committee, District One (Morgan) for a term which expires on January 15, 2021. Postponed since February 6, 2018. Passage requires majority vote.

3. ORDER #138-17/18 – Civil Service Commission, District One (Morgan) for a term which expires on March 1, 2023. Postponed since March 6, 2018. Passage requires majority vote.

4. ORDER #193-17/18 – Energy & Recycling Committee, District Five (Dowling), for a term which expires May 5, 2021. Postponed since May 15, 2018. Passage requires majority vote.

6. ORDER #195-17/18 – Energy & Recycling Committee, District One (Morgan), for a term which expires May 5, 2021. Postponed since May 15, 2018. Passage requires majority vote.

A motion was made by Councilor Morgan to postpone items 1-4 & 6. Seconded by Councilor Beecher. The motion passed 7-0.



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**5. ORDER #194-17/18** – Energy & Recycling Committee, District Two (Lewis), appointing **Ellen Zimmerman** for a term which expires May 5, 2021. Postponed since May 15, 2018. Passage requires majority vote.

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

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

**G. Consent Calendar**

**H. Citizen Discussion (First Part)**

Russ Lunt, Brigham St.  
Scott Linscott  
Paul Cunningham, Edwards St.

**I. Public Hearings and Action**

**J. Action on Old and New Business**

**7. ORDER #198-17/18** - Action on renewal of Lodging Establishment license for K-LAL, LLC d/b/a Knights Inn, 634 Main Street. Item originally acted on at May 15, 2018 meeting; item reconsidered and postponed for further action at June 5, 2018 meeting. Passage requires majority vote.

The following spoke:

David Lourie, Esq.

Councilor Rose moved to suspend the rules to allow Mr. Lourie more time to speak beyond five minutes. Seconded by Councilor Dowling. The motion passed 5-2 (Cohen, Morgan).

Chief Googins, Police Chief  
Russ Lunt, Brigham St

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

**8. ORDER #199-17/18** – Action on renewal of Lodging Establishment license for KOLA, LLC d/b/a Maine Motel, 606 Main Street. Item originally acted on at May 15, 2018 meeting; item reconsidered and postponed for further action at June 5, 2018 meeting. Passage requires majority vote.

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

Mayor Cohen asked the City Clerk to read items 9 through 15 then opened up the items for public comment.

The following spoke:  
Russ Lunt, Brigham St

Upon unanimous agreement of the Council, item 9 was voted on after item 15.

**10. ORDER #232-17/18** –Transferring \$475,000 from Unassigned Fund Balance to the Property Tax Stabilization Reserve Account. Passage requires majority vote.

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

**11. ORDER #233-17/18** - Authorizing the Finance Director to accept prepayment of FY 2019 property taxes. Passage requires majority vote.

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

**12. ORDER #234-17/18** - 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.

Councilor Morgan moved for passage, seconded by Councilor Henderson.

Councilor Rose moved to commit the item to workshop, seconded by Councilor Dowling. The motion failed by a vote of 3-4 (Cohen, Morgan, Beecher, Henderson).

Councilor Morgan moved to amend ORDER #234 to add "during Fiscal Year 2019"; seconded by Councilor Lewis. The motion passed 7-0.

Councilor Lewis moved to amend ORDER #234 to add "to the former owner" after "quitclaim deed" and before "any interest..."; seconded by Councilor Morgan. The motion passed 7-0.

The main motion passed, as amended, 7-0.

**13. ORDER #235-17/18** – Authorizing a 2% percent cost of living adjustment for non-union municipal employees. Passage requires majority vote.

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

**14. ORDER #236-17/18** – Setting the street opening fees for FY 2019. Passage requires majority vote.

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

**15. ORDER #237-17/18** – Setting the sewer user fees for FY 2019. Passage requires majority vote.

Councilor Morgan moved for passage, seconded by Councilor Lewis.

Councilor Morgan moved to amend the order to correct typo in the order – from 0.0574 BOD to 0.574 BOD. Seconded by Councilor Lewis. The motion passed 7-0.

The main motion passed, as amended, 7-0.

**9. RESOLVE#46-17/18** – Approving the FY 2019 Appropriation Resolve. Passage requires majority vote.

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

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**16.** ORDER #238-17/18 – Amending City Council Standing Rules regarding City Councilor access to Corporation Counsel. Passage requires majority vote.

The following spoke:

Jeff Selser, Summit St  
Peter Stocks, Colchester Dr  
Rosemarie DeAngelis, Pleasantdale  
George Corey, Franklin Terrace

Councilor Morgan moved for passage, seconded by Councilor Beecher.

Councilor Rose moved to commit the item to workshop, seconded by Councilor Dowling. The motion failed 3-4 (Cohen, Morgan, Lewis, Beecher).

Councilor Rose moved to consider each paragraph separately (seriatim), seconded by Councilor Dowling. The motion failed 2-5 (Cohen, Morgan, Lewis, Beecher, Henderson).

Councilor Dowling moved to amend proposed Rule #36 to delete proposed rule “(a) The need for legal advice shall be determined by the City Manager or the City Council.” Seconded by Councilor Rose. The motion passed 5-2 (Morgan, Henderson).

Councilor Dowling moved to amend proposed Rule #36 section (b): “Prior to seeking ~~outside~~ legal services from Corporation Counsel, Councilors shall make ~~a determination of whether the issue falls within the legal services parameters of the Maine Municipal Association (MMA).~~ every effort to utilize the complimentary legal services available to them from Maine Municipal Association (MMA). Whenever possible, the services provided by MMA shall be used to address daily legal questions. If the scope of work falls outside of MMA’s parameters, then ~~outside~~ legal services from Corporation Counsel are permitted.” Seconded by Councilor Rose. The motion passed 7-0.

Mayor Cohen asked the City Council to consider tabling the current item until after the last item on the agenda. Motion to table made by Councilor Beecher, seconded by Councilor Morgan. The motion passed 7-0.

**17.** ORDER #239-17/18 – Accepting the donation of a flagpole from Stephen Crocker of South Portland, ME, located in the City right-of-way at the corner of Keswick Road and Wythburn Avenue. Passage requires majority vote.

The following spoke:

Russ Lunt, Brigham St

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

**18.** ORDER #240-17/18 – Rescheduling the July 3, 2018 City Council meeting to July 10, 2018 at 7:00 p.m. and directing the City Clerk to post notice of the change. Passage requires at least five (5) affirmative votes.

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

**19.** ORDER #241-17/18 – Extending the Agreement with Portland Pipe Line Corporation for the lease of property at Bug Light Park. Passage requires majority vote.

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The following spoke:

George Corey, Franklin Terrace  
Jeff Selser, Summit St  
Russ Lunt, Brigham St

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

**20. ORDER #242-17/18 – Accepting miscellaneous donations. Passage requires majority vote.**

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

Councilor Rose moved to take from the table item #16 (ORDER #238), seconded by Councilor Morgan. The motion passed 7-0.

Councilor Dowling moved to amend proposed Rule #36 section (c): ~~“No individual Councilor shall contact the Corporation Counsel to seek legal advice without having first contacted the Mayor. Initial contact with the Corporation Counsel on behalf of~~ Upon making contact with Corporation Counsel, the individual Councilor shall immediately notify ~~be made by the City Manager or Mayor, unless otherwise authorized.~~ The Corporation Counsel will send an e-mail to the City Manager (or the Mayor if the contact relates to a personnel matter relating to the City Manager) after being contacted by an individual City Councilor.” Seconded by Councilor Rose.

The following spoke on this:

Rosemarie DeAngelis, Pleasantdale  
George Corey, Franklin Terrace  
Jeff Selser, Summit St

The motion failed 2-5 (Cohen, Morgan, Lewis, Beecher, Henderson).

Councilor Morgan moved to amend proposed Rule #36 section (c) to include “and City Manager” at the end of the first sentence. Seconded by Councilor Dowling. The motion passed 6-1 (Rose).

Councilor Rose moved to amend proposed Rule #36 to delete rule (d): ~~“The Corporation Counsel shall be apprised in writing of the policies concerning the authority to call for his/her firm’s services. In the event that the Corporation Counsel does provide legal advice upon the request of an individual Councilor or Board member, without prior contact with the Mayor or City Manager, payment for those services will be the responsibility of the individual Councilor or Board member unless the Council subsequently agrees to approve the payment for services.”~~ Seconded by Councilor Dowling.

The following commented on this item:

Jeff Selser, Summit St  
George Corey, Franklin Terrace  
Peter Stocks

The motion failed 2-5 (Cohen, Morgan, Lewis, Beecher, Henderson).

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Councilor Dowling moved to amend proposed Rule #36 to delete rule (e): ~~“The City Manager at his/her discretion can authorize Department Head level positions to have direct access to the Corporation Counsel. Department Head access will be monitored by the City Manager on a monthly basis.”~~ Seconded by Councilor Rose. The motion passed 6-1 (Morgan).

Councilor Dowling moved to amend proposed Rule #36 (iii): “Issues presented to the Corporation Counsel shall be limited to legal, ~~not political~~, issues; and shall not involve individual resident or constituent concerns or issues unless they clearly have City-wide implications; and shall relate to prospective, not retrospective, legal issues. If the Corporation Counsel believes that one of these prohibited issues has been raised by an individual Councilor, the Corporation Counsel may defer responding to such issue until the entire Council weighs in on whether consult time should be spent on such issue.” Seconded by Councilor Rose.

Councilor Rose moved to adjourn, seconded by Councilor Dowling. The motion failed 2-5 (Cohen, Morgan, Lewis, Beecher, Henderson).

Councilor Dowling withdrew motion to amend; Councilor Rose withdrew second.

Councilor Lewis moved to amend proposed Rule #36 (iii): “Issues presented to the Corporation Counsel shall be limited to legal, not political, issues; and shall not involve individual resident or constituent concerns or issues unless they clearly have City-wide implications; ~~and shall relate to prospective, not retrospective, legal issues.~~ If the Corporation Counsel believes that one of these prohibited issues has been raised by an individual Councilor, the Corporation Counsel may defer responding to such issue until the entire Council weighs in on whether consult time should be spent on such issue.” Seconded by Councilor Rose.

The motion passed 5-2 (Morgan, Beecher).

The main motion passed, as amended, 7-0.

Councilor Lewis moved to continue the agenda past 11:00pm; seconded by Councilor Morgan. The motion passed 6-1 (Dowling).

**K. Citizen Discussion (Second Part)**

Rosemarie DeAngelis, Pleasantdale

**L. Councilor’s Round Robin**

Councilor Lewis thanked everyone who came out to comment.

Councilor Henderson commented that she rallied from being tired.

Councilor Morgan commented that the meeting was tough but stated it was important to be civil; thanked Councilor Rose.

Councilor Beecher thanked retiring Police Officer Bob Scarpelli for his years of service.

**M. Executive Session**

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**N. Adjournment**

Councilor Beecher moved to adjourn at 11:25pm, seconded by Councilor Dowling. The motion passed 7-0.



A TRUE COPY ATTEST \_\_\_\_\_











