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IN COUNCIL REGULAR MEETING VOL. 69 PAGE 1
JULY 2, 2007

Roll Call: Mayor Morgan called the meeting to order at 7:00 P.M. Councilor Soule was absent.

A. Acceptance of Minutes

Motion to postpone the minutes of the Special Meeting of June 18th was made by Councilor Boudreau and seconded by Councilor Beecher. Postponed 6-0.
Motion to accept the regular minutes of the June 18th meeting was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-0.

B. Communications from City Manager

The Manager addressed the following items;

- Thank you from Louise Martin for the reverse 911 notification regarding a man with a weapon in her neighborhood
- Initiative by the Parks Department to fund a part time seasonal beautification crew utilizing CDBG funds that had been earmarked for a hot tub that did not gain approval by the Council.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER#105-06/07 – Conservation Commission, District 5 (Hughes) to fill an unexpired term which expires 11/20/07. Postponed since 02/21/07. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Hughes and seconded by Councilor Baxter. Postponed 6-0

2. ORDER #1-07/08 – Board of Appeals, At-large (Boudreau) for a term which expires on 07/23/10. Passage requires majority vote.

There was no public discussion.

Motion to appoint Gary Crosby, 2 Tanner Street, was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 6-0

3. ORDER #2-07/08 - Board of Appeals, At-Large (Baxter) for a term which expires on 07/23/10. Passage requires majority vote.

There was no public discussion.

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Motion to postpone was made by Councilor Baxter and seconded by Councilor Beecher. Postponed 6-0

E. Consent Calendar

F. Citizen Discussion (First Part)

Gary Crosby, 2 Tanner Street – Mr. Crosby encouraged the Council to stick with the graffiti ordinance as passed and not to consider changing it because of some public protest.

Meshell Jonka, Skillings Street – Mr. Jonka said he appreciates the freedom of expression from graffiti offenders. He noted a difference in the decrease in offences.

G. Public Hearings and Action

Business Licenses

4. Rockwood Capitol, LLC, d/b/a Portland Marriott at Sable Oaks, 200 Sable Oaks Drive for an FE/Hotel with Liquor License. New corporate owners of an existing business. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-0

5. Rockwood Capitol, LLC, d/b/a Holiday Inn Express, 303 Sable Oaks Drive for a Lodging Establishment License. New corporate owners of an existing business. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 6-0

6. Rockwood Capitol, LLC, d/b/a Portland Marriott at Sable Oaks, 200 Sable Oaks Drive, for a Lodging Establishment License. New corporate owners of an existing business. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Baxter. Passed 6-0

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7. Holding Ground Properties, LLC, d/b/a/, Fog Cutter Coffee Co., 284 Western Ave for an FE/ Stationary Vending Unit. Seeking a variance to operate within 500' of another city licensed Food Establishment. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 6-0

8. ORDINANCE #15-06/07 – Amending Chapter 7 “Electricity” regarding permit fees. Passed first reading on 06/18/07. ROLL CALL VOTE. Passage requires majority vote.

Councilor Baxter motioned to have the order read by title only. Councilor Hughes seconded the motion and it passed 6-0.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Baxter. Passed 6-0

H. Action on Old and New Business

9. ORDER #3-07/08 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Boudreau. Passed 6-0

10. ORDER #4-07/08 – Setting the street opening fees for FY 2008. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. Councilor Beecher motioned to amend the order to include “Permanent Pavement Restoration Fees” in the order. Councilor Baxter seconded the amendment and it passed 6-0. The main motion passed as amended 6-0

11. ORDINANCE #1-07/08 – Amending Chapter 23, “Streets and Sidewalks,” regarding excavation in public places. Passage requires majority vote.

Councilor Beecher motioned to have the order read by title only. Councilor Baxter seconded the motion and it passed 6-0.

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There was no public discussion.

Motion to postpone was made by Councilor Beecher and seconded by Councilor Hughes. Postponed 6-0

12. ORDER #5-07/08 – Adopting the Technical and Design Standards and Guidelines dated June, 2007. Passage requires majority vote

There was no public discussion.

Motion to postpone was made by Councilor Hughes and seconded by Councilor Boudreau. Postponed 6-0

13. ORDER #6-07/08 – Authorizing the Acting City Manager to sign a Municipal/State Agreement regarding improvements to Foden Road. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Hughes. Passed 6-0

14. ORDER #7-07/08 – Award of bid #03-08 to Maietta Construction, of Scarborough, ME, for improvements to Waterman Drive. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Baxter and seconded by Councilor Hughes. Passed 6-0

15. ORDINANCE #2-07/08 - Amending Chapter 27, "Zoning," for a zone map change from Residential A to Commercial C at 2056 Broadway. First reading. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Baxter. Failed 0-6 (Boudreau, Beecher, Morgan, Loring, Hughes, Baxter)

16. ORDER #8-07/08 – Award of bid #207050 to ICOP Digital, Inc., of Lenexa, KS, for the purchase of digital video recorders for the Police Department. Passage requires majority vote.

There was no public discussion.

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Motion for passage was made by Councilor Loring and seconded by Councilor Hughes. Councilor Beecher motioned to amend the order to correct the spelling of the vendors city location, Leneza to Lenexa. Councilor Boudreau seconded the amendment and it passed 6-0. The main motion passed 6-0.

17. ORDER #9-07/08 - Authorizing the City Manager to submit an application for a 2007 Edward Byrne Memorial Justice Assistance Grant to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-0

18. ORDER #10-07/08 – Authorizing the disposal of confiscated and/or unserviceable weapons by the Police Department. Passage requires majority vote.

Councilor Boudreau motioned to have the order read by title only. Councilor Beecher seconded the motion and it passed 6-0.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Baxter. Passed 6-0

19. ORDER #11-07/08 – Authorizing the South Portland Police Department to have statewide arrest authority pursuant to 30-A M.R.S.A. §2671 (2-A). Passage requires majority vote.

The following person addressed this item;

Meshell Jonka, Skillings Street – Mr. Jonka praised Chief Googins for doing a great job.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-0

20. ORDER #12-07/08 – Authorizing the City Manager to sign an Agreement with City of Portland for a combined Public Safety Dispatch. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Boudreau. Passed 6-0

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JULY 2, 2007

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Mayor Morgan expressed special thanks to Angela Griffiths for her involvement with the Willard Park and play set.

Councilor Beecher reminded folks that Wednesday is the Fourth of July and those residents who would normally have their trash picked up on Wednesday will have to put it out on Saturday.

Councilor Hughes wished everyone a Happy Fourth.

Councilor Boudreau remarked that the Chambers were comfortable in spite of the air conditioner being broke.

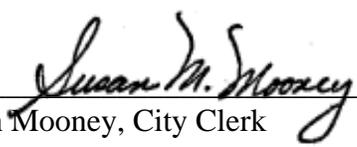
Councilor Baxter sent a hello to Councilor Soule.

K. Executive Session

Motion to adjourn was made at 8:52 P.M. by Councilor Loring and was seconded by Councilor Hughes. Motion passed 6-0.

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ATTEST



Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 7
JULY 16, 2007

Roll Call: Mayor Morgan called the meeting to order at 7:00 P.M. Councilor Baxter was absent.

A. Acceptance of Minutes

Motion to approve the minutes of the Special Meeting of June 18th and the regular meeting of July 2nd, was made by Councilor Boudreau and seconded by Councilor Soule. Passed 6-0.

B. Communications from City Manager

The Manager addressed the following item;

- Earlier today the Portland City Council accepted the consolidated dispatch agreement.

C. Petitions and Communications

Department reports for the month of June, 2007.

Attendance reports for the month of June, 2007.

D. Appointment Calendar

1. ORDER#105-06/07 – Conservation Commission, District 5 (Hughes) to fill an unexpired term which expires 11/20/07. Postponed since 02/21/07. Passage requires majority vote.

There was no public discussion.

Motion for postponement was made by Councilor Hughes and seconded by Councilor Beecher. Postponed 6-0

2. ORDER #2-07/08 - Board of Appeals, At-Large (Baxter) for a term which expires on 07/23/10. Postponed on 07/02/07. Passage requires majority vote.

There was no public discussion.

Motion for postponement was made by Councilor Boudreau and seconded by Councilor Soule. Postponed 6-0

3. ORDER #13-07/08 – Nomination to the Governor for an appointment to the Greater Portland Development Commission for a term which expires 08/08/12. Passage requires majority vote.

There was no public discussion.

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Motion to reappoint Wayne Ross, 1 Franklin Terrace, was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-0

E. Consent Calendar

F. Citizen Discussion (First Part)

Gary Crosby, 2 Tanner Street – Mr. Crosby requested an update of pending work on Broadway and also encouraged Council to not pass Resolve #1-07/08 allowing citizens to serve on more than one Board or Committee with several exceptions.

G. Public Hearings and Action

Business Licenses

4. ORDER #14-07/08 - Appealing the denial of a Taxicab Driver's license. Passage requires majority vote.

The following person addressed this item;

Eric Palmer, 10 Cox Street – Mr. Palmer explained his violation of his protection order, stating that he didn't know his attempt to make sure there was not going to be a duplication of presents purchased for his children at Christmas would create a violation. He accepted responsibility for his actions and asked that the Council grant his license.

Chief Googins was present and answered questions from the Council.

Motion for passage was made by Councilor Hughes and seconded by Councilor Boudreau. Councilor Beecher motioned to approve the license with the condition that the license be automatically suspended should another violation of the protection order occur. Councilor Soule seconded the amended and it passed 6-0. Councilor Boudreau motioned to accept the findings as presented by Corporation Council and Councilor Soule seconded. The findings passed 6-0. The order passed as amended 6-0

The Council recessed for five minutes to accommodate the rebooting of the television equipment due to technical difficulties.

5. Wingnut Hospitality, LLC, d/b/a Courtyard Portland Airport, 100 Southborough Dr. for a FE/Hotel W/ Liquor License. Passage requires majority vote

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Boudreau. Passed 6-0

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6. Wingnut Hospitality, LLC d/b/a, Courtyard Portland Airport, 100 Southborough Drive for a Lodging Establishment License. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-0

7. ORDER #19-07/08 - Spring Point Tavern, for a Special Amusement License, "Conditional". Passage requires majority vote.

The following people addressed this item;

David Cram, owner of the Spring Point Tavern – Mr. Cram explained the reason behind a recent noise complaint citing that a new employee was not aware of the closed-door provisions.

Stephanie Manning, 21 Fessenden Ave. – Ms. Manning spoke in support of the renewal of the license.

Sue Leighton, 164 Preble Street – Ms. Leighton also spoke in support of the license renewal.

Motion for passage was made by Councilor Loring and seconded by Councilor Hughes. Councilor Boudreau motioned to amend the order to include a condition that the patio could not be used for music or consumption of food or beverage. Councilor Beecher seconded the motion and it passed 6-0. The main motion passed as amended 6-0.

H. Action on Old and New Business

8. ORDINANCE #1-07/08 – Amending Chapter 23, "Streets and Sidewalks," regarding excavation in public places. Postponed on 07/02/07. Passage requires majority vote.

Motion to have this item read by title only was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-0. There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Soule. Passed 6-0

9. ORDER #5-07/08 – Adopting the Technical and Design Standards and Guidelines dated July, 2007. Postponed on 07/02/07. Passage requires majority vote

There was no public discussion.

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Motion for passage was made by Councilor Boudreau and seconded by Councilor Soule. Passed 6-0

10. ORDER #15-07/08– Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion. Chief Guimond expressed his gratitude for the donations which support his department.

Motion for passage was made by Councilor Soule and seconded by Councilor Beecher. Passed 6-0

11. ORDER #16-07/08 – Appealing the denial of the Public Work’s Director for a curb cut on Willow Street for Lisa Foster. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Loring. Passed 4-2 (Boudreau, Loring)

12. ORDER #17-07/08 – Award of bid #11-08 to O’Connor Motor Company, of Portland, ME, for the purchase of a cab and chassis and installation of an existing bucket lift for the Parks Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-0

13. RESOLVE #1-07/08 – Permitting residents to serve on more than one City board, commission or committee. Passage requires majority vote

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Beecher. Passed 4-2 (Boudreau, Soule)

14. ORDER #18-07/08 - Implementing the 2008 Capital Improvement Plan. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor and seconded by Councilor. Passed 6-0

**IN COUNCIL REGULAR MEETING VOL. 69 PAGE 11
JULY 16, 2007**

I. Citizen Discussion (Second Part)

David Canarie, 975 Sawyer Street – Mr. Canarie has been researching anti-graffiti ordinances throughout the country and indicated that the ordinance that was passed was modeled on ordinances passed in 1996. He is gathering information on newer ordinances that have been revised for Council consideration.

J. Councilor's Round Robin

Councilor Boudreau thanked Mr. Canarie for the time and effort he has put into improving the current anti graffiti ordinance. She also requested a report back on the curb cut that was granted in Order #16-07/08. She has concerns about this issue and indicated that the diagrams were confusing.

K. Executive Session

A motion may be made to go into executive session, pursuant to 36 M.R.S.A. §841, to discuss application(s) for abatement of property taxes on account of infirmity or poverty, and pursuant to 1 M.R.S.A. §405 (6)(e), discussion with Corporation Counsel regarding Edgewood Road; and pursuant to 1 M.R.S.A. §405 (6)(a), evaluation of Acting City Manager.

Motion to adjourn to executive session was made at 9:39 P.M. by Councilor Beecher. Councilor Boudreau seconded and the motion passed 6-0.

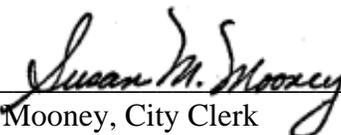
Motion to return from executive session was made at 10:55 P.M. by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-0

Motion to deny hardship abatement case #07/08-1 was made by Councilor Boudreau and seconded by Councilor Soule. The abatement was denied 6-0.

Motion to adjourn was made at 10:56 P.M. by Councilor Beecher and seconded by Councilor Soule. Passed 6-0.

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ATTEST



Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 69 PAGE 12
AUGUST 6, 2007**

Roll Call: Mayor Morgan called the meeting to order at 7:00 P.M. All Councilors were present.

A. Acceptance of Minutes

Motion to approve the minutes of July 16th was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0.

B. Communications from City Manager

The Manager addressed the following items;

- The dedication of the Cushings Point Marker on August 20th at 6:30 P.M.
- An art display being arranged by Jean McGinnis
- Art in the Park, August 11th
- Letter from Sebago Technics thank the Code Enforcement Director, Pat Doucette, for her assistance with an issue
- Drop off locations for donations to military soldiers

C. Petitions and Communications

D. Appointment Calendar

1. ORDER#105-06/07 – Conservation Commission, District 5 (Hughes) to fill an unexpired term which expires 11/20/07. Postponed since 02/21/07. Passage requires majority vote.

There was no public discussion.

Motion to appoint Shay Bellas, 104 Hall Street, was made by Councilor Hughes and seconded by Councilor Beecher. Passed 7-0

2. ORDER #2-07/08 - Board of Appeals, At-Large (Baxter) for a term which expires on 07/23/10. Postponed on 07/02/07. Passage requires majority vote.

There was no public discussion.

Motion to appoint Gordon Stanhope, 11 Northeast Lane, was made by Councilor Baxter and seconded by Councilor Hughes. Passed 7-0

E. Consent Calendar

F. Citizen Discussion (First Part)

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Alice Reed, from North Carolina – Ms. Reed expressed gratitude for the outpouring of love and support for the family of Angel Rosa. She made suggestions for the continuation of symbolic support of the troops.

A motion was made by Councilor Soule and seconded by Councilor Beecher to take Items #6 & #7 out of order. Passed 7-0. See those items for details.

G. Public Hearings and Action

3. ORDINANCE #1-07/08 – Amending Chapter 23, “Streets and Sidewalks,” regarding excavation in public places. Postponed on 07/02/07 Passed first reading on 07/16/07. ROLL CALL VOTE. Passage requires majority vote.

Motion to read the Ordinance by title only was made by Councilor Beecher and seconded by Councilor Baxter. Passed 7-0

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Hughes. Passed roll call vote 7-0

4. OpRock Portland 200 fee, LLC, Rockwood VII REIT, Inc., d/b/a Portland Marriott, 200 Sable Oaks Drive for a FE/Hotel with Liquor License. New Corporate structure. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 7-0

5. OpRock Portland 200 fee, LLC Rockwood VII REIT, Inc., d/b/a Portland Marriott @ Sable Oaks, 200 Sable Oaks Drive, and Holiday Inn Express, 303 Sable Oaks Drive for Lodging Establishment Licenses. New Corporate Structure. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Soule. Passed 7-0

H. Action on Old and New Business

6. PROCLAMATION #1-07/08 - Recognizing September as South Portland Project Scholarship Month. Passage requires majority vote.

The following people addressed this item;

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Ralph Cabana, 81 Providence Ave. – Mr. Cabana talked about the goals of the South Portland Project Scholarship Committee.

Carmita McCoy, 450 Preble Street – Ms. McCoy is also a committee member and she provided the Council with details of their accomplishments. Each year the committee sponsors five trips to New England colleges for sophomores.

Jake Viola, 132 Brindle Circle – Mr. Viola is a Junior at South Portland High School. He encouraged the Council to support this cause.

Motion for passage was made by Councilor Soule and seconded by Councilor Boudreau. Passed 7-0

7. PROCLAMATION #2-07/08– Recognizing August 6th, 2007 as South Portland National Girls Softball Dodgers Day. Passage requires majority vote.

The following person addressed this item;

Ralph Baxter Jr., Higgins Lane – Mr. Baxter coached the Dodgers with the help of several other parents. He indicated that what makes this team unique was positive parent support, player attitudes and the student/athlete involvement consisting of high achieving players who are all at the top of their class. He introduced each of the girls.

Motion for passage was made by Councilor Beecher and seconded by Councilor Soule. Passed 7-0

Motion was made by Councilor Boudreau and seconded by Councilor Soule to take Items #8, #9, #10 and #11 out of order. Passed 7-0. See those items for details.

8. ORDER #19-07/08 – Award of bid \$21-08 to Headlight AV, of Portland, ME, for the purchase of Smartboards for the School Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Baxter. Passed 7-0

9. ORDER #20-07/08 – Award of bid #24-08 to ePlus Technology, Inc., of Canton, MA; Apple, Inc., of Austin, TX; and CDW Government Inc., of Shelton, CT, for the purchase of computer equipment for the School Department. Passage requires majority vote.

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There was no public discussion.

Motion for passage was made by Councilor Baxter and seconded by Councilor Soule. Passed 7-0

10. ORDINANCE #4-07/08 – Amending Chapter 3, “Animals and Fowl,” regarding keeping domesticated chickens. First reading. Passage requires majority vote.

Motion to read the Ordinance by title only was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 7-0

The following people spoke in support of this ordinance;

Olivia Collins, 35 Keswick Rd.

Stacey Collins, 35 Keswick Rd.

Bob Johnson, 14 Stone Drive

Jim Pinfold, 52 Froswick Ave.

Autumn Peaslee, 95 Brigham St.

Mandy Shumaker, 143 Pilgram Rd.

Zerad Wilburn, 37 Froswick Ave.

Joseph Carpenito, 3 Henry St.

Stan Cox, 460 Highland Ave.

Linden Thigpen, 39 Victory Ave.

Ms. Thigpen also read a communication of support from Ruth Taylor, 11
Graffam Road

Scott Duncan, 81 Smith St

Meredith Mendelson, 57 Walnut St.

Kim Edwards-Rusli, 35 Deake St.

Pam Cragin, 81 Smith St.

Heather Robinson, 519 Preble St.

Dawn Peaslee, 95 Brigham St.

Jeff Goldberg, 67 Pine St.

Marylou Cook, 250 Elm St.

The following person spoke in opposition to the ordinance;

Pamela Beal, 58 Sylvan Rd.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Baxter. Several amendments were voted on;

Councilor Boudreau motioned and Councilor Soule seconded the following amendment to Sec. 3-56. Enclosure; (d) Henhouses

(3) If a henhouse is proposed to be located less than twenty (20) feet from any side or rear property line, the Code Enforcement Officer shall notify abutting property owners by mail at least seven (7) days before issuing a permit, except that the permit may be issued in fewer than 20 days if all abutters have responded before the expiration of that time. For henhouses proposed to be located within

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twenty (20) feet from the side or rear property line, the burden of proof is on the applicant to demonstrate that the proposal will meet the criteria of this article and will not adversely impact the use or enjoyment of abutting properties.

Councilor Hughes motioned to amend the amendment to change the setback from 20 feet to 10 feet and also to extend the notification period from 7 days to 14 days. Councilor Baxter seconded the motion. After several minutes of discussion, Councilor Hughes withdrew his motion.

Councilor Boudreau motioned to amend the amendment to extend the notification period from 7 days to 20 days. Councilor Soule seconded the motion and it passed 7-0.

The vote to pass the original amendment as amended was passed 6-1 (Baxter).

A new amendment to remove Sec 3-56, paragraph E, “(2) Vegetative buffering must be used to screen the area from abutting properties unless solid fencing is in place or is erected that serves this function.” was made by Councilor Boudreau and seconded by Councilor Hughes. The amendment passed 5-2 (Soule, Loring).

Another amendment was made by Councilor Beecher to add a second sentence to Sec. 3-52, “The annual permit to keep chickens is personal to the permittee and may not be assigned. In the event the permittee is absent from the property for longer than sixty (60) days, the permit shall automatically terminate and become void.” Councilor Soule seconded the amendment and it passed 7-0.

The final amendment proposed by Councilor Soule and seconded by Councilor Baxter to limit the number of permits for the first year to fifteen failed 2-5 (Beecher, Boudreau, Morgan, Baxter, Hughes)

The ordinance passed first reading as amended 5-2 (Soule, Loring)

11. ORDINANCE #3-07/08 - Amending Chapter 27, “Zoning,” regarding keeping domesticated chickens. First reading. Passage requires majority vote.

Motion to read the Ordinance by title only was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0

The following people addressed this item;

Pamela Beal, 58 Sylvan Road – Ms. Beal pointed out that the Planning Board passed the ordinance with only a 3 to 2 vote. She agreed with Planning Board member, Caroline Hendry’s questioning what would the city have to gain by passing this.

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Neil Collins, 35 Keswick Road – Mr. Collins felt a cross section of the city was well represented on this item.

Olivia Collins, 35 Keswick Road – Ms. Collins said this is a good idea.

Motion for passage was made by Councilor Hughes and seconded by Councilor Beecher. Passed 5-2 (Soule, Loring)

Councilor Soule requested that Item #12 be taken out of order rather than returning to Item #3 at this time. Councilor Boudreau seconded the request and it passed 7-0.

12. ORDER #21-07/08 - Authorizing the City Manager to execute a sewer user agreement with Dorks R Us and Wingnut Hospitality, LLC, for a lot in the Southborough Development in Scarborough. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Baxter. Passed 7-0

13. ORDER #22-07/08 – Accepting a Target National Night Out Grant for \$969.97 to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Baxter. Passed 7-0

14. RESOLVE #2-07/08 – Approving an Appropriation Transfer Resolve for FY 2007. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 6-0 (Loring out of room)

I. Citizen Discussion (Second Part)

Mayor Morgan mentioned written communications involving domesticated chickens that had been received but had not been presented during the presentation of the ordinance. The following supported the ordinance; Gina Crangle, Bryan Kaenrath, Kathleen Lyons, Shay Bellas, Margaret Birlem, Molly Aldrich and Mike Peaslee. Chris Collins submitted a communication that did not support the proposed ordinance.

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 18
AUGUST 6, 2007

J. Councilor's Round Robin

Councilor Beecher announced that road stripping is on the way.

Councilor Boudreau thanked Saco Biddeford Savings and Sprague Energy for their support of concerts in Mill Creek Park.

Mayor Morgan thanked the Council for the good ordinance discussion tonight.

Councilor Loring noted the new speed bump on Mussey Street.

K. Executive Session

A motion may be made to go into executive session, pursuant to 36 M.R.S.A. §841, to discuss application(s) for abatement of property taxes on account of infirmity or poverty.

Motion to adjourn to executive session was made at 10:14 P.M. by Councilor Soule. Councilor Baxter seconded and the motion passed 7-0.

Motion to return from executive session was made at 10:40 P.M. by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0

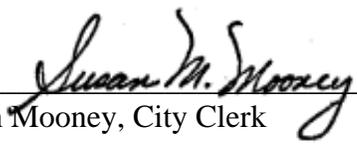
Motion to grant hardship abatement case #07/08-2 in the amount of \$2,208.17 plus interest and costs was made by Councilor Boudreau and seconded by Councilor Hughes. The abatement was granted 7-0.

Motion to grant hardship abatement case #07/08-4 in the amount of \$2,560.00 plus interest and costs was made by Councilor Boudreau and seconded by Councilor Beecher. The abatement was granted 7-0.

Motion to adjourn was made at 10:42 P.M. by Councilor Baxter and seconded by Councilor Boudreau. Passed 7-0.

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ATTEST



Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 69 PAGE 19
SEPTEMBER 5, 2007**

Roll Call: Mayor Morgan called the Special Meeting to order at 6:15 P.M. Councilor Boudreau and Councilor Loring had not yet arrived.

K. Executive Session

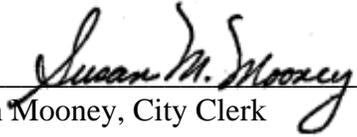
A motion may be made to go into Executive Session pursuant to 1 M.R.S.A. §405 (6)(d) regarding labor negotiations with the South Portland Police Command and Supervisory Unit and the South Portland Police Patrol Association.

Motion to adjourn to executive session was made by councilor Beecher and seconded by Councilor Baxter. Passed 5-0

Motion to return from executive session and adjourn from the Special Meeting was made at 7:10 P.M. by Councilor Hughes and seconded by Councilor Baxter. Passed 6-0 (Loring absent)

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ATTEST



Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 20
SEPTEMBER 5, 2007

Roll Call: Mayor Morgan called the meeting to order at 7:10 P.M. Councilor Loring arrived at 7:12 P.M.

A. Acceptance of Minutes

Motion to approve the minutes of August 6th was made by Councilor Beecher and seconded by Councilor Soule. Passed 6-0 (Loring had not arrived).

B. Communications from City Manager

- Dedication to Robert Wallingford at the Firefighters Memorial Park on Sunday

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #23-07/08 – Board of Assessment Review, At-Large (Baxter) to fill an unexpired term which expires 12/31/07. Passage requires majority vote.

There was no public discussion.

Motion to appoint Stephen Johnson, 54 Pennsylvania Ave., was made by Councilor Baxter and seconded by Councilor Hughes. Passed 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

David McHugh, 19 McLean Street – Mr. McHugh said the Manager's suggestion of a veteran's memorial was good. He also said that he didn't think yellow ribbons should be on public utility polls.

David Bourke, 61 Willow Street – Mr. Bourke objected to the communication being distributed for the High School renovation project. He said it was misleading because it did not include interest and it was not a unbiased presentation.

Tom Blake, 195 High Street – Mr. Blake invited the public to the dedication at the Firefighters Memorial Park on Sunday morning at 11:00 A.M. He encouraged folks to attend the "Long Creek Family Day" scheduled for September 30th at 10:00 A.M. where there will be a gathering at Home Depot. This will be an all day event.

G. Public Hearings and Action

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 21
SEPTEMBER 5, 2007

2. ORDINANCE #4-07/08 – Amending Chapter 3, “Animals and Fowl,” regarding keeping domesticated chickens. Amended and passed first reading on 08/06/07. ROLL CALL VOTE. Passage requires majority vote.

Councilor Soule motioned to have the ordinance read by title only. Councilor Beecher seconded and it passed 7-0.

The following people addressed this item;

Olivia Collins, 35 Keswick Road – Ms. Collins thanked the Council, city employees and residents for their support of this ordinance.

Pam Beal, 58 Sylvan Road – Ms. Beal presented a petition signed by residents that were opposed to this ordinance. She spoke against the ordinance.

David Bourke, 61 Willow Street – Mr. Bourke raised concerns about who would be enforcing the ordinance and whether it would have a fiscal impact to the budget.

Tony Elmquist, 379 Preble Street – Mr. Elmquist said everyone has the right to live and enjoy their property.

John Hartley, 68 Clemons St. – Mr. Hartley said the Collins’ family has done a good job teaching about sustainable living.

Gerard Wilburn, 27 Froswick Ave. – Mr. Wilburn said this ordinance could save a lot of money for people.

Rebecca Snoddy, 32 Crossmeadow Road – Ms. Snoddy agreed with Ms. Beal. She felt it should be put on a ballot for the residents to decide.

Rebecca Leeman, 41 Keswick Road – Ms. Leeman indicated that everyone was invited to share their opinion at the meetings and that it is not necessary to put this issue on a ballot.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Soule. Councilor Soule proposed an amendment to limit the number of permits issued in a year and also to require an annual report from Code Enforcement on statistics and issues from the previous year. Councilor Boudreau seconded the amendment. Councilor Hughes offered a friendly amendment to set the first permit year to expire 12/31/08 and to allow that in each subsequent permit year, twenty (20) more permits may be issued in addition to new permits issued to previous permittees. The amendment passed 6-1 (Loring). The ordinance passed as amended 7-0.

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 22
SEPTEMBER 5, 2007

3. ORDINANCE #3-07/08 - Amending Chapter 27, "Zoning," regarding keeping domesticated chickens. Passed first reading on 08/06/07. ROLL CALL VOTE. Passage requires five affirmative votes.

Councilor Beecher motioned to have the ordinance read by title only. Councilor Soule seconded and it passed 7-0.

The following person addressed this item;

Pam Beal, 58 Sylvan Road – Ms. Beal asked the Council to consider restricting some of the zones in which this ordinance would effect.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 7-0.

H. Action on Old and New Business

4. ORDER #24-07/08 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Soule and seconded by Councilor Beecher. Passed 7-0.

5. ORDER #25-07/08 – Award of bid #17-08 to Beacon Occupational Health, of South Portland, ME, to provide employee medical services. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0.

6. ORDER #26-07/08 – Accepting a 2007 Edward Byrne Memorial Justice Assistance Grant to be used by the South Portland Police Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Loring. Passed 7-0.

7. ORDER #27-07/08 – Amending the "Traffic Schedule" regarding "No Parking" on Park Avenue and Elm Street. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 23
SEPTEMBER 5, 2007

The following people address this item;

Larry King, 41 Ballard Street – Mr. King commented on issues with parking on Palmer Street.

Sam Colella, 49 Ballard Street – Mr. Colella also spoke about issues on Palmer Street.

Michael Eastman, 100 Chapel Street – Mr. Eastman agreed with Mr. King and Mr. Colella and urged the Council to support the amendments.

Motion for passage was made by Councilor Soule and seconded by Councilor Beecher. Passed 7-0.

8. RESOLVE #3-07/08 – Endorsing *The U.S. Mayors Climate Protection Agreement*. Passage requires majority vote.

The following people addressed this item;

David Bourke, 61 Willow Street – Mr. Bourke said he felt the resolve did tie to the Kyoto Agreement and was concerned about financial impacts to the city if this resolve was signed.

Alissa Pashko, 963 Highland Ave. – Ms. Pashko encourage the Council to support the resolve.

Dick Bernard, 5 E Street – Mr. Bernard also encouraged support of the resolve.

Tom Blake, 195 High Street – Mr. Blake commended the City Manager and the City Council for bringing this forward.

Tex Haeuser, Planning and Development Director – Mr. Haeuser said it was a good initiative and would have a good economic impact on the city.

Leslie Gatcombe-Hynes, 47 Elmwood Ave. – Ms. Gatcombe-Hynes also supported this endorsement.

Motion for passage was made by Councilor Hughes and seconded by Councilor Baxter. Passed 6-1 (Soule).

9. RESOLVE #4-07/08 – Supporting the creation and placement of a service monument on City Property. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 24
SEPTEMBER 5, 2007

Motion for passage was made by Councilor Beecher and seconded by Councilor Loring. Passed 7-0.

10. ORDER #28-07/08 – Award of bid #18-08 to Mainland Structures Corporation, of Gorham, ME, for renovations to the Redbank Multipurpose Building. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0.

11. ORDER #29-07/08 – Award of bid #13-08 to Pine Tree Waste, of Scarborough, ME, to provide curbside collection services of solid and recyclable waste. Passage requires majority vote.

There was no public discussion.

Motion to postpone this item was made by Councilor Boudreau and seconded by Councilor Soule. Passed 7-0.

12. ORDER #30-07/08 – Award of bid #25-08 to H. P. Fairfield, of Skowhegan, ME, for the purchase of a sidewalk tractor for the Public Works Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Baxter. Passed 7-0.

13. ORDER #31-07/08 – Award of bid #26-08 to Rowe Ford, of Westbrook, ME, for the purchase of a service truck for the Public Works Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Boudreau. Passed 7-0.

14. ORDINANCE #5-07/08 – Amending Chapter 27, regarding administrative and miscellaneous provisions. First reading. Passage requires majority vote.

Councilor Beecher motioned to have the ordinance read by title only. Councilor Loring seconded and it passed 7-0. Tex Haeuser, Planning and Development Director, presented background information on this ordinance amendment.

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 25
SEPTEMBER 5, 2007

The following people addressed this item;

Jerry Jalbert, Rhode Island Ave. – Mr. Jalbert talked about the narrow authority of the Board of Appeals and commented on the Planning Board being better equipped to handle design element issues.

David McHugh, 19 McLean Street – Mr. McHugh purchased a copy of Chapter 27 and said he felt it was pretty clear. He indicated that he thought it would be a mistake to reduce the buildable lot size and questioned whether this should be put to referendum.

Dick Bernard, 5 E Street – Mr. Bernard said he has attended several committee meetings and talked about the difficulty of dealing with variations in neighborhoods.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 7-0.

15. ORDER #32-07/08 - Waiving the formal bidding process and award a sole source bid to Mark Birmingham, of Portland, ME, for the purchase of a Steinway 9' Concert Grand Piano for the South Portland Auditorium. Passage requires majority vote.

There was no public discussion.

Motion to withdraw this item was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 7-0.

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Beecher thanked the Council for their tolerance and patience with working through Chapter 27 of the Code of Ordinances.

Councilor Baxter said he resented comments about the high school project flyer that were made earlier. He indicated that a lot of time was spent to make the information factual and unbiased.

Councilor Loring raised issues about increased traffic from Southern Maine Community College and that perhaps it was time to look at installing a light at Broadway and Sawyer. She indicated that anonymous calls and emails were starting to become a problem.

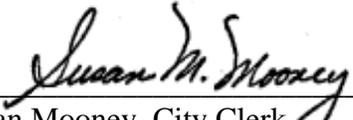
**IN COUNCIL REGULAR MEETING VOL. 69 PAGE 26
SEPTEMBER 5, 2007**

K. Executive Session

A motion may be made to go into executive session, pursuant to 36 M.R.S.A. §841, to discuss application(s) for abatement of property taxes on account of infirmity or poverty.

Motion to adjourn was made at 10:52 P.M. by Councilor Boudreau and seconded by Councilor Hughes. Passed 7-0

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ATTEST 
Susan Mooney, City Clerk

IN COUNCIL SPECIAL MEETING VOL. 69 PAGE 27
SEPTEMBER 10, 2007

Roll Call: Mayor Morgan called the meeting to order at 5:34 p.m. All councilors were present

K. Executive Session

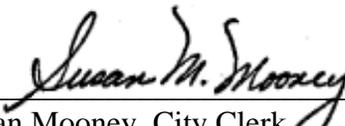
A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), discussion with legal counsel about pending litigation, Sampson & Boulos v. City of South Portland and City of South Portland v. Maine Municipal Association; and pursuant to §405 (6)((A), discussion or consideration of the appointment or duties of a public employee.

Motion to go into executive session was made by Councilor Hughes and seconded by Councilor Soule. Passed 7-0.

Motion to come out of executive session and adjourn from the Special Meeting was made at 7:54 P.M. by Councilor Beecher and seconded by Councilor Soule. Passed 4-0 (Baxter, Hughes and Loring out of the room)

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Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 28
SEPTEMBER 17, 2007

Roll Call: Mayor Morgan called the meeting to order at 7:10 p.m. Councilor Loring was out of the room.

A. Acceptance of Minutes

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau to accept the minutes from the 5, 2007 meeting. Passed 6-0 (Loring out of room)

B. Communications from City Manager

C. Petitions and Communications

Department Reports for August 2007

Attendance Reports for August 2007

D. Appointment Calendar

E. Consent Calendar

F. Citizen Discussion (First Part)

Tom Blake, 195 High Street – Mr. Blake thanked the public for attending the Ferry Village Picnic to support the Memorial for Firefighter Robert Wallingford at the Firefighter’s Memorial Park. He also wanted to invite the public to the opening of the new 1.2 mile trail at Longcreek, by Home Depot, where there would be free cookout and kayaking on September 30th beginning at 10:00 A.M.

G. Public Hearings and Action

1. ORDINANCE #5-07/08 – Amending Chapter 27, regarding administrative and miscellaneous provisions. Passed first reading on 09/05/07. ROLL CALL VOTE. Passage requires 5 (five) majority votes.

There was no public discussion.

Motion for postponement was made by Councilor Beecher and seconded by Councilor Boudreau. Postponed 7-0

H. Action on Old and New Business

2. ORDER #29-07/08 – Award of bid #13-08 to Pine Tree Waste, of Scarborough, ME, to provide curbside collection services of solid and recyclable waste. Postponed on 09/05/07. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 29
SEPTEMBER 17, 2007

The following people addressed this item:

Gary Crosby, 2 Tanner St. – Mr. Crosby agreed that the City should privatize the handling of the recycling and trash removal.

Charles Boyle, Whispering Pines Drive – Mr. Boyle questioned why there was only bid and asked how the City could foster more competition for bids.

Motion for passage was made by Councilor Hughes and seconded by Councilor Boudreau. Passed 6-1 (Soule)

3. ORDER #32-07/08 - Award of bid #29-08 to FB Environmental Associates, of Portland, ME, for a Stream Technical Consultant for the Long Creek Management Plan. Passage requires majority vote.

There was no public discussion.

Pat Cloutier, Director of Water Resource Protection was available to answer questions.

Motion for passage was made by Councilor Soule and seconded by Councilor Beecher. Passed 7-0

4. ORDER #33-07/08 - Authorizing the City Manager to submit the 2006 Consolidated Annual Performance Evaluation Report to the Department of Housing and Urban Development. Passage requires majority vote.

Acting City Manager Jim Gailey was discussed this item as the CDBG Director. Jim recognized the efforts of Tim Gato, who contributed a great deal to this program .

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0

5. ORDER #34-07/08 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Baxter . Passed 7-0

I. Citizen Discussion (Second Part)

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 30
SEPTEMBER 17, 2007

Mr. McHugh, MacLean Street – Mr. McHugh was concerned with the discrepancies regarding conforming and non-conforming lot sizes. He felt the Zoning Ordinance just needed a little fine tuning so that it would be consistent through out.

J. Councilor's Round Robin

Councilor Boudreau announced the many activities that would be going on through out the city this month including the Longcreek event on the 27th, the ecomaine open house and tour of the facility on October 20 from 11:00 – 2:00.

Councilor Beecher stated that she would like to see the City Dinner come back as it was a way to thank all the people who volunteer for our Boards and Committees.

K. Executive Session

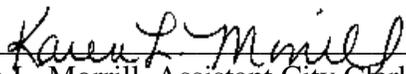
A motion may be made to go into executive session, pursuant to 36 M.R.S.A. §841, to discuss application(s) for abatement of property taxes on account of infirmity or poverty.

Motion was made by Councilor Boudreau and seconded by Councilor Beecher to adjourn to Executive Session at 8:20 P.M. Passed 7-0

Motion was made to come out of Executive Session by Councilor Baxter and seconded by Councilor Loring at 9:30 P.M.

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Karen L. Morrill, Assistant City Clerk

IN COUNCIL SPECIAL MEETING VOL. 69 PAGE 31
SEPTEMBER 24, 2007

Roll Call: Mayor Morgan called the Special Meeting to order at 6:17 p.m. All Councilors were present.

H. Action on Old and New Business

1. ORDER #35-07/08 – Amending ORDER #138-05/06 regarding award of bid for the Pleasantdale Sewer Separation Project. Passage requires majority vote.

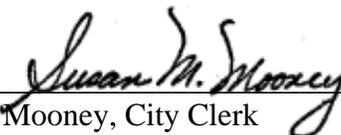
There was no public discussion.

Motion for passage was made by Councilor Soule and seconded by Councilor Hughes. Motion to amend the order to change Casco Bay Bridge to Buttonwood Street was made by Councilor Loring and seconded by Councilor Beecher. Passed as amended 7-0.

Motion to adjourn from the Special Meeting was made at 6:33 P.M. by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0

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ATTEST



Susan Mooney, City Clerk

IN COUNCIL SPECIAL MEETING VOL. 69 PAGE 32
OCTOBER 1, 2007

Roll Call: Mayor Morgan called the Special Meeting to order at 5:35 P.M. Councilors Loring, Soule and Hughes had not yet arrived.

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), discussion with the City's Corporation Counsel regarding pending litigation, Wainwright v. City of South Portland.

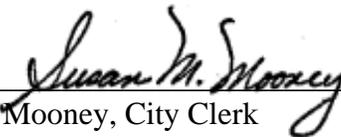
Motion to adjourn to executive session was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 4-0 (Loring, Soule and Hughes had not arrived yet). Councilor Hughes arrived immediately after the vote.

Motion to return from executive session was made at 7:21 by Councilor Hughes and seconded by Councilor Beecher. Passed 7-0

Motion to adjourn from the Special Meeting was made at 7:21P.M. by Councilor Boudreau and seconded by Councilor Hughes. Passed 7-0.

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ATTEST



Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 69 PAGE 33
OCTOBER 1, 2007**

Roll Call: Mayor Morgan called the meeting to order at 7:22 P.M. All Councilors were present.

A. Acceptance of Minutes

Motion to accept the minutes from September 17, 2007 was made by Councilor Soule and seconded by Councilor Beecher. Passed 7-0.

B. Communications from City Manager

The Manager recognized the West End Trails Committee, Councilor Hughes and Mayor Morgan for their involvement with the West End Trail Dedication.

C. Petitions and Communications

D. Appointment Calendar

E. Consent Calendar

1. The South Portland Music Boosters are requesting the closure of Mountain View Road and Nutter Road on October 20, 2007 from 4:00 P.M. to 10:30 P.M. for a band competition. Passage requires majority vote.

The following person addressed this item;

Mike Fletcher, 5 Briarwood Road – Mr. Fletcher said this competition is the largest in the State. The closure of the roads is to allow safe passage of the buses.

Motion for passage was made by Councilor Beecher and seconded by Councilor Soule. Passed 7-0

F. Citizen Discussion (First Part)

David McHugh, 19 McLean Street – Mr. McHugh said the Long Creek Development Day was amazing. He complimented Tom Blake calling him a great leader.

G. Public Hearings and Action

2. ORDINANCE #5-07/08 – Amending Chapter 27, regarding administrative and miscellaneous provisions. Passed first reading on 09/05/07. ROLL CALL VOTE. Postponed on 09/17/07. Passage requires 5 (five) affirmative votes.

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 34
OCTOBER 1, 2007

Motion to have the ordinance read by title only was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 7-0. The following person addressed this item;

David McHugh, 19 McLean Street – Mr. McHugh said he agrees with 95% of the ordinance amendment but opposes section 27-18. He suggested that the Council have more discussion on this and consider sending the amendment to the voters. He also felt that Councilor Loring should recuse herself.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Councilor Soule motioned to amend the ordinance to accept the proposed amendments outlined in the Planning Director's position paper. The first corrects a clerical error in which the strike-outs for a section that is being moved and revised were omitted at First Reading. The second, per recommendation from Corporation Counsel, restores the ability to change a nonconforming use to another nonconforming use when the new use is equal to the first in its nonconformity. He also provided a summary of additional minor changes which he handed out at the meeting. Councilor Boudreau seconded the amendment. The ordinance passed roll call vote as amended 6-1 (Boudreau).

H. Action on Old and New Business

3. ORDER #36-07/08 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Loring. Passed 7-0

4. ORDER #37-07/08 – Establishing Solid Waste Reserve Account. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0

5. ORDER #38-07/08 – Endorsing the implementation of the PACTS Regional Transit Coordination Study. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 7-0

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 35
OCTOBER 1, 2007

6. ORDER #39-07/08 – Authorizing the Acting City Manager to execute a deed to and accept a deed from Thomas and Sarah Maietta effecting a land swap in the Sawyer Marsh Area. Passage requires majority vote.

The following person addressed this item;

Tom Blake, 195 High Street – Mr. Blake complimented Jim Gailey with his involvement with this item and noted that the biggest winner with the passage of this order is Trout Brook.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 7-0

7. ORDER #40-07/08 – Authorizing the Acting City Manager to execute a conservation easement to Portland Trails for property known as Sawyer Marsh. Passage requires majority vote.

The following person addressed this item;

Tom Blake, 195 High Street – Mr. Blake indicated that the Land Trust supports this order. He requested some discussion regarding the size of the signage post.

Motion for passage was made by Councilor Loring and seconded by Councilor Hughes. Passed 7-0

8. ORDER #41-07/08 -Authorizing the Acting City Manager to execute a conservation easement to the South Portland Land Trust for the property known as the Sawyer Street Pit. Passage requires majority vote.

The following person addressed this item;

Tom Blake, 195 High Street – Mr. Blake indicated that the Land Trust supports this order.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0

I. Citizen Discussion (Second Part)

Tom Blake, 195 High Street – Mr. Blake said 175 people attended the opening ceremony for the West End Trail and he said it was a great day. He noted that Youth Alternatives will be stewards of the trail and that the Land Trust and the West End Trails Committee would like to do more. They are looking for additional support for interested citizens.

J. Councilor's Round Robin

**IN COUNCIL REGULAR MEETING VOL. 69 PAGE 36
OCTOBER 1, 2007**

Councilor Baxter inquired about service at condos once the new solid waste agreement goes into effect. He also raised some concerns about folks having difficulty moving the larger bins.

Councilor Beecher attended the ribbon cuttings at the Marriott and heard very nice things about the Planning Department. She invited the public the Land Use Committee presentation on October 17th from 6:30 to 8:30.

Councilor Hughes commented on the West End Trails dedication and remarked about the volunteers in South Portland.

Councilor Boudreau recognized the Fire Department and commented on the three recent unusual fires that they have had to deal with, including the explosion in Knightville.

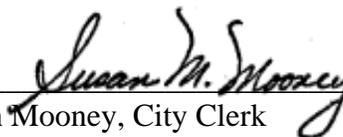
Jim Gailey announced that the D Street residents will be displaced from their homes tonight as a result of the gas leak explosion. A shelter is being set up at the American Legion on Broadway

K. Executive Session

Motion to adjourn was made at 9:00 P.M. by Councilor Boudreau and seconded by Councilor Hughes. Passed 7-0.

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ATTEST



Susan Mooney, City Clerk

IN COUNCIL SPECIAL MEETING VOL. 69 PAGE 37
OCTOBER 22, 2007

Roll Call: Mayor Morgan called the Special Meeting to order at 8:25 P.M. immediately following the Workshop. All Councilors were present.

D. Appointment Calendar

1. ORDER #42-07/08 – Ward Clerk, Pro-Tempore, District One, for the November 6, 2007 election only. Passage requires majority vote.

There was no public discussion.

Motion to appoint Angela Griffiths, 20 Davis Street was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0.

2. ORDER #43-07/08 –Ward Clerk, Pro-Tempore, District Two for the November 6, 2007 election only. Passage requires majority vote.

There was no public discussion.

Motion to appoint Jean Ray, 16 Edwards Street, was made by Councilor Boudreau and seconded by Councilor Soule. Passed 7-0.

3. ORDER #44-07/08 – Warden, Pro-Tempore, District Two, for the November 6, 2007 election only. Passage requires majority vote.

There was no public discussion.

Motion to appoint Tim Baker, 7 Edwards Street, was made by Councilor Soule and seconded by Councilor Boudreau. Passed 7-0.

F. Citizen Discussion

H. Action on Old and New Business

4. ORDER # 45-07/08 – Setting the time for opening the polls for the November 6, 2007 election. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Baxter and seconded by Councilor Hughes. Passed 7-0.

5. ORDER #46-07/08 - Accepting \$9,390 from General Growth Properties pursuant to the Maine Department of Environmental Protection's Stormwater Management Law. Passage requires majority vote.

There was no public discussion.

IN COUNCIL SPECIAL MEETING VOL. 69 PAGE 38
OCTOBER 22, 2007

Motion for passage was made by Councilor Hughes and seconded by Councilor Loring. Passed 7-0.

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405 (6)(A), discussion or consideration of the appointment or duties of a public employee.

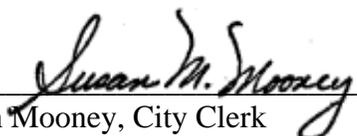
Motion to adjourn to executive session was made at 9:08 P.M. by Councilor Loring and seconded by Councilor Beecher. Passed 7-0

Motion to return from executive session was made at 9:46 by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-0 (Hughes gone home)

Motion to adjourn was made by Councilor Boudreau and seconded by Councilor Baxter. Passed 6-0 (Hughes gone home)

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ATTEST



Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 69 PAGE 39
OCTOBER 30, 2007**

Roll Call: Mayor Morgan called the Special Meeting to order at 12:45 P.M. All Councilors were present

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405 (6)(A), discussion or consideration of the appointment or duties of a public employee.

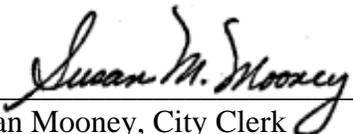
Motion to go into executive session was made at 12:45 P.M. was made by Councilor Hughes and seconded by Councilor Baxter. Passed 7-0

Motion to come out of executive session was made at 7:25 P.M. by Councilor Beecher and seconded by Councilor Loring. Passed 7-0.

Motion to adjourn the special meeting was made at 7:26 P.M. by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0

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ATTEST



Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 69 PAGE 40
NOVEMBER 5, 2007**

Roll Call: Mayor Morgan called the meeting to order at 7:00 P.M. All Councilors were present

A. Acceptance of Minutes

Motion to accept the minutes of the meeting of October 1st and the Special meetings of September 24th, October 1st, October 22nd and October 30th was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 7-0.

B. Communications from City Manager

The Manager addressed the following items;

- Reminder that donations of supplies and goods for the troops can be dropped off at various locations around the city
- Letter from the National Park Service notifying the Land Trust of their support for the West End Trail Project
- Thank you from Cora Simpson for the Cushings Point Dedication

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #47-07/08 – Library Advisory Board, District 4 (Beecher), to fill an unexpired term which expires on 12/31/07. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Beecher and seconded by Councilor Hughes. Postponed 7-0.

2. ORDER #48-07/08 – Board of Appeals, District 3, (Soule), for an unexpired term which expires on 07/23/08. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Soule and seconded by Councilor Boudreau. Postponed 7-0.

3. ORDER #49-07/08 – Conservation Commission, District 3, (Soule), for an unexpired term which expires on 11/20/09. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Soule and seconded by Councilor Boudreau. Postponed 7-0.

**IN COUNCIL REGULAR MEETING VOL. 69 PAGE 41
NOVEMBER 5, 2007**

E. Consent Calendar

F. Citizen Discussion (First Part)

Tom Blake, 195 High Street – Mr. Blake talked about his campaign for the City Council and said he has learned a lot about the City through it all.

Steve Onos, 114 Jordan Ave. – Mr. Onos raised concerns over a flyer in the Sentry opposing the school bond issue.

G. Public Hearings and Action

4. Waterloo Restaurant Ventures, Inc. d/b/a Romano's Macaroni Grill, 45 Philbrook Ave. for a FE/Class A Restaurant w/ Liquor License. New Corporate Owner of an existing business. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 7-0.

H. Action on Old and New Business

5. ORDER #50-07/08 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Soule. Passed 7-0.

6. PROCLAMATION #3-07/08 – Proclaiming the week of November 8, 2007 through November 15, 2007, as "**Maine Recycles Week**". Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Soule. Passed 7-0.

7. RESOLVE#5-07/08 - Asking that bells be rung at 11:00 a.m. on Veterans Day. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 42
NOVEMBER 5, 2007

Motion for passage was made by Councilor Beecher and seconded by Councilor Soule. Passed 7-0.

8. ORDER #51-07/08 – Award of bid #33-08 to Liberty Chevrolet, of Wakefield, MA, for the purchase of a box truck for the School Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Baxter and seconded by Councilor Loring. Passed 7-0.

9. ORDER #52-07/08 – Accepting Colchester Drive, Carlisle Road and Cardiff Way as city streets, and accepting certain easement rights and a pumping station, all located in Phase V of the Grandview Subdivision. Passage requires majority vote.

There was no public discussion.

Motion for postponement was made by Councilor Boudreau and seconded by Councilor Soule. Postponed 7-0.

10. ORDER #53-07/08 – Accepting Dunphe Drive as a City street. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Soule and seconded by Councilor Beecher. Passed 7-0.

11. ORDER #54-7/08 – Accepting Postal Service Way as a City street. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Baxter. Passed 7-0.

12. ORDER #55-07/08 – Authorizing the Acting City Manager to sign a Lease Agreement with Maine Military Museum and Learning Center for use of the electrical building located in Mill Creek Park. Passage requires majority vote.

The following person addressed this item;

Kathy DiPhilippo, Highland Ave – Mrs. DiPhilippo was concerned about the holdings of the Historical Society that are being stored in the Electrical Building.

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 43
NOVEMBER 5, 2007

Motion for postponement was made by Councilor Soule and seconded by Councilor Boudreau. Postponed 6-1 (Morgan).

13. ORDER #56-07/08 – Authorizing the Acting City Manager to sign a Declaration of Covenants and Restrictions to preserve approximately 11.75 acres of land near Highland Avenue. Passage requires majority vote.

The following person addressed this item;

Don Legere, 217 Elderberry Drive – Mr. Legere commented that the previous item was postponed before all opportunity for public discussion had been solicited. Mr. Legere raised concerns about eliminating one of the two possible alternatives for an East West connector road.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. After some discussion Councilor Boudreau made a motion to postpone this item. Councilor Soule seconded the motion. Postponed 7-0.

14. ORDER #57-07/08 – Authorizing the Acting City Manager to sign an Intercity Agreement with the City of Westbrook for municipal sewerage services from property located at 332 Cummings Road. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Baxter. Passed 5-2 (Soule, Loring).

I. Citizen Discussion (Second Part)

Don Legere, 217 Elderberry Drive – Mr. Legere spoke about his campaign for the City Council At Large seat. He talked about his level of interaction in the City and said he could bring a broad range of experience to the position.

J. Councilor's Round Robin

Mayor Morgan encouraged folks to vote.

Councilor Soule mentioned the 56 million dollar school bond issue, the two Council Seats and four School Board seats and also the State bond issues. He noted that it is an off year election but it is still important to vote.

Councilor Beecher also urged folks to get out and vote.

Councilor Boudreau recognized the South Portland High School Marching Band for receiving a Gold Metal in Sanford. She also commented on the Cumberland

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 44
NOVEMBER 5, 2007

County Budget indicating that there is a 7.5% increase being recommended. She encouraged folks to contact either herself or Mayor Morgan, who also sits on the budget advisory committee, with questions or comments regarding the proposed budget. She also encouraged citizens to vote.

Councilor Baxter reflected back on the decision in 1998 regarding the sewer issue from Item #14. He remembered that the big issue at that time was the relationship between the two communities.

K. Executive Session

A motion may be made to go into Executive Session pursuant to 36 M.R.S.A. §841, to discuss application(s) for abatement of property taxes on account of infirmity or poverty, and pursuant to 1 M.R.S.A. (6)(A), regarding discussion of duties of the City Manager.

Motion to go into executive session was made at 8:44 P.M. by Councilor Loring and seconded by Councilor Boudreau. Passed 7-0.

Motion to come out of executive session was made at 10:05 P.M. by Councilor Beecher and seconded by Councilor Loring. Passed 7-0.

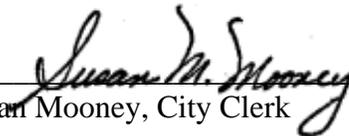
Motion to grant Hardship Abatement request #2007/2008-08 for \$1655.44 plus interest and costs to date was made by Councilor Boudreau and seconded by Councilor Loring. Passed 7-0

Motion to deny Hardship Abatement request #2007/2008-07 was made by Councilor Boudreau and seconded by Councilor Soule. Vote to deny passed 7-0.

Motion to adjourn was made at 10:07 P.M. by Councilor Hughes and seconded by Councilor Loring. Passed 7-0.

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ATTEST



Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 45
NOVEMBER 19, 2007

Roll Call: Mayor Morgan called the meeting to order at 7:01 P.M. Councilor Hughes was absent.

A. Acceptance of Minutes

Motion to accept the minutes from the November 5, 2007 Council Meeting was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-0

B. Communications from City Manager

The Manager addressed the following items;

- Free Fare Fridays – Bus Service announcement
- Presentation of a gift for the Council. The Manager provided Council members with a tote bag to recognize the numerous hours of service for all the extra committees and budget meetings that Councilors must attend during the year.
- Recognition of Ralph Baxter Sr. for he contribution to the City Council over the years.

C. Petitions and Communications

Department Reports for the months of September and October, 2007.

Attendance Reports for the months of September and October, 2007.

Councilor Soule requested additional information regarding the decrease in General Assistance.

D. Appointment Calendar

1. ORDER #47-07/08 – Library Advisory Board, District 4 (Beecher), to fill an unexpired term which expires on 12/31/07. Postponed on 11/05/07. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Beecher and seconded by Councilor Boudreau. Postponed 6-0

2. ORDER #48-07/08 – Board of Appeals, District 3, (Soule), for an unexpired term which expires on 07/23/08. Postponed on 11/05/07. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 46
NOVEMBER 19, 2007

Motion to postpone was made by Councilor Soule and seconded by Councilor Boudreau. Postponed 6-0

3. ORDER #49-07/08 – Conservation Commission, District 3, (Soule), for an unexpired term which expires on 11/20/09. Postponed on 11/05/07. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Soule and seconded by Councilor Boudreau. Postponed 6-0

4. ORDER #58-07/08 – Conservation Commission At-Large (Baxter) to fill a term which expires 11/20/10. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Barbara Dee, 71 Hillside Ave., was made by Councilor Baxter and seconded by Councilor Loring. Passed 6-0.

5. ORDER#59-07/08 – Conservation Commission, At-Large (Boudreau) to fill a term which expires on 11/20/10. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Boudreau and seconded by Councilor Soule. Postponed 6-0

6. ORDER #60-07/08 – Conservation Commission, District 5 (Hughes) to fill a term which expires on 11/20/10. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Shay Bellas, 104 Hall Street., was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-0

E. Consent Calendar

F. Citizen Discussion (First Part)

Councilor Soule recognized Kathy and Dick Bernard and presented them with a plaque for their contributions to the Community over the last few years. The Bernard's will be moving to Grant's Pass, Oregon on December 3rd.

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Gary Crosby, 2 Tanner Street – Mr. Crosby inquired about citizen involvement with the proposed Graffiti Ordinance amendment being proposed by Mr. Canarie.

G. Public Hearings and Action

7. Applebee's Restaurant North, LLC, d/b/a Applebee's Neighborhood Grill, 200 Running Hill Road for a FE/Class A Restaurant with Liquor license. New Corporate Officers of an existing business. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Soule and seconded by Councilor Beecher. Passed 6-0

H. Action on Old and New Business

Councilor Beecher made a motion to take items #11 and #13 out of order. Councilor Soule seconded the motion and it passed 6-0. See those items for details.

8. ORDER #52-07/08 - Accepting Colchester Drive, Carlisle Road and Cardiff Way as city streets, and accepting certain easement rights and a pumping station, all located in Phase V of the Grandview Subdivision. Postponed on 11/05/07. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Boudreau and seconded by Councilor Soule. Postponed 6-0

9. ORDER #55-07/08 – Authorizing the Acting City Manager to sign a Lease Agreement with Maine Military Museum and Learning Center for use of the electrical building located in Mill Creek Park. Postponed on 11/05/07. Passage requires majority vote.

The following person spoke on this item;

Kathy DiPhilippo, South Portland Historical Society – Ms. DiPhilippo thanked the Council and City Manager for responding to her concerns and coming up with a solution.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. Motion to amend the lease date to January 1, 2008 through December 31, 2010 was made by Councilor Boudreau and seconded by Councilor Beecher. Passed as amended 6-0

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NOVEMBER 19, 2007

10. ORDER #56-07/08 – Authorizing the Acting City Manager to sign a Declaration of Covenants and Restrictions to preserve approximately 11.75 acres of land near Highland Avenue. Postponed on 11/05/07. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Baxter and seconded by Councilor Boudreau. Passed 6-0

11. ORDER #61-07/08 – Appointing James H. Gailey as City Manager. Passage requires majority vote.

The following person addressed this item;

Gary Crosby, 2 Tanner Street – Mr. Crosby said it was a great idea to hire Jim Gailey as City Manager. He commented that Jim has done a great job.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Motion to amend the order to 99,898.76 was made by Councilor Soule and seconded by Councilor Boudreau. Passed as amended 6-0

12. ORDER #62-07/08 – Accepting the South Portland Armory Committee Property Reuse Report October 2007. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Beecher. Passed 6-0

13. ORDER #63-07/08 – Accepting the South Portland Police Department Expanding, Hiring & Retaining Committee Report November 14, 2007. Passage requires majority vote.

The following people addressed this item;

Marsha Berish, Redbank Community – Ms. Berish was concerned about the increased level of crime in the neighborhood. She was unhappy with the three year proposed guideline to hire three additional officers.

Police Chief Ed Googins – Chief Googins said he was please with the reports recommendations.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Loring. Passed 6-0

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 49
NOVEMBER 19, 2007

14. ORDER #64-07/08 – Amending ORDER #22-06/07 regarding award of bid to Planning Decisions for land use regulations consulting services. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Baxter. Passed 6-0

15. ORDER #65-07/08 – Accepting \$3,800 from the United States Department of Justice under its COPS Secure Our Schools (SOS) grant program to be used for enhanced security in school buildings. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-0

16. ORDER #66-07/08 – Accepting \$2,000 from the Cumberland County’s Underage Drinking Enforcement Task Force (CCUDEF) to be used by the Police Department. Passage requires majority vote.

The following person addressed this item;

Police Chief, Ed Googins complimented Officer Bob Scarpelli and Officer Linda Barker in their efforts to look for resources to help our community.

Motion for passage was made by Councilor Loring and seconded by Councilor Boudreau. Passed 6-0

17. ORDER #67-07/08 - Authorizing the City Manager to sign contracts with Dearborn Bros. Construction, of Buxton, ME; and Rampart Bituminous, LLC of Turner, ME to provide snowplowing operations for the 2007/08 season for the Public Works Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Soule and seconded by Councilor Beecher. Passed 6-0

18. ORDER #68-07/08 – Award of bid # 35-08 to Air Cleaning Specialist of New England, of Hanover, MA, for the purchase of an exhaust system for the Public Works Department. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 50
NOVEMBER 19, 2007

Motion for passage was made by Councilor Boudreau and seconded by Councilor Soule. Passed 6-0

19. ORDER #69-07/08 – Award of bid #36-08 for the purchase of a dump truck for the Public Works Department. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Beecher and seconded by Councilor Boudreau. Postponed 6-0

20. ORDER #70-07/08 - Award of bid to H.P. Fairfield, of Skowhegan, ME, for the purchase of a salt and sand spreader for the Public Works Department. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Boudreau and seconded by Councilor Soule. Postponed 6-0

21. ORDER #71-07/08 Award of bid to New England communications, Inc. of Portland, ME, for the installation of a Avaya Gateway phone system for the combined Portland and South Portland Dispatch Centers. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Baxter. Passed 6-0

I. Citizen Discussion (Second Part)

John Kierstead, School Street – Mr. Kierstead indicated that he has contacted the Police three times over the last month because of harassment from a neighbor. He requested the legal difference between what would be considered a street and what would be considered a driveway.

J. Councilor's Round Robin

Councilor Loring raised concerns about the School Department leasing the Hamlin School to the Heritage Baptist Church. She inquired whether there was an agreement to deed the school to the city.

Councilor Soule said he was pleased to be asked to speak at the Veteran's Day Parade.

**IN COUNCIL REGULAR MEETING VOL. 69 PAGE 51
NOVEMBER 19, 2007**

Councilor Boudreau thanked Councilor Baxter for his years of service and said he was a hard worker. She also thanked the voters for re-electing her.

Councilor Baxter commented that he has enjoyed serving as a Councilor at least 95% of that time. He thanked the public for allowing him to serve.

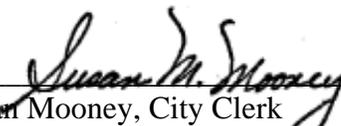
Mayor Morgan thanked everyone for their support to him and said it has been a privilege to serve as Mayor.

K. Executive Session

Motion to adjourn was made at 9:19 P.M. by Councilor Boudreau and seconded by Councilor Beecher. Passed 6-0

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ATTEST



Susan Mooney, City Clerk

IN COUNCIL INUGURAL MEETING VOL. 69 PAGE 52
DECEMBER 3, 2007

Mayor Morgan called the meeting to order at 4:00 P.M. Councilor Elect Blake was not in attendance.

Mayor Morgan invited Pastor Eric Samuelson from The Rock Church to present an invocation.

City Clerk Mooney administered the Oath of office to Councilor Boudreau.

City Clerk Mooney declared Councilor Boudreau duly qualified for another three year term.

Councilor Boudreau nominated Councilor Soule for Mayor for year 2007/2008. Councilor Loring seconded the motion.

Councilor Beecher moved that nominations cease. Mayor Morgan seconded the motion. Passage 6-0.

City Clerk Mooney called for the vote.

City Clerk Mooney announced Councilor Soule as Mayor for 2007/2008 by a vote of 6-0.

Mayor Soule presented Councilor Morgan with an official gavel and Councilor Baxter with a recognition plaque and thanked them both for their service to the community.

Mayor Soule then presented the Inaugural Address.

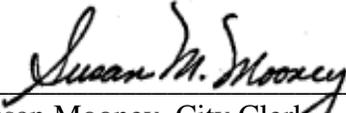
Councilor Hughes moved that the Inaugural Address be spread on the records. Councilor Boudreau seconded the motion. Mayor Soule took the vote as 6-0 and ordered the Inaugural Address be spread on the records.

City Clerk Mooney read Resolve #6-07/08 establishing time and place of meetings. Councilor Loring moved for passage. Councilor Morgan seconded the motion. Mayor Morgan took the vote and declared the Resolve duly passed 6-0.

Councilor Beecher moved to adjourn. Councilor Loring seconded the motion. Mayor Soule took the vote and declared the Council adjourned. He announced that the Council will return for the Regular Council Meeting at 7:00 P.M.

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ATTEST



Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 69 PAGE 53
DECEMBER 3, 2007**

Roll Call: Mayor Soule called the meeting to order at 7:03 P.M. Councilor Elect Blake and Councilor Loring were both absent.

A. Acceptance of Minutes

Motion to accept the minutes from the November 19, 2007 Council Meeting was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 5-0

B. Communications from City Manager

The Manager addressed the following items;

- Letter from the Department of Housing and Urban Development regarding the approval of the Consolidated Annual Performance Evaluation Report.
- Holidayfest Tree Lighting 12/07/07

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #47-07/08 – Library Advisory Board, District 4 (Beecher), to fill an unexpired term which expires on 12/31/07. Postponed since 11/05/07. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Beecher and seconded by Councilor Morgan. Postponed 5-0

2. ORDER #48-07/08 – Board of Appeals, District 3, (Soule), for an unexpired term which expires on 07/23/08. Postponed since 11/05/07. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Mayor Soule and seconded by Councilor Boudreau. Postponed 5-0

3. ORDER #49-07/08 – Conservation Commission, District 3, (Soule), for an unexpired term which expires on 11/20/09. Postponed since 11/05/07. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Mayor Soule and seconded by Councilor Morgan. Postponed 5-0

**IN COUNCIL REGULAR MEETING VOL. 69 PAGE 54
DECEMBER 3, 2007**

4. ORDER#59-07/08 – Conservation Commission, At-Large (Boudreau) to fill a term which expires on 11/20/10. Postponed on 11/19/07. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Artis Bernard, 56 Mildred Street was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 5-0

5. ORDER #73-07/08 – Conservation Commission, District 1, (Morgan) to fill an unexpired term which expires on 11/20/08. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Morgan and seconded by Councilor Beecher. Postponed 5-0

E. Consent Calendar

F. Citizen Discussion (First Part)

G. Public Hearings and Action

6. Van Eastland, LLC, d/b/a Wyndham Hotel, 363 Maine Mall Road (formerly Sheraton Hotel) for an FE/Hotel with Liquor License. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Hughes. Passed 5-0

7. Van Eastland, LLC, d/b/a Wyndham Hotel, 363 Maine Mall Road (formerly Sheraton Hotel) for a Lodging Establishment License. Passage requires majority vote.

There was no public discussion. Owner Joe VanWhy was present and answered a question from the Council.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 5-0

H. Action on Old and New Business

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 55
DECEMBER 3, 2007

8. ORDER #52-07/08 - Accepting Colchester Drive, Carlisle Road and Cardiff Way as city streets, and accepting certain easement rights and a pumping station, all located in Phase V of the Grandview Subdivision. Postponed since 11/05/07. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Some maps and attachments were not included in the packet prompting Councilor Boudreau to motion to postpone. Councilor Morgan seconded. Postponed 5-0

9. ORDER #69-07/08 – Award of bid #36-08 to O’Connor Motor Co, of Portland, ME, for the purchase of a dump truck for the Public Works Department. Postponed on 11/19/07. Passage requires majority vote.

There was no public discussion. David Gaudet, Public Works Operations Supervisor, was available and answered questions from the Council.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 5-0

10. ORDER #70-07/08 - Award of bid to H.P. Fairfield, of Skowhegan, ME, for the purchase of a salt and sand spreader for the Public Works Department. Postponed on 11/19/07. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 5-0

11. ORDER #74-07/08 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Morgan. Passed 5-0

12. Sign Permit

The Rock Church is requesting to erect a sign on the corner of Westbrook Street and Main Street to invite people to their Christmas Eve Service and Living Nativity. Passage requires majority vote.

The following person addressed this item;

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Eric Samuelson, Pastor of The Rock Church – Pastor Samuelson talked about this being a community building event.

There was a request to add this item to the agenda after the Standing Rule cut off. Motion to waive the standing rule was made by Councilor Boudreau and seconded by Councilor Morgan. The waiver passed 5-0. Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 5-0

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Beecher congratulated Mayor Soule and also extended thanks to the Councilors and other folks who helped with the Board and Committee recognition breakfast.

Councilor Boudreau also congratulated Mayor Soule and thanked Councilor Morgan for his year as Mayor. She noted that it was a tough year and he did an excellent job. She also expressed gratitude for the lovely dinner at Engine 6.

Councilor Morgan expressed thanks to Engine 6 for an exceptional evening. He said it was a privilege to serve as Mayor of South Portland.

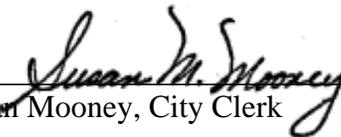
Mayor Soule recognized Councilor Beecher's efforts to pull together a breakfast for those dedicated members of the public who volunteer their time to serve the City on a board or committee. He thanked the Council for their good work and Councilor Morgan for his contributions as Mayor.

K. Executive Session

Motion to adjourn was made at 7:41 P.M. by Councilor Boudreau and seconded by Councilor Hughes. Passed 5-0

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ATTEST



Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 69 PAGE 57
DECEMBER 17, 2007**

K. Executive Session

A motion may be made to go into Executive Session pursuant to 1 M.R.S.A. §405 (6)(d) regarding labor negotiations with the South Portland Police Command and Supervisory Unit and the South Portland Police Patrol Association.

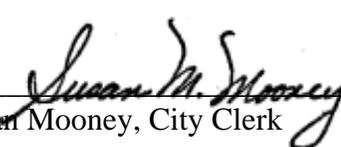
Motion to adjourn to executive session was made at 5:50 P.M. by Councilor Boudreau and seconded by Councilor Beecher. Passed 6-0 (Councilor Morgan had not arrived yet).

Motion to return from executive session was made at 6:58 P.M. by Councilor Morgan and seconded by Councilor Boudreau. Passed 7-0.

Motion to adjourn from the Special Meeting was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 7-0

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ATTEST _____


Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 69 PAGE 58
DECEMBER 17, 2007**

Roll Call: Mayor Soule called the meeting to order at 7:01 P.M. All Councilors were present.

A. Acceptance of Minutes

Motion to accept the minutes from the December 3rd Inauguration and Council Meeting was made by Councilor Morgan and seconded by Councilor Beecher.
Passed 7-0

B. Communications from City Manager

The Manager addressed the following items;

- Award to Adam Howard – Security Officer of the Year
- South Portland Police – Security Partnership Award
- Thank you to the Rotary for wreaths and beautification efforts at South Portland City Hall and also in Mill Creek Park
- Recognition of Parks employees, Ed Rombalski and Chris Savage for their work installing the new LED lights in Mill Creek Park.
- Portland Water District project to replace residential meters in South Portland

C. Petitions and Communications

Department Reports for the month of November 2007.

Attendance Reports for the month of November 2007.

D. Appointment Calendar

1. ORDER #47-07/08 – Library Advisory Board, District 4 (Beecher), to fill an unexpired term which expires on 12/31/07. Postponed since 11/05/07. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Beecher and seconded by Councilor Morgan. Postponed 7-0

2. ORDER #48-07/08 – Board of Appeals, District 3, (Soule), for an unexpired term which expires on 07/23/08. Postponed since 11/05/07. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Mayor Soule and seconded by Councilor Boudreau. Postponed 7-0

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3. ORDER #49-07/08 – Conservation Commission, District 3, (Soule), for an unexpired term which expires on 11/20/09. Postponed since 11/05/07. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Mayor Soule and seconded by Councilor Morgan. Postponed 7-0

4. ORDER #73-07/08 – Conservation Commission, District 1, (Morgan) to fill an unexpired term which expires on 11/20/08. Postponed on 12/03/07. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Morgan and seconded by Councilor Boudreau. Postponed 7-0

E. Consent Calendar

5. Walter Sokoloski, 41 Fellows Street is seeking a 1 year extension to his Junked Motor Vehicle permit. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Beecher. Failed 0-7. Motion to accept finding of facts as written up by Corporation Counsel, Mary Kahl was made by Councilor Beecher and seconded by Councilor Blake. The finding of facts for the denial of the extension passed 7-0

F. Citizen Discussion (First Part)

Richard Campbell, Washington Ave. – Mr. Campbell raised concerns about the School Department budget and said the Council should receive an itemized budget.

Motion to take Item #11 out of order was made by Councilor Boudreau and seconded by Councilor Blake. Passed 7-0 See Item #11 for details.

G. Public Hearings and Action

6. Beal Street Grill Inc., d/b/a Beal Street Barbeque, 725 Broadway for a FE/Class A Restaurant with Liquor License. Existing business changing location. Passage requires majority vote.

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There was no public discussion. Emily Kurtz, General Manager of Beal Street was available to answer questions from the Council.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 7-0

7. Beal Street Grill Inc., d/b/a Beal Street Barbeque, 725 Broadway for a Special Amusement Permit without Dancing. Existing business changing location. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 7-0

8. Benjamin Building and Wrecking Co., 41 Jackson St. for renewal of their Automobile Graveyard and/or Junkyard License. Passage requires majority vote.

There was no public discussion. Ed Benjamin, 99 Main Street was available to answer questions from the Council.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0

9. ORDER #75-07/08 – Consolidating of Voting Districts and Voting places for Special Elections not involving District representation. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0

H. Action on Old and New Business

10. ORDER #52-07/08 - Accepting Colchester Drive, Carlisle Road and Cardiff Way as city streets, and accepting certain easement rights and a pumping station, all located in Phase V of the Grandview Subdivision. Postponed since 11/05/07. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0

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11. PROCLAMATION # 4-07/08 – Proclaiming Monday, December 17th 2007 as South Portland Strikers Boys Soccer Day. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 7-0

12. ORDER #76-07/08 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0

13. ORDER #77-07/08 – Award of bid #45-08 to M. Steinert & Sons Co., Inc., of Boston, MA, for the purchase of a Steinway B Grand Piano for the School Department. Passage requires majority vote.

There was no public discussion. Beverly Hosis, Director of Choral Music was available for questions from the Council.

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 7-0

14. ORDER #78-07/08 – Award of bid #34-08 to Sebago Technics, of Westbrook, ME, and Wright-Pierce, of Portland, ME, to provide engineering consulting services. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Beecher. Passed 7-0

15. ORDER #79-07/08 – Award of bid #41-08 to Oak Engineers, LLC, of Portland, ME, to administer the City’s Street Opening Permit Program. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Loring. Passed 7-0

16. ORDER #80-07/08 - Extending the termination of the G-5 Zone pursuant to Chapter 27, “Zoning,” §27-538. Passage requires majority vote.

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There was no public discussion. Steve Puleo and Pat Doucette from Planning and Development were available and answered questions from the Council.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Morgan. Motion to amend the extension to a three year period to 2010, was made by Councilor Boudreau and seconded by Councilor Beecher. The amendment passed 7-0. The main motion passed as amended 7-0

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Beecher complimented the Public Works Department for their efforts with the snow storm. She wished Dana Anderson, Director of Park, Recreation and Public Works a quick recovery for a recent illness. She also said former Councilor, Robert Fickett, was at the South Portland Nursing Home if folks would like to send him a card.

Councilor Hughes wished folks a Happy Holiday.

Councilor Boudreau welcomed Councilor Blake and reminded citizens that it is the season to recycle. Think about a compost bin or tote bags as a holiday gift.

Councilor Blake apologized for taking a vacation after being elected. He encouraged residents to contact him. He also asked citizens to "adopt a fire hydrant" during the snow season. Firefighters have over 600 hydrants to keep cleared and any assistance from the public would be appreciated. He requested that Council notebooks be duplex printed to save on paper.

Mayor Soule said the next scheduled meeting will be January 2, 2008 at the Community Center starting at 6:00 P.M. when the Council will be holding a joint workshop with the Portland City Council. He will be ringing the Salvation Army bells outside of Sears on December 20th. The Mayor also encouraged residents to drive by Mill Creek Park at night as the new lights give an appearance of a dreamscape. He also asked that people check in on elderly neighbors and to burn wood safely.

Councilor Morgan followed up with additional information about the Portland Water Meter replacement. Citizens must schedule a time for the Water District to come in to replace meters, which will take about one half hour.

Councilor Morgan made a motion for a brief recess for Council pictures and Councilor Boudreau seconded. The recess passed 7-0.

K. Executive Session

**IN COUNCIL REGULAR MEETING VOL. 69 PAGE 63
DECEMBER 17, 2007**

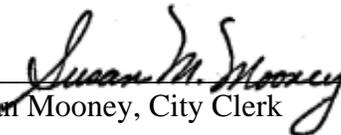
A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), discussion with legal counsel regarding pending litigation, Bartlett v. City of South Portland.

Motion to go into executive session was made at 9:02 P.M. by Councilor Blake and seconded by Councilor Boudreau. Passed 7-0

Motion to return from executive session was made at 10:12 P.M. by Councilor Beecher and seconded by Councilor Hughes. Passed 6-0 (Boudreau out of room).

Motion to adjourn was made by Councilor Morgan and seconded by Councilor Loring. Adjournment passed 5-0 (Boudreau out of room, Morgan left the room before the vote was taken)

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ATTEST _____
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 69 PAGE 64
JANUARY 7, 2008**

Roll Call: Mayor Soule called the meeting to order at 7:01. All members were present

A. Acceptance of Minutes

Motion to accept the minutes from the Special and Regular meeting of December 17th was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0

B. Communications from City Manager

The Manager presented the following item;

- The Manager spoke of the passing of Charles Shannon, who worked as the afternoon Janitor at City Hall for 13 years. He said Charlie was highly regarded and would be missed by all the employees in City Hall.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #47-07/08 – Library Advisory Board, District 4 (Beecher), to fill an unexpired term which expires on 12/31/07. Postponed since 11/05/07. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Beecher and seconded by Councilor Boudreau. Postponed 7-0

2. ORDER #48-07/08 – Board of Appeals, District 3, (Soule), for an unexpired term which expires on 07/23/08. Postponed since 11/05/07. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Mayor Soule and seconded by Councilor Morgan. Postponed 7-0

3. ORDER #49-07/08 – Conservation Commission, District 3, (Soule), for an unexpired term which expires on 11/20/09. Postponed since 11/05/07. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Mayor Soule and seconded by Councilor Beecher. Postponed 7-0

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JANUARY 7, 2008

4. ORDER #73-07/08 – Conservation Commission, District 1, (Morgan) to fill an unexpired term which expires on 11/20/08. Postponed on 12/03/07. Passage requires majority vote.

There was no public discussion.

Motion to appoint Heidi Bean, of 26 Day Street was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 7-0

5. ORDER #81-07/08 – Board of Assessment Review, At-Large, (Boudreau), to fill a term which expires on 12/31/10. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Philip Notis, of 30 Dimar Drive was made by Councilor Boudreau and seconded by Councilor Blake. Passed 7-0

6. ORDER #82-07/08 – Board of Assessment Review, At-Large (Blake), to fill a term that expires on 12/31/10. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Stephen A. Johnson, of 54 Pennsylvania Ave was made by Councilor Blake and seconded by Councilor Boudreau. Passed 7-0

7. ORDER #83-07/08 – Board of Assessment Review, District 1 (Morgan) to fill a term which expires on 12/31/10. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Morgan and seconded by Councilor Boudreau. Postponed 7-0

8. ORDER #84-07/08 – Board of Assessment Review, District 5 (Hughes) to fill a term which expires on 12/31/10. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Hughes and seconded by Councilor Beecher. Postponed 7-0

9. ORDER #85-07/08 – Library Advisory Board, District 2 (Loring), to fill an unexpired term which expires on 12/31/10. Passage requires majority vote.

There was no public discussion.

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Motion to appoint Donna Andrews, 240 Cottage Road was made by Councilor Loring and seconded by Councilor Beecher. Passed 7-0

E. Consent Calendar

F. Citizen Discussion (First Part)

Devon Gray, 26 Beach Street – Mrs. Gray spoke about concerns regarding dogs on Willard Beach and encouraged the Council to extend the May to September 6:00 to 9:00 A.M. hours for allowing dogs on Willard Beach to year round.

G. Public Hearings and Action

10. Rare Hospitality Int'l., Inc., d/b/a Longhorn, 300 Maine Mall Road for a FE/Class A Restaurant with Liquor License. New Corporate owner of an existing business. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0.

H. Action on Old and New Business

11. ORDER #86-07/08 – Authorizing the re-appropriation of \$10,000 from the 2003 Capital Improvement Program to the GPPDC Account to be used to implement recommendations coming forth in the Library Feasibility Study. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Blake. Passed 7-0.

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Beecher encouraged folks to send in an application for the District Four Planning Board seat.

Councilor Boudreau thanked staff for their efforts of duplexing the Council material. She had discussed the dogs on Willard Beach concerns with Steve

**IN COUNCIL REGULAR MEETING VOL. 69 PAGE 67
JANUARY 7, 2008**

Gray but has not heard back from the Dog Owners Association President, Chrystal Goodrich.

Councilor Blake expressed appreciation to those folks who followed up on his request to help shovel out fire hydrants. Over 60 hydrants were cleared by residents after the last storm. He encouraged citizens to turn in or attend the Planning Board meeting tomorrow night. Wetlands are on the agenda for discussion. He also encouraged citizens to attend the Ferry Village Neighborhood Association meeting scheduled for January 17th. Superintendent Suzanne Godin will be addressing consolidation issues.

Councilor Morgan said that a new Animal Control Officer has been hired and he is hoping to see stronger enforcement. He will be meeting the new ACO.

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), discussion with legal counsel regarding pending litigation, Bartlett v. City of South Portland; and pursuant to 1 M.R.S.A. §405 (6)(d) regarding labor negotiations with the South Portland Police Command and Supervisory Unit and the South Portland Police Patrol Association.

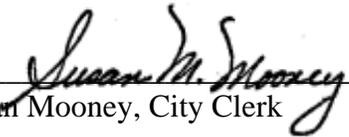
Motion to adjourn to executive session was made at 7:39 P.M. by Councilor Morgan and seconded by Councilor Boudreau. Passed 7-0.

Motion to return from executive session was made at 9:26 P.M. by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0.

Motion to adjourn was made by Councilor Loring and seconded by Councilor Beecher. Passed 7-0.

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ATTEST _____


Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 68
JANUARY 23, 2008

Roll Call: Mayor Soule called the meeting to order at 7:00 P.M.. All members were present

A. Acceptance of Minutes

The Mayor called for a moment of silence to recognize the recent passing of former Councilor, Robert Fickett Jr..

Motion to accept the minutes from the January 7th meeting was made by Councilor Morgan and seconded by Councilor Blake. Passed 7-0

B. Communications from City Manager

C. Petitions and Communications

Harbor Commission Rules and Regulations

Department Reports for the month of December, 2007.

Attendance Reports for the month of December, 2007.

D. Appointment Calendar

1. ORDER #47-07/08 – Library Advisory Board, District 4 (Beecher), to fill a term which expired on 12/31/07. Postponed since 11/05/07. Passage requires majority vote.

There was no public discussion.

Motion to appoint Mary Ellen Olesen, of 44 Crossmeadow Road was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0

2. ORDER #48-07/08 – Board of Appeals, District 3, (Soule), for an unexpired term which expires on 07/23/08. Postponed since 11/05/07. Passage requires majority vote.

There was no public discussion.

Motion to appoint Ryan Saucier, of 45 Forest Avenue was made by Mayor Soule and seconded by Councilor Boudreau. Passed 7-0

3. ORDER #49-07/08 – Conservation Commission, District 3, (Soule), for an unexpired term which expires on 11/20/09. Postponed since 11/05/07. Passage requires majority vote.

There was no public discussion.

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Motion to appoint Lee Attix, of 29 Sylvan Road was made by Mayor Soule and seconded by Councilor Morgan. Passed 7-0

4. ORDER #83-07/08 – Board of Assessment Review, District 1 (Morgan) to fill a term which expires on 12/31/10. Postponed on 01/07/08. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Morgan and seconded by Councilor Boudreau. Postponed 7-0

5. ORDER #84-07/08 – Board of Assessment Review, District 5 (Hughes) to fill a term which expires on 12/31/10. Postponed on 01/07/08. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Hughes and seconded by Councilor Beecher. Postponed 7-0

6. ORDER #87-07/08 – Community Development Advisory Committee, At-Large (Boudreau) to fill a term which expires on 01/15/11. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Lisa Munderback, 23 Coach Road was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 7-0

7. ORDER #88-07/08 – Community Development Advisory Committee, At-Large (Blake) to fill a term which expires on 01/15/11. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Matthew Gilbert, of 31 Ardsley was made by Councilor Blake and seconded by Councilor Boudreau. Passed 7-0

8. ORDER #89-07/08 – Planning Board, District 4 (Beecher) to fill an unexpired term which expires on 04/01/08. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Beecher and seconded by Councilor Hughes. Postponed 7-0

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JANUARY 23, 2008

9. ORDER #90-07/08 – Appointing a Health Officer for a 3 year term which will expire on 01/23/11. Passage requires majority vote.

There was no public discussion.

Motion to appoint Stephen Fox, of the South Portland Fire Department, was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0

E. Consent Calendar

F. Citizen Discussion (First Part)

Devon Gray, 26 Beach Street – Mrs. Gray raised similar concerns as she had at the previous Council meeting and cited several more incidents that occurred over the last few weeks with dogs on Willard Beach. She again requested that the Council consider amending the ordinance to only allow dogs on Willard Beach from 6:00 A.M. to 9:00 A.M. year round.

G. Public Hearings and Action

10. Zycorp Entertainment I, LLC d/b/a Cinemagic Grand, 333 Clarks Pond Parkway for a FE/Class A Restaurant with Malt and Vinous License. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0

11. Griffin Club, LLC d/b/a Griffin Club, 60 – 62 Ocean Street for a FE/Class A Lounge with Liquor License. Existing business now incorporated. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Blake. Passed 7-0

H. Action on Old and New Business

12. ORDER #91-07/08 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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JANUARY 23, 2008

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 7-0

13. ORDER #92-07/08 - Award of bid #48-08 to Miller Ford, of Springvale, ME, for the purchase of five (5) police cruisers for the Police Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0

14. ORDINANCE #6-07/08 – Amending Chapter 27, “Zoning” regarding the Conditional Residential Use District G-1. First reading. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Councilor Beecher offered the following amendments;

Sec 27-404, strike out the whole line “No outdoor banners, or pennants or merchandise advertising is are permitted except for a single period no longer than sixty (60) consecutive days for any given business operating the convenience store after the effective date of this ordinance.” Add, “One outdoor pennant or banner is permitted, not to exceed 30 square feet”

Sec 27-407 (b), Strike out “an electronic message sign may be used for the reader board.” Add, “except for the reader board portion of the freestanding sign, internal illumination is limited to the letters and may not project from other portion of the sign.”

Councilor Morgan seconded the motion. The amendment passed 6-1 (Blake). The ordinance passed first reading as amended by a vote of 6-1 (Blake).

I. Citizen Discussion (Second Part)

Jeff Inglis, 17 Highland Ave. – Mr. Inglis referred to one of the incidents on Willard Beach that Devon Gray spoke of at Citizen’s Discussion Part I. He noted that his dog was on a leash during that encounter.

Crystal Goodrich, 17 Highland Ave. – Ms. Goodrich thanked the Council for their continued support of the Dog Owners Association. She said the group fosters voice control and responsible dog ownership.

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Corey Schnaible, 50 Lowell Street – Mr. Schaible commented that most dog owners are respectful and conscientious. He said people have a wonderful time at Willard Beach with their families and dogs.

Chris Shanahan, 176 Harriet Street – Ms. Shanahan said she has never had an unfortunate or distressful incident with her dog at Willard Beach.

Eileen Shanahan, 17 Bowers Street – Ms. Shanahan remarked that she enjoys the camaraderie with other dog owners. She noted that Willard Beach is a very safe place to walk and the entire dog community shouldn't be labeled because of one or two owners.

J. Councilor's Round Robin

Councilor Boudreau thanked residents for their recycling efforts over the holidays. Recycling rate was up 5% over last December. She drew attention to ecomaine's Excellence Award and also to a scholarship competition.

Councilor Blake thanked administrators for their prompt reporting of police statistics. He noted that the nation is experiencing its' highest rate of volunteerism since JFK was in office. He has a nine point plan that he will be bringing forward in the near future to help support volunteerism and also board and committee support.

Mayor Soule reflected back on former Councilor Fickett stating that Mr. Fickett once complimented Mayor Soule saying "it was not common to see someone with your common sense". He also made note of the first neighborhood meeting held earlier at the Small School. He said even though there was low attendance, there was very good discussion that took place. He reminded folks that the next meeting would be held at the American Legion on Monday night.

Councilor Loring thanked the dog owners who came down tonight. She suggested implementing fines for littering and also said that we should see what other communities are doing to deal with the issues we are facing.

Councilor Morgan indicated that with the hiring of the new Animal Control Officer that now is a good time to make enforcement changes. He recalled an incident at a recent fire where the ACO promptly arrived with cages and blankets to tend to the animals in the home.

Councilor Beecher informed residents that the National "Do Not Call" registry can be accessed at 1-888-382-1222. She said it takes 31 days to be implemented.

K. Executive Session

**IN COUNCIL REGULAR MEETING VOL. 69 PAGE 73
JANUARY 23, 2008**

A motion may be made to go into executive session pursuant to 1 M. R. S. A. §405(6)(E), discussion with the City's Corporation Counsel regarding pending litigation, Wainwright v. City of South Portland; and pursuant to 1 M. R. S. A., §405(6)(C), discussion of the acquisition or disposition of publicly held property, 85 Western Avenue.

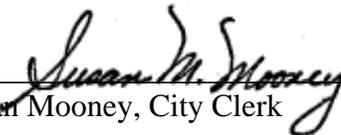
Motion to adjourn to executive session was made at 8:20 P.M. by Councilor Morgan and seconded by Councilor Boudreau. Passed 7-0.

Motion to return from executive session was made at 10:12 P.M. by Councilor Morgan and seconded by Councilor Beecher. Passed 7-0.

Motion to adjourn was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 7-0.

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ATTEST



Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 69 PAGE 74
FEBRUARY 4, 2008**

Roll Call: Mayor Soule called the meeting to order at 7:01 P.M. Councilor Boudreau arrived at 7:10 P.M. Robert Coombs, the Finance Director sat in for City Manager Gailey who was away on vacation.

A. Acceptance of Minutes

Motion to accept the minutes from the January 23rd meeting was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0

B. Communications from City Manager

The Manager addressed the following item;

- The announcement of the hiring of Kevin Davis as the Library Director

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #83-07/08 – Board of Assessment Review, District 1 (Morgan) to fill a term which expires on 12/31/10. Postponed since 01/07/08. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Morgan and seconded by Councilor Soule. Postponed 6-0 (Boudreau had not yet arrived).

2. ORDER #84-07/08 – Board of Assessment Review, District 5 (Hughes) to fill a term which expires on 12/31/10. Postponed since 01/07/08. Passage requires majority vote.

There was no public discussion.

Motion to appoint Christopher Kovacs, 64 Sandy Hill Road, was made by Councilor Hughes and seconded by Councilor Beecher. Passed 6-0 (Boudreau had not yet arrived).

3. ORDER #89-07/08 – Planning Board, District 4 (Beecher) to fill an unexpired term which expires on 04/01/08. Postponed on 01/23/08. Passage requires majority vote.

There was no public discussion.

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Motion to appoint Steven C. Jocher, 1005 Highland Avenue, was made by Councilor Beecher and seconded by Councilor Hughes. Passed 6-0 (Boudreau had not yet arrived).

4. ORDER #93-07/08 – Conservation Commission, District 4 (Beecher) to fill an unexpired term which expires on 11/20/09. Passage requires majority vote.

There was no public discussion.

Motion to appoint John Hatch, of 10 Whitehall Avenue was made by Councilor Beecher and seconded by Councilor Loring. Passed 6-0 (Boudreau had not yet arrived).

E. Consent Calendar

F. Citizen Discussion (First Part)

John Kierstead, School Street - Mr. Kierstead spoke about what he considered to be the greatest air disaster in the State on July 11, 1944, in which Phillip V. Russell was killed. There is no marker to commemorate him or the crash site.

Devon Gray, 26 Beach Street – Ms. Gray again cited situations at Willard Beach in which dogs were not being controlled by their owners. She asked the Council to amend the ordinance to ban dogs from Willard Beach year round with the exception of a couple of hours in the morning.

Councilor Morgan motioned to take Item #11, the Officer of the Year Proclamation, out of order. Councilor Blake seconded and it passed 7-0. See Item #11 for details.

G. Public Hearings and Action

5. ORDINANCE #6-07/08 – Amending Chapter 27, “Zoning” regarding the Conditional Residential Use District G-1. Amended and passed first reading on 01/23/08. ROLL CALL VOTE. Passage requires 5 (five) affirmative votes.

The following people addressed this item;

Maureen Wallingford, Tamarack Drive – Ms. Wallingford asked the Council to support this ordinance amendment.

Martie Patchatelli, owner of Martino’s Pizza – Mr. Patchatelli passed out an image copy of the sign that he is planning on installing.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Motion to amend the ordinance was made by Councilor Morgan to

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include the words “numbers and design elements” in addition to the illumination of letters. Councilor Beecher seconded the amendment and it passed 6-1 (Boudreau). The ordinance passed roll call vote as amended 5-2 (Boudreau, Blake).

H. Action on Old and New Business

6. ORDER#94-07/08 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion. Chief Guimond expressed his appreciation of the donations.

Motion for passage was made by Councilor Morgan and seconded by Councilor Blake. Passed 7-0.

7. ORDER #95-07/08 – Award of bid #47-08 to Teledyne Isco, of Lincoln, NE, for the purchase of a CSO Flow Monitoring System. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0.

8. ORDER #96-07/08 – Amending ORDER #135-06/07 regarding award of bid to Wright-Pierce Engineers, of Topsham, ME, for engineering services to update the Combined Sewer Overflow Facilities Plan. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Blake and seconded by Councilor Morgan. Passed 7-0.

9. ORDER #97-07/08 – Award of sole source bid to Minuteman Fire & Rescue Apparatus Inc., of Walpole, MA, for repairs to Truck 1 for the Fire Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Loring. Passed 7-0.

10. ORDER #98-07/08 - Authorizing the City Manager to sign an inter-local agreement for use and cost sharing of a shared regional crime lab. Passage requires majority vote.

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There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Blake. Passed 7-0.

11. PROCLAMATION #5-07/08 – Proclaiming Scott Corbett as Officer of the year. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 7-0.

I. Citizen Discussion (Second Part)

J. Councilor’s Round Robin

Councilor Blake extended an invitation to an Afternoon of Comedy scheduled at the performing art center on March 15th at 1:00 P.M. to support the South Portland Historical Society with their capital campaign to purchase the Cushings Point House. He also invited the public to attend the next Council Workshop on Monday night when the Council will be dedicating 90 minutes of discussion on City Boards and Committees.

Mayor Soule said the second neighborhood meeting held at the American Legion was well attended. He invited folks to attend the next meeting to be held at Kaler School on February 11th.

Councilor Morgan raised concerns about the amount of entities skirting the “do not call” registry. He encouraged folks to report abuses to the State Attorney General’s Office.

Councilor Loring indicated that she has issues with callers also. She complimented Rob Coombs and said she feels comfortable that he is protecting our city funds.

Councilor Beecher offered to send minutes of the Zoning Committee to any Councilors that may be interested. She recognized the City Clerk for receiving the Lorraine M. Fleury Award from the Secretary of State’s Office for outstanding contribution to the election process.

Councilor Hughes attended a MDOT meeting where the widening of 295 was discussed in addition to possible changes around the Forest Avenue exits. He brought attention to another meeting scheduled for February 28th at the Wyndham Hotel where noise and new rules for mitigation will be discussed.

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K. Executive Session

A motion may be made to go into executive session pursuant to 1 M. R. S. A. §405(6)(E), discussion with the City's Corporation Counsel regarding pending litigation, Wainwright v. City of South Portland.

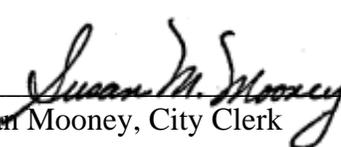
Motion to adjourn to executive session was made at 9:00 P.M. by Councilor Morgan and seconded by Councilor Beecher. Passed 7-0.

Motion to return to open session was made at 9:45 P.M. by Councilor Blake and seconded by Councilor Hughes. Passed 7-0

Motion to adjourn was made by Councilor Morgan and seconded by Councilor Loring. Passed 7-0.

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ATTEST _____


Susan Mooney, City Clerk

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FEBRUARY 11, 2008

K. Executive Session

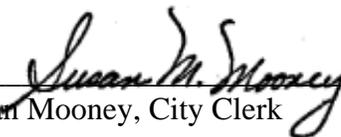
A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405 (6)(A), discussion or consideration of the acquisition of use of real property.

Motion to go into executive session was made at 7:38 P.M. by Councilor Boudreau and seconded by Councilor Hughes. Passed 6-0 (Morgan Absent)

Motion to come out of executive session was made at 8:15 P.M. by Councilor Beecher and seconded by Councilor Blake. Passed 6-0.

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ATTEST



Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 69 PAGE 80
FEBRUARY 20, 2008**

Roll Call: Mayor Soule called the meeting to order at 7:02 P.M. Councilor Hughes was absent and Corporation Counsel Mary Kahl was on vacation. Paul Driskol sat in for Mary Kahl.

A. Acceptance of Minutes

Motion to accept the minutes from the February 4th meeting was made by Councilor Beecher and seconded by Councilor Morgan. Passed 6-0

B. Communications from City Manager

The Manager addressed the following item;

- Farewell reception for Mary Kahl, March 5th from 11:00 to 1:00. The public is invited.
- Presentation of the first Annual Report since 1996. Credit was given to Jennifer Scholz from the City Clerk's Office for editing and designing the publication.
- Meeting at the Wyndham Hotel in the Whaleback Room on February 28 sponsored by MDOT and the Maine Turnpike Authority - seeking public input on updating the Traffic Noise Policy.

C. Petitions and Communications

Department Reports for the month of January, 2008.

Attendance Reports for the month of January, 2008.

D. Appointment Calendar

1. ORDER #83-07/08 – Board of Assessment Review, District 1 (Morgan) to fill a term which expires on 12/31/10. Postponed since 01/07/08. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 6-0

E. Consent Calendar

F. Citizen Discussion (First Part)

Chief Googins, South Portland Police Department – Chief Googins spoke about a shooting at a Kirkwood, Mo. Council Meeting in which five people were killed. He knew several people from the Police Department there. He noted that we all

**IN COUNCIL REGULAR MEETING VOL. 69 PAGE 81
FEBRUARY 20, 2008**

play a roll in each others safety and encouraged folks to bring information forward when they notice that someone is not acting normally.

G. Public Hearings and Action

2. Business License

DAL Corp., d/b/a IHOP, 195 Maine Mall Road for a Class A Restaurant with Malt and Vinous License. Existing business upgrading to add beer and wine. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Blake. Passed 6-0.

H. Action on Old and New Business

3. ORDER #99-07/08 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Loring. Passed 6-0.

4. ORDINANCE #7-07/08 – Amending Chapter 17, “Offenses – Miscellaneous Provisions,” regarding graffiti. First reading. Passage requires majority vote.

One member of the public spoke on this item;

Devon Gray, 26 Beach Street – Ms. Gray asked who would be authorizing the graffiti clean up plan. It was noted that the City Manager would work with the Police Chief on that.

Motion to read the Ordinance by title only was made by Councilor Morgan and seconded by Councilor Beecher.

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau.

Motion to amend section 17-55 was made by Councilor Blake to make the following change; “The notice shall further state that if the property owner does not abate the Graffiti within ten (10) business days after notice, the City ~~will~~ **may** proceed with nuisance enforcement according to Code of Ordinances Section 16-4 regarding declaration and abatement of nuisances”. Councilor Beecher seconded,

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however the motion to amend failed 2-4 (Boudreau, Morgan, Loring, Beecher).
The ordinance passed first reading as presented 6-0.

5. ORDINANCE #8-07/08 – Amending Chapter 2, Administration and Legislation, Article III, establishing an Economic Development Committee. First reading. Passage requires majority vote.

There was no public discussion. Motion to read the Ordinance by title only was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 6-0

Motion for passage was made by Councilor Beecher and seconded by Councilor Morgan. Passed 6-0.

6. ORDINANCE #9-07/08 - Amending Chapter 2, “Administration and Legislation, Article III, § 2-76 regarding the Conservation Commission. Passage requires majority vote.

There was no public discussion. Motion to read the Ordinance by title only was made by Councilor Blake and seconded by Councilor Morgan. Passed 6-0

Motion for passage was made by Councilor Morgan and seconded by Councilor Blake. Passed 5-0 (Loring out of room)

7. ORDER #100-07/08 – Authorizing the City Manager to sign a Memorandum of Agreement among the Maine Department of Transportation, Maine Turnpike Authority, Town of Gorham, Town of Scarborough and City of Westbrook for a Gorham East-West Corridor Feasibility Study, Phase I. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Motion to amend the Memorandum of Agreement to add a sixth item; “#6 - Encourage communication and planning with other communities to develop long term alternative mass transit strategies in the corridor” was made by Councilor Morgan and seconded by Councilor Beecher. The amendment passed 5-1 (Loring) The Order passed as amended 4-2 (Loring, Blake)

I. Citizen Discussion (Second Part)

Devon Gray, 26 Beach Street – Ms. Gray spoke again about the lack of enforcement regarding dogs on Willard Beach. She asked that the standing laws be enforced.

J. Councilor’s Round Robin

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FEBRUARY 20, 2008

Mayor Soule reminded folks that the fourth of the five neighborhood meetings would be held Monday night at Dyer School.

Councilor Loring said she has received a lot of calls and emails regarding dogs on Willard Beach. She suggested some kind of licensing and said we have to address this.

Councilor Beecher requested more information on the MDOT / Maine Turnpike Authority meeting. The City Manager said the meeting would be held at 7:00 P.M. on February 28th at the Wyndham Hotel in the Whaleback Room.

Councilor Boudreau said there was an eclipse of the moon under way.

Councilor Blake commented on the big turnout for the Democratic Caucus, in particular the young people who came to get involved. Regarding dogs on Willard Beach he agreed with Councilor Loring and noted that we need to discuss restricting out of town users.

K Executive Session

A motion may be made to go into executive session pursuant to 1 M. R. S. A. §405(6)(E), discussion with the City's Corporation Counsel regarding pending litigation, Sampson v. City of South Portland: pursuant to 36 M.R.S.A. §841, to discuss application(s) for abatement of property taxes on account of infirmity or poverty.

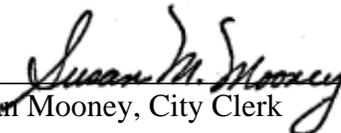
Motion to adjourn to executive session was made at 8:47 P.M. by Councilor Morgan and seconded by Councilor Boudreau. Passed 6-0.

Motion to return to open session was made at 9:25 P.M. by Councilor Morgan and seconded by Councilor Boudreau. Passed 6-0

Motion to approve Hardship Abatement #7-08/09 for \$2,691.45 was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 6-0

Motion to adjourn was made at 9:26 P.M. by Councilor Morgan and seconded by Councilor Beecher. Passed 6-0.

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ATTEST _____
Susan Mooney, City Clerk

**IN COUNCIL REGULAR MEETING VOL. 69 PAGE 84
MARCH 3, 2008**

Roll Call: Mayor Soule called the meeting to order at 7:00 P.M. Councilor Hughes arrived at 7:07 P.M.

A. Acceptance of Minutes

Motion to accept the minutes from the February 20TH meeting was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 6-0 (Hughes had not arrived yet)

B. Communications from City Manager

The Manager addressed the following item;

- The hiring of Erik Carson as the new Assistant City Manager. Mr. Carson will start on March 27th.

The Mayor presented recognition plaques to Alton Morgan and George Koutalakis, prior members of the Board of Assessment Review.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #83-07/08 – Board of Assessment Review, District 1 (Morgan) to fill a term which expires on 12/31/10. Postponed since 01/07/08. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Morgan and seconded by Councilor Boudreau. Postponed 6-0 (Hughes had not arrived yet)

2. ORDER #101-07/08 – South Portland Housing Authority, At Large (Boudreau) to fill a term which expires on 03/25/13. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Christine Dearborn, 215 Settler Road was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 7-0

3. ORDER #102-07/08 – Board of Assessment Review, District 4 (Beecher) to fill a term which expires on 03/16/11. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Paul Cloutier, 14 Whitehall Avenue, was made by Councilor Beecher and seconded by Councilor Loring. Passed 7-0

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 85
MARCH 3, 2008

4. ORDER #103-07/08 – Civil Service, District 1 (Morgan) to fill a term which expires on 03/1/13. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Morgan and seconded by Councilor Boudreau. Postponed 7-0

5. ORDER #104-07/08 – Appointing Paul Driscoll, of Norman, Hanson & Detroy, of Portland, ME, as Acting Corporation Counsel. Passage requires majority vote.

There was no public discussion.

Motion was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0

E. Consent Calendar

F. Citizen Discussion (First Part)

The following citizens voiced concerns about the School Redistricting Plan.

Bill Barthelman, 51 Whispering Pines
Peter Stocks, 98 Colchester Drive
Sean Steady, 11 Vista Drive
Peter Montano, 36 Acorn Lane

G. Public Hearings and Action

6. ORDINANCE #7-07/08 – Amending Chapter 17, “Offenses – Miscellaneous Provisions,” regarding graffiti. Passed first reading on 02/20/08. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion. Ordinance was read by title only in accordance with the motion made by Councilor Morgan and seconded by Councilor Beecher. Passed 7-0.

Motion for passage was made by Councilor Beecher and seconded by Councilor Loring. Motion to amend section 17-54 to strike out “array” and add back in the word “any” was made by Councilor Morgan and seconded by Councilor Boudreau. The amendment passed 7-0. The Ordinance passed roll call vote as amended 7-0.

7. ORDINANCE #8-07/08 – Amending Chapter 2, Administration and Legislation, Article III, establishing an Economic Development Committee.

**IN COUNCIL REGULAR MEETING VOL. 69 PAGE 86
MARCH 3, 2008**

Passed first reading on 02/20/08. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion. Ordinance was read by title only in accordance with the motion made by Councilor Morgan and seconded by Councilor Beecher. Passed 7-0.

Motion for passage was made by Councilor Morgan and seconded by Councilor Beecher. Passed roll call vote 7-0

8. ORDINANCE #9-07/08 - Amending Chapter 2, "Administration and Legislation, Article III, § 2-76 regarding the Conservation Commission. Passed first reading on 02/20/08. ROLL CALL VOTE. Passage requires majority vote.

The following person addressed this item;

Barbara Dee, 71 Hillside Ave. – Ms. Dee thanked the Council for bringing this forward and said it would be good for the Committee.

Ordinance was read by title only in accordance with the motion made by Councilor Morgan and seconded by Councilor Blake. Passed 7-0.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed roll call vote 7-0

H. Action on Old and New Business

(An Ordinance due to be given first reading may be read by title only upon majority vote of the Council.)

9. ORDER #105-07/08 – Accepting miscellaneous donations. Passage requires majority vote.

The following person addressed this item;

Kevin Davis, Library Director – Mr. Davis recognized the Friends of the Library for their support.

Motion for passage was made by Councilor Loring and seconded by Councilor Beecher. Passed 7-0

10. PROCLAMATION #6-07/08 – Proclaiming March 10 - through March 14th 2008 as *Media Democracy Week* in honor of South Portland Community Television. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 87
MARCH 3, 2008

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 7-0

11. ORDER #106-07/08 – Award of bid #52-08 to Genuine Parts Company, of South Portland, ME, for the purchase of a mobile lift system for the School Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Blake and seconded by Councilor Boudreau. Passed 7-0

12. ORDER #107-07/08 - Approving 2008 rates for Spring Point Marina. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. There was some discussion on Councilor Loring's request to abstain. Corporation Counsel advised that while not necessary, it is cleaner for the Council to vote on the abstention. Council voted 5-1 (Beecher, Loring abstaining) to have Councilor Loring abstain. Passed 6-0 (Loring abstained)

13. ORDER #108-07/08 - Authorizing Mary Kahl, LLC, of South Portland, ME, to provide legal services to the City. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 7-0

14. ORDINANCE #10-07/08 – Amending Chapter 24, “Subdivisions,” regarding a Local Freshwater Wetlands Management Program. First reading. Passage requires majority vote.

The following people addressed this item;

Steven Onos, 114 Jordan Ave. – Mr. Onos said he has been following this program for a year and indicated that it is very confusing and complicated. He voiced concerns that potential property owners were not directly notified.

Mark Eyerman, Planning Decisions Consultant – Mr. Eyerman explained what the proposal accomplishes.

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 88
MARCH 3, 2008

Ordinance was read by title only in accordance with the motion made by Councilor Morgan and seconded by Councilor Blake. Passed 7-0.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Blake. Passed 7-0

15. ORDINANCE #11-07/08 – Amending Chapter 27, “Zoning,” regarding a Local Freshwater Wetlands Management Program. First reading. Passage requires majority vote.

There was no public discussion. Ordinance was read by title only in accordance with the motion made by Councilor Morgan and seconded by Councilor Beecher. Passed 7-0.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0

I. Citizen Discussion (Second Part)

J. Councilor’s Round Robin

Councilor Boudreau wished Corporation Counsel, Mary Kahl, the best.

Councilor Blake spoke about two upcoming events, a slide show on open space scheduled at the Community Center on Wednesday at noon and also an “Afternoon of Comedy” as a fund raising event for the South Portland Historical Society on March 15th.

Mayor Soule reminded citizens of the final Budget Workshop meeting scheduled for Monday evening at Skillins School. Councilor Hughes will be chairing that meeting.

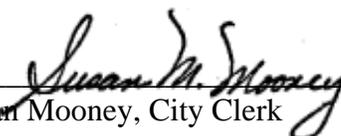
Councilor Morgan said the Budget Workshop Forums have been very helpful and he hopes they will continue in the future. He also spoke in support of South Portland Project Scholarship.

K Executive Session

Motion to adjourn was made at 9:06 P.M. by Councilor Boudreau and seconded by Councilor Beecher. Passed 7-0.

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ATTEST


Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 89
MARCH 17, 2008

Roll Call: Mayor Soule called the meeting to order at 7:10 P.M. All Councilors were present. The South Portland Sea Cadet Color Guard unit presented the flags at the beginning of the meeting. Chief Petty Officer, Taylor Forbes provided a five minute overview and presentation of the unit objectives. Ian Cummings, the Company Commander, spoke briefly about the caliber of young men and women involved with the unit.

A. Acceptance of Minutes

Motion to accept the minutes from the March 3rd meeting was made by Councilor Morgan and seconded by Councilor Blake. Passed 7-0

B. Communications from City Manager

The Manager addressed the following items;

- Reminder that April is Dig Safe Awareness Month
- Reminder to residents that if they do not fill out and file a tax return, they will not be eligible for the economic stimulus plan as proposed by the government

C. Petitions and Communications

FY 2009 Proposed Municipal Budget
FY 2009 Capital Improvement Program
Department Reports for the month of February
Attendance Reports for the month of February

D. Appointment Calendar

1. ORDER #83-07/08 – Board of Assessment Review, District 1 (Morgan) to fill a term which expires on 12/31/10. Postponed since 01/07/08. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Morgan and seconded by Councilor Boudreau. Postponed 6-0 (Blake out of the room)

2. ORDER #103-07/08 – Civil Service Commission, District 1 (Morgan) to fill a term which expires on 03/1/13. Postponed on 03/03/08. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Morgan and seconded by Councilor Boudreau. Postponed 6-0 (Blake out of the room)

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 90
MARCH 17, 2008

3. ORDER #109-07/08 - Planning Board, District 4 (Beecher) to fill a term which expires on 04/01/11. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Steven Jocher, 1005 Highland Ave., was made by Councilor Beecher and seconded by Councilor Morgan. Passed 6-0 (Blake out of the room)

4. ORDER #110-07/08 – Planning Board, District 5 (Hughes) to fill a term which expires on 04/01/11. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Carol Thorne, 96 Sandy Hill Road, was made by Councilor Hughes and seconded by Councilor Beecher. Passed 7-0

5. ORDER #111-07/08 – Conservation Commission - Alternate, District 5 (Hughes) to fill a term which expires on 03/03/09. Passage requires majority vote.

There was no public discussion.

Motion to appoint Keith Bellas, 575 Main Street, was made by Councilor Hughes and seconded by Councilor Beecher. Passed 7-0

E. Consent Calendar

F. Citizen Discussion (First Part)

Devon Gray, 26 Beach Street – Mrs. Gray said that dog owners seem to be more responsive to keeping their dogs under control, however there are still some loose dogs that continue to disrupt the beach.

Bill Laidley, 2 Taylor Street – Mr. Laidley said that the Council should work on getting the Inness property and the Armory sold. He also questioned how one would evaluate the effectiveness of an Economic Development Director.

Artis Bernard, 56 Mildred Street – Mrs. Bernard inquired about what the plans would be for Homeland Security money.

G. Public Hearings and Action

6. ORDINANCE #10-07/08 – Amending Chapter 24, “Subdivisions,” regarding a Local Freshwater Wetlands Management Program. Passed first reading 03/03/08. ROLL CALL VOTE. Passage requires majority vote.

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 91
MARCH 17, 2008

There was no public discussion. Councilor Morgan motioned to have the ordinance read by title only. Councilor Boudreau seconded and the motion passed 7-0.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed roll call vote 7-0.

7. ORDINANCE #11-07/08 – Amending Chapter 27, “Zoning,” regarding a Local Freshwater Wetlands Management Program. Passed first reading 03/03/08. ROLL CALL VOTE. Passage requires (5) five affirmative votes.

There was no public discussion. Councilor Morgan motioned to have the ordinance read by title only. Mayor Soule seconded and the motion passed 7-0.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed roll call vote 7-0.

H. Action on Old and New Business

Motion was made by Councilor Morgan to take Item #13 out of order. Councilor Blake seconded the motion and it passed 7-0. See Item #13 for details.

8. ORDER #-112-07/08 – Setting April 2, 2008, as the date for Public Hearing in City Council Chambers for the Proposed FY 2009 Municipal Budget. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0.

9. ORDER #113-07/08 - Accepting the State of Maine Municipal Warrant for prosecuting unlicensed dog owners/keepers. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 7-0.

10. ORDER #114-07/08 – Award of bid #50-08 to Custom Float Services, of Portland, ME, for floats at the Thomas Knight Park Boat Landing. Passage requires majority vote.

There was no public discussion.

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Motion for passage was made by Councilor Blake and seconded by Councilor Boudreau. Passed 7-0.

11. ORDER #115-07/08 – Accepting \$500.00 from the Maine Municipal Association through its Safety Grant Scholarship Program to be used by the Fire Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Beecher. Passed 7-0.

12. ORDER #116-07/08 – Accepting a 2007 Homeland Security Grant of \$292,522.73 from the Maine Emergency Management Agency. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 7-0.

13. ORDINANCE #12-07/08 – Amending Chapter 2 “Administration and Legislation”, regarding the Energy and Recycling Committee. First reading. Passage requires majority vote.

This item was taken out of order before Item #8. Motions can be found just above item #8.

The following person addressed this item;

Liz Siedel, 963 Highland Ave. – Ms. Siedel requested that the Council consider an amendment to allow for a Cool Cities member to be a voting member to the Energy and Recycling Committee.

Councilor Morgan motioned to have the ordinance read by title only. Councilor Beecher seconded and the motion passed 7-0.

Motion for passage was made by Councilor Morgan and seconded by Councilor Blake.

Motion to amend the ordinance to add a representative from Cool Cities South Portland to the ordinance was made by Councilor Morgan and seconded by Councilor Blake. The amendment failed 2-5 (Boudreau, Soule, Loring, Hughes, Beecher).

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A second amendment to strike out from Sec. 2-138 “Two representatives representing Landlords or Management Companies” and “Two representatives from the Business Community” was made by Councilor Hughes and seconded by Councilor Boudreau. The amendment passed 5-2 (Blake, Morgan)

A third amendment was made by Councilor Blake to set the terms of office, “The terms of office of the members of the Energy and Recycling Committee shall be three (3) years except that initial appointments after the date of this amendment shall be such that the terms of office of no more than three (3) members shall expire in any single year.” The amendment was seconded by Councilor Boudreau and it passed 7-0.

A final amendment was made by Councilor Morgan and seconded by Councilor Beecher to allow Alternate Members with the same rules as the Conservation Commission, “Upon recommendation of the committee, the City Council may appoint seven associate members to the committee. Associate members shall be residents of the city, one from each of the five (5) voting districts and two (2) at large. Associate members shall serve for terms of three (3) years from the date of appointment. Associate members shall advise the commission and shall be nonvoting members-except in the absence of his/her respective district/at-large primary Energy and Recycling Committee member.” The amendment passed 7-0.

The ordinance passed first reading as amended 7-0.

14. ORDER #117-07/08 – Amending the FY 2006 Community Development Block Grant Annual Action Plan. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Loring. Passed 7-0.

15. ORDER #118-07/08 – Ordering that notice be sent as required by statute regarding the proposed vacation of Evergreen Avenue and the paper street portion of Park Avenue. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0.

16. ORDER #119-07/08 – Authorizing notice to abutters regarding the proposed discontinuance of Chambers and Park Avenues. Passage requires majority vote.

There was no public discussion.

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 94
MARCH 17, 2008

Motion for passage was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 7-0.

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Mayor Soule announced that the second meeting of Mayors from the largest Maine communities will be held tomorrow. These meetings will occur monthly and he indicated that he is looking for good things to come from these sessions.

Councilor Morgan thanked Mayor Soule for his initiative in developing the meetings of Mayors.

Councilor Beecher thanked the Department Heads who participated in the public forums. She also recognized Jane Martin, the South Portland community member who won an ecoMaine award for her recycling efforts.

Councilor Boudreau wished everyone a Happy St. Patrick's Day. She mentioned the capital campaign effort by the South Portland Historical Society to purchase the Cushing's Point House. She thanked fellow Councilors for the healthy discussion on the Energy and Recycling Committee.

Councilor Blake thanked those that attended the Afternoon of Comedy program which supported the Historical Society's capital campaign. He invited folks to a discussion tomorrow evening on the future of Hutchins School.

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(e), discussion with legal counsel regarding pending litigation, Reidman v. City of South Portland; and pursuant to 1 M.R.S.A., §405(6)(a), evaluation of City Manager.

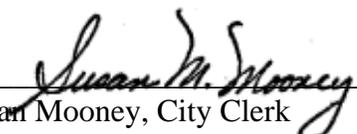
Motion to adjourn to executive session was made at 9:34 P.M. by Councilor Morgan and seconded by Councilor Boudreau. Passed 7-0.

Motion to return to open session was made at 11:04 P.M. by Councilor Morgan and seconded by Councilor Beecher. Passed 7-0

Motion to adjourn was made at 11:05 P.M. by Councilor Morgan and seconded by Mayor Soule. Passed 7-0.

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Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 69 PAGE 95
MARCH 24, 2008**

Roll Call: Mayor Soule called the meeting to order at 5:47 P.M. Councilors Morgan, Loring and Boudreau were absent.

G. Public Hearings and Action

1. ORDER #120 - 07/08 – Amending the existing Fairchild Semiconductor Tax Increment Financing (TIF) District and the associated Development Program. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 4-0

Motion to adjourn the Special Meeting was made at 5:55 P.M. by Councilor Blake and was seconded by Councilor Hughes. Passed 4-0.

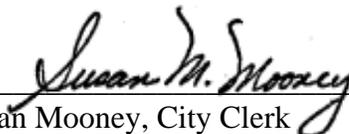
Councilor Boudreau arrived at the Council Workshop during discussion of the School Department Budget.

Motion to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), discussion with legal counsel regarding pending litigation, Bartlett v. City of South Portland was made at 9:00 P.M. by councilor Beecher and seconded by Councilor Boudreau. Passed 5-0

Motion to return from executive session was made at 9:53 P.M. by Councilor Beecher and seconded by Councilor Blake. Passed 5-0

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ATTEST



Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 69 PAGE 96
MARCH 29, 2008**

Roll Call: Mayor Soule called the meeting to order at 9:00 A.M. Councilor Loring was absent and Councilor Morgan arrived at 9:01.

G. Public Hearings and Action

1. ORDER #121 - 07/08 – Amending the existing National Semiconductor Tax Increment Financing (TIF) District and the associated Development Program. Passage requires majority vote.

There was no public discussion. Shana Cook Mueller, Esq. explained the proposed amendment to the TIF indicating that the agreement would extend the TIF for an additional 13 years. She detailed the benefits of extending the agreement.

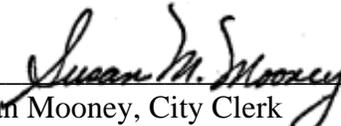
Motion was made by Councilor Boudreau and seconded by Councilor Hughes to have the Order read by title only. Passed 6-0.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Hughes. Passed 6-0

Motion to adjourn the Special Meeting was made at 9:21 A.M. by Councilor Blake and was seconded by Councilor Beecher. Passed 6-0.

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ATTEST _____


Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 97
APRIL 7, 2008

Roll Call: Mayor Soule called the meeting to order at 7:00 P.M. Councilor Hughes was absent.

A. Acceptance of Minutes

Motion to accept the minutes from the March 17th meeting was made by Councilor Morgan and seconded by Councilor Blake. Passed 6-0

B. Communications from City Manager

The Manager addressed the following items;

- Recognition of the new Assistant Manager, Eric Carson
- Item #18 regarding the Bee Ordinance will be postponed

The Mayor recognized and presented plaques to Brian Hanlon for his work on the Board of Appeals and also Howard Bagley for his years of service to the Police Department.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #83-07/08 – Board of Assessment Review, District 1 (Morgan) to fill a term which expires on 12/31/10. Postponed since 01/07/08. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Morgan and seconded by Councilor Boudreau. Postponed 6-0

2. ORDER #103-07/08 – Civil Service Commission, District 1 (Morgan) to fill a term which expires on 03/1/13. Postponed on 03/03/08. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Morgan and seconded by Councilor Boudreau. Postponed 6-0

3. ORDER #122-07/08 – Economic Development Committee, District 1 (Morgan) to fill a term which expires on 03/23/10. Passage requires majority vote.

There was no public discussion.

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Motion to appoint Dave Owen, of 68 Willard Street was made by Councilor Morgan and seconded by Councilor Beecher. Passed 6-0

4. ORDER #123-07/08 – Economic Development Committee, District 2 (Loring) to fill a term which expires on 03/23/10. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Loring and seconded by Councilor Beecher. Postponed 6-0

5. ORDER #124-07/08 – Economic Development Committee, District 3 (Soule) to fill a term which expires on 03/23/09. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Soule and seconded by Councilor Morgan. Postponed 6-0

6. ORDER #125-07/08 – Economic Development Committee, District 4 (Beecher) to fill a term which expires on 03/23/11. Passage requires majority vote.

There was no public discussion.

Motion to appoint Suzi Tracy, of 11 Appletree Drive, was made by Councilor Beecher and seconded by Councilor Loring. Passed 6-0

7. ORDER #126-07/08 – Economic Development Committee, District 5 (Hughes) to fill a term which expires on 03/23/11. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Morgan and seconded by Councilor Boudreau. Postponed 6-0

8. ORDER #127-07/08 – Economic Development Committee, At Large (Boudreau) to fill a term which expires on 03/23/09. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Boudreau and seconded by Councilor Morgan. Postponed 6-0

9. ORDER #128-07/08 – Economic Development Committee, At Large (Blake) to fill a term which expires on 03/23/09. Passage requires majority vote.

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APRIL 7, 2008

There was no public discussion.

Motion to postpone was made by Councilor Blake and seconded by Councilor Morgan. Postponed 6-0

10. ORDER #129-07/08 – Conservation Commission - Alternate, District 4 (Beecher) to fill a term which expires on 03/03/10. Passage requires majority vote.

There was no public discussion.

Motion to appoint Angela Emery, of 57 Huntress Avenue, was made by Councilor Beecher and seconded by Councilor Loring. Passed 6-0

11. ORDER #130-07/08 – Conservation Commission - Alternate, At Large (Blake) to fill a term which expires on 03/03/11. Passage requires majority vote.

There was no public discussion.

Motion to appoint William Sutton, of 356 Broadway, was made by Councilor Blake and seconded by Councilor Morgan. Passed 6-0

E. Consent Calendar

F. Citizen Discussion (First Part)

G. Public Hearings and Action

12. ORDINANCE #12-07/08 – Amending Chapter 2 “Administration and Legislation”, regarding the Energy and Recycling Committee. Amended and passed first reading 03/17/08. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Motion to have the Ordinance read by title only was made by Councilor Morgan and seconded by Councilor Beecher. Passed 6-0

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. The City Manager presented a revised ordinance with some flow and formatting revisions, however there were no substantive changes. Motion to accept the amended ordinance was made by Councilor Morgan and seconded by Beecher. The amended ordinance passed 6-0. The ordinance passed second reading by roll call vote as amended 6-0.

H. Action on Old and New Business

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13. ORDER #131-07/08 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Loring. Passed 6-0

14. ORDER #132-07/08 – Authorizing the City Manager to sign a collective bargaining agreement with the South Portland Police Patrol Association for the period of 7/1/07 to 6/30/10. Passage requires majority vote.

The following person addressed this item;

Police Chief Googins, South Portland Police Department – Chief Googins commended the men and women in the Police Department and also the negotiating team. He commented on the benefits that this contact will bring to the Police Department.

Esquire Robert Bower from Norman Hanson and Detroy and John McGough, the South Portland Human Resource Director were available to answer questions from the Councilor. Mr. Bower presented information on the changes being presented in the Contract.

Motion for passage was made by Councilor Morgan and seconded by Councilor Blake. Passed 6-0

15. ORDER #133-07/08 – Authorizing the City Manager to sign a collective bargaining agreement with the South Portland Police Command and Supervisory Unit for the period of 7/1/07 to 6/30/10. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 6-0

16. PROCLAMATION #7-07/08 – Proclaiming April 22, 2008 as Earth Day. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Blake. Passed 6-0

17. PROCLAMATION #8-07/08 – Proclaiming National Public Safety Telecommunicators Week. Passage requires majority vote.

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The following person addressed this item;

Deputy Amy Berry, South Portland Police Department – Deputy Berry recognized the outstanding work provided by the men and women in the Dispatch Center. She noted the amazing amount of work involved building the data base in the new software system in the new combined Dispatch Center.

Motion for passage was made by Councilor Beecher and seconded by Councilor Boudreau. Passed 6-0

18. ORDINANCE #13-07/08 - Amending Chapter 3 “Animals and Fowl”, regarding beekeeping. First reading. Passage requires majority vote.

There was no public discussion.

Motion to postpone this item to have it brought back to workshop was made by Councilor Morgan and seconded by Councilor Beecher. Postponed 6-0

19. ORDER #134-07/08 – Award of a sole source bid to Tyler Technologies – Munis Division, of Falmouth, ME, for system software and conversion services. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Morgan. Passed 6-0

20. ORDER #135-07/08 – Extending the paving contract with Dayton Sand & Gravel, of Dayton, ME, to provide paving services for the 2008 season. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Blake and seconded by Councilor Boudreau. Passed 6-0

21. ORDER #136-07/08 – Award of bid # 51-08 to Maietta Construction, of Scarborough, ME, for the High Street Sidewalk Construction Project. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Beecher. Councilor Boudreau offered an amendment to remove the High Street sidewalk project from School Street to Stanford Street and to install sidewalks in

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Ferry Village. Councilor Blake seconded the motion. The amendment passed 6-0. The Order passed as amended 6-0

22. ORDER #137-07/08 – Award of bid #59-08 to Leavitt Earthworks, of Standish, ME, for the Skillin School Tennis Court Conversion Project. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Loring. Passed 5-1 (Morgan)

23. ORDER #138-07/08 – Authorizing the City Manager to submit the FY 2008 Community Development Block Grant Annual Action Plan to the Cumberland County Community Development Program. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Blake. Passed 6-0

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Boudreau remarked about the use of City facilities and programs during economic downturns.

Councilor Blake invited citizens to hear the City Manager speak at the Ferry Village Neighborhood Association meeting on Thursday night. He also commented on the need for back up drivers for Meals On Wheels.

Mayor Soule talked about the work that the Mayoral Delegation is conducting. He noted that there is more of an issue with urban vs. rural rather than the often talked about Northern vs. Southern Maine.

K. Executive Session

A motion may be made pursuant to 1 M.R.S.A., §405 (6)(d) regarding labor negotiations with the South Portland Department of Libraries Bargaining Unit.

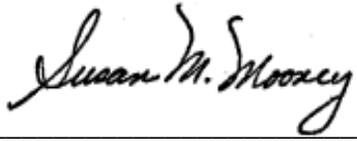
Motion to adjourn to executive session was made at 9:53 P.M. by Councilor Morgan and seconded by Councilor Beecher. Passed 6-0.

Motion to return to open session was made at 10:42 P.M. by Councilor Beecher and seconded by Councilor Loring. Passed 6-0

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Motion to adjourn was made at 10:43 P.M. by Councilor Morgan and seconded by Councilor Blake. Passed 6-0.

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Susan Mooney, City Clerk

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APRIL 14, 2008

K. Executive Session

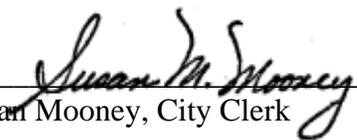
A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405 (6)(C) regarding a proposed economic development project.

Motion to go into executive session was made at 8:35 P.M. by Councilor Morgan and seconded by Councilor Beecher. Passed 7-0

Motion to come out of executive session was made at 9:17 P.M. by Councilor Boudreau and seconded by Councilor Beecher. Passed 6-0 (Soule)

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ATTEST



Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 105
APRIL 23, 2008

Roll Call: Councilor Boudreau called the meeting to order at 7:00 P.M. Mayor Soule was absent.

A. Acceptance of Minutes

Motion to accept the minutes from the April 7th meeting was made by Councilor Morgan and seconded by Councilor Blake. Passed 6-0

B. Communications from City Manager

The Manager addressed the following items:

- DOT information on Exit 3 impacts to traffic
- CAFR Award received on first submission of financial reporting
- Presentation of notebooks to Council containing information on strategic planning on public improvements which will be reviewed at the Council Workshop on Monday night
- In recognition of Earth Day week, Efficiency Maine is supporting the sale of CFL lights allowing for a “buy one, get the second for one cent”

C. Petitions and Communications

Department Reports for the month of March, 2008.

Attendance Reports for the month March, 2008.

D. Appointment Calendar

1. ORDER #83-07/08 – Board of Assessment Review, District 1 (Morgan) to fill a term which expires on 12/31/10. Postponed since 01/07/08. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Morgan and seconded by Councilor Blake. Postponed 6-0.

2. ORDER #103-07/08 – Civil Service Commission, District 1 (Morgan) to fill a term which expires on 03/1/13. Postponed since 03/03/08. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Morgan and seconded by Councilor Beecher. Postponed 6-0.

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APRIL 23, 2008

3. ORDER #123-07/08 – Economic Development Committee, District 2 (Loring) to fill a term which expires on 03/23/10. Postponed on 04/07/08. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Loring and seconded by Councilor Morgan. Postponed 6-0.

4. ORDER #124-07/08 – Economic Development Committee, District 3 (Soule) to fill a term which expires on 03/23/09. Postponed on 04/07/2008. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Boudreau and seconded by Councilor Hughes. Postponed 6-0.

5. ORDER #126-07/08 – Economic Development Committee, District 5 (Hughes) to fill a term which expires on 03/23/11. Postponed on 04/07/2008. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Hughes and seconded by Councilor Beecher. Postponed 6-0.

6. ORDER #127-07/08 – Economic Development Committee, At Large (Boudreau) to fill a term which expires on 03/23/09. Postponed on 04/07/2008. Passage requires majority vote.

There was no public discussion.

Motion to postpone was made by Councilor Boudreau and seconded by Councilor Hughes. Postponed 6-0.

7. ORDER #128-07/08 – Economic Development Committee, At Large (Blake) to fill a term which expires on 03/23/09. Postponed on 04/07/2008. Passage requires majority vote.

There was no public discussion.

Motion to appoint David Jacobs of 52 High Street, was made by Councilor Blake and seconded by Councilor Hughes. Passed 6-0

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8. ORDER #139-07/08 – Conservation Commission - Alternate, District Three (Soule) to fill a term which expires on 03/03/10. Passage requires majority vote.

There was no public discussion.

Motion to appoint Meaghan Wright of 150 South Kelsey Street, was made by Councilor Boudreau and seconded by Councilor Beecher. Passed 6-0

E. Consent Calendar

F. Citizen Discussion (First Part)

Devon Gray, 26 Beach Street - Ms. Gray said promises of enforcement of the control of dogs on Willard Beach has not been followed through.

Dan Lebrie, 6 Beach Street – Mr. Lebrie said he has lived at Willard Beach for three years and said the dogs on Willard Beach are creating a safety issue. He is constantly woken up at 6:00 A.M. by dogs barking and people yelling at their dogs.

John Gillick, 60 Beach Street – Mr. Gillick said he loves dogs but does not go down to Willard Beach during dog hours because there are too many. He shared an encounter with a dog owner who became verbally abusive.

Jeff Inglis, 17 Highland Ave. – Mr. Inglis brought to the attention of the Council evidence of tree vandalism on city owned property and encouraged the Council to take action.

Kathy Latendresse, 199 High Street – Ms. Latendresse spoke against the selling of a piece of property on Western Ave. saying that the land should be kept for open space. She sympathized with those who spoke about dog issues.

John Murphy, 6 Willard St. – Mr. Murphy noted that he has lived at Willard Beach for 25 years and the dog problem is escalating. He shared several pictures with the Council showing dogs roaming on his property.

Tex Haeuser, 152 Fort Road – Mr. Haeuser talked about the steady erosion of peoples' rights.

Gary Crosby, 2 Tanner Street – Mr. Crosby suggested that a dog park be considered at Wainwright Field or perhaps at the Transfer Station. He noted that a 4% budget increase is too much and spoke in favor of giving directors an incentive to reduce budgets. He also encouraged the Council to use the proceeds from the sale of land on Western Ave. to reduce the budget.

G. Public Hearings and Action

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 108
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9. Business License

Lodging Establishment renewals.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 6-0.

H. Action on Old and New Business

10. ORDER#140-07/08 - Discontinuing a portion of Chambers Avenue and Park Avenue. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 6-0.

11. ORDER #141-07/08 – Vacating the entire portion of Evergreen Avenue and the paper street portion of Park Avenue. Passage requires majority vote.

Motion to have the Order read by title only was made by Councilor Morgan and seconded by Councilor Beecher. Passed 6-0

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Blake. Passed 6-0.

12. ORDER #142-07/08 - Setting the time for opening the polls for the May 13, 2008 Special Election – School Budget Referendum. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Blake and seconded by Councilor Morgan. Passed 6-0.

13. ORDER #143-07/08 – Appointment of election clerks. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Loring. Passed 6-0.

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 109
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14. ORDER #144-07/08 – Award of bid #56-08 to W. C. Cressey & Son Inc., of Kennebunk, ME, for the purchase of a school bus for the School Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Blake. Passed 6-0.

15. ORDER #145-07/08 – Award of bid #58-08 to Scholastic, Inc., of Secaucus, NJ, to provide a reading intervention program for the School Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Beecher. Passed 6-0.

16. ORDER #146-07/08 – Accepting \$177,655 or any portion thereof under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Beecher. Passed 6-0.

17. ORDINANCE #14-07/08 – Amending Chapter 14, "Licenses, Permits and Business Regulations Generally," regarding taxicab fees. First reading. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Blake and seconded by Councilor Hughes. Passed 6-0.

18. ORDER #147-07/08 – Amending ORDER #167-05/06 regarding an award of bid to MRLD, LLC, of Yarmouth, ME, for design services for a pedestrian pathway in Cummings Road Business Park. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Beecher. Passed 6-0.

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19. ORDER #148-07/08 – Authorizing the City Manager to sign a Purchase and Sale Agreement with 85 Western Avenue, LLC, for the sale of city-owned property located at 85 Western Avenue. Passage requires majority vote

There was no public discussion.

Motion for passage was made by Councilor Hughes and seconded by Councilor Beecher. Passed 6-0.

20. ORDER #149-07/08 – Accepting a Shore and Harbor Planning Grant in the amount of \$11,500. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Beecher. Passed 6-0.

21. ORDER #150-07/08 – Accepting a Federal Transit Administration Rural Transit Assistance Program (RTAP) Grant in the amount of \$4,000. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 6-0.

22. PROCLAMATION #9-07/08 – Proclaiming Arbor Day in the City of South Portland. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 6-0.

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Beecher supported calling for a soil test at Willard Beach to test the safety of the sand there. She indicated that this issue has been foiled with long enough and it is time to bring this item back to Workshop.

Councilor Hughes agreed and also supported bringing this issue back up and making an effort to get past the symptoms.

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Councilor Boudreau indicated that she and the City Manager had met with folks and did a press release however, they are not seeing any improvements. She said she is not in favor of moving the problem from one location to another.

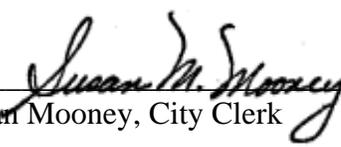
Councilor Blake was also in support of a sand quality test and hoped that it would be done before this came back to a workshop. He talked about the Land Trust negotiating to open 17 acres of land in Barberry Creek and that perhaps it might relieve some of these issues. He also talked about the wonderful turnout and effectiveness of the Earth Day cleanup. He said that that much effort wouldn't be necessary if folks would be a little more conscientious.

K. Executive Session

Motion to adjourn was made at 9:25 P.M. by Councilor Morgan and seconded by Councilor Blake.

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

**IN COUNCIL SPECIAL MEETING VOL. 69 PAGE 112
MAY 5, 2008**

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405. (6)(A), regarding discussion of duties of Corporation Counsel.

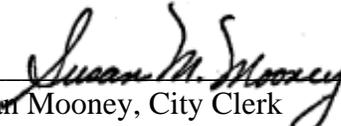
Motion to go into executive session was made at 6:07 P.M. by Councilor Beecher and seconded by Councilor Hughes. Passed 4-0 (Mayor Soule and Councilor Blake absent and Councilor Morgan had not arrived)

Motion to come out of executive session was made at 7:06 P.M. by Councilor Morgan and seconded by Councilor Beecher. Passed 5-0 (Mayor Soule and Councilor Blake absent)

Motion to adjourn from executive session was made by Councilor Morgan and seconded by Councilor Hughes. Passed 5-0 (Mayor Soule and Councilor Blake absent)

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 113

MAY 5, 2008

Roll Call: Councilor Boudreau, filling in for Mayor Soule called the meeting to order at 7:07 P.M. Councilor Blake was also absent.

A. Acceptance of Minutes

Motion to accept the minutes from the April 23rd meeting was made by Councilor Morgan and seconded by Councilor Beecher. Passed 5-0

B. Communications from City Manager

The Manager addressed the following items:

- School Budget Referendum Election
- Transfer Station will be open for the four Sundays in May

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #83-07/08 – Board of Assessment Review, District 1 (Morgan) to fill a term which expires on 12/31/10. Postponed since 01/07/08. Passage requires majority vote.

There was no public discussion.

Motion to reappoint Joseph Conroy, 83 Loveitts Field Road was made by Councilor Morgan and seconded by Councilor Loring. Passed 5-0.

2. ORDER #103-07/08 – Civil Service Commission, District 1 (Morgan) to fill a term which expires on 03/1/13. Postponed since 03/03/08. Passage requires majority vote.

There was no public discussion.

Motion to **postpone items #2, #3, #4, #5, #6 and #11** was made by Councilor Morgan and seconded by Councilor Hughes. **Postponed 5-0.**

3. ORDER #123-07/08 – Economic Development Committee, District 2 (Loring) to fill a term which expires on 03/23/09. Postponed on 04/07/08. Passage requires majority vote.

There was no public discussion.

Postponed – See action on Item #2

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4. ORDER #124-07/08 – Economic Development Committee, District 3 (Soule) to fill a term which expires on 03/23/10. Postponed on 04/07/2008. Passage requires majority vote.

There was no public discussion.

Postponed – See action on Item #2

5. ORDER #126-07/08 – Economic Development Committee, District 5 (Hughes) to fill a term which expires on 03/23/09. Postponed on 04/07/2008. Passage requires majority vote.

There was no public discussion.

Postponed – See action on Item #2

6. ORDER #125-07/08 – Economic Development Committee, At Large (Boudreau) to fill a term which expires on 03/23/11. Postponed on 04/07/2008. Passage requires majority vote.

There was no public discussion.

Postponed – See action on Item #2

7. ORDER #151-07/08 – Energy & Recycling Committee, District One (Morgan) to fill a term which expires on 05/05/09. Passage requires majority vote.

There was no public discussion.

Motion to appoint Angela Griffiths of 20 Davis Street, was made by Councilor Morgan and seconded by Councilor Hughes. Passed 5-0

8. ORDER #152-07/08 – Energy & Recycling Committee, District Two (Loring) to fill a term which expires on 05/05/09. Passage requires majority vote.

There was no public discussion.

Motion to appoint Kenneth Blonder of 245 Broadway, was made by Councilor Loring and seconded by Councilor Beecher. Passed 5-0

9. ORDER #153-07/08 – Energy & Recycling Committee, District Three (Soule) to fill a term which expires on 05/05/10. Passage requires majority vote.

There was no public discussion.

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Motion to appoint Stanley Cox of 460 Highland Ave., was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 5-0

10. ORDER #154-07/08 – Energy & Recycling Committee, District Four (Beecher) to fill a term which expires on 05/05/10. Passage requires majority vote.

There was no public discussion.

Motion to appoint Elizabeth Seidel of 963 Highland Ave., was made by Councilor Beecher and seconded by Councilor Hughes. Passed 5-0

11. ORDER #157/08 – Energy & Recycling Committee, District Five (Hughes) to fill a term which expires on 05/05/09. Passage requires majority vote.

There was no public discussion.

Postponed – See action on Item #2

12. ORDER #156-07/08 – Energy & Recycling Committee, At Large (Boudreau) to fill a term which expires on 05/05/11. Passage requires majority vote.

There was no public discussion.

Motion to appoint Jaimee Hoover of 33 Coolidge Ave., was made by Councilor Boudreau and seconded by Councilor Morgan. Passed 5-0

13. ORDER #155-07/08 – Energy & Recycling Committee, At Large (Blake) to fill a term which expires on 05/05/11. Passage requires majority vote.

There was no public discussion.

Motion to appoint Gregory Marles, 73 Deake St., was made by Councilor Hughes and seconded by Councilor Beecher. Passed 5-0

14. ORDER #158-07/08 - Appointing Philip Gaven as Warden, Pro Tempore, for the May 13th Special School Budget Referendum Election. Passage requires majority vote.

There was no public discussion.

Motion to appoint Philip Gaven, 120 Thompson Street, was made by Councilor Beecher and seconded by Councilor Morgan. Passed 4-0 (Councilor Loring out of room)

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15. ORDER #159-07/08 – Appointing Jean Ray as Ward Clerk, Pro Tempore, for the May 13th Special School Budget Referendum Election. Passage requires majority vote.

There was no public discussion.

Motion to appoint Jean Ray, 16 Edwards Street, was made by Councilor Morgan and seconded by Councilor Beecher. Passed 5-0

E. Consent Calendar

F. Citizen Discussion (First Part)

The following citizens spoke in support of allowing dogs on Willard Beach for the hours outlined in the ordinance;

Crystal Goodrich, 17 Highland Ave.
Michele Benington, 597 Sawyer Street
Anthony Young, 23 Chase Street
Pamela Thomas, 94 Broadway
Anna Houser, 7 Willard Street
Marc Gup, 86 Loveitt's Field Road
Susan McCrea, 88 Summer Street
Laura Loring, 8 Simonton Road
Heather Benington, 597 Sawyer St.
Casey Loring, 5 Whitmore Road
Elsa Larsen, 98 Linton Street
Patsea Cobb, 37 Stone Drive, Cape Elizabeth
Ellen Clancy, 14 Woodbury Street
Tatiana Green, 68 Loveitt's Field Road
Liz Caldwell, 26 Willard Street
Michelle Patrick, 10 Pine Street, Portland
Audrey Luce, 245 Preble Street
Tom Ayres, 21 Brookside Ave.
Marcia Berman, 43 Loveitt's Field Road
Richard Rottkov, 14 Woodbury Street
Christine Nelmes, 164 Sawyer Street
Deb Kimball, 22 Bowers Street
Lindsay Hocking, 38 Sylvan Road
Daniel Romano, 4 Simonton Street
Christina Gurnari, 74 Willows Street
Yvette Pratt, 88 Summitt Street
Leslie Runser, 61 Willard Street
Guy Frennette, 36 Mildred Street

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The following citizens spoke in support of either banning dogs from the beach altogether or revising the ordinance to restrict dogs during summer months;

John Gillick, 60 Beach Street
Roger Borelli, 62 Plymouth Road
Dan LaBrie, 6 Beach Street
Aileen LaBrie, 6 Beach Street – read a letter from Paul Harris

The following citizens spoke on the Bee Ordinance;

Linda Nerbak, 79 North Marriner Street
Omid Ghayebii, 48 Robert Mills Road
Bill Lynell, Portland resident – Works in South Portland
Richard Bryant, 55 Spurwink Ave. Cape Elizabeth

Susan Chase, 63 Parrot Street – Ms. Chase requested an update of the Healthy Beach survey.

Albert Dimillo, 64 Colchester Drive – Mr. Dimillo spoke on the High School Renovation Referendum.

Bernard Faunce, 98 Sawyer Street – Mr. Faunce raised concerns about the safety of the basketball court at the corner of High & Sawyer and suggested that it be fenced in.

Councilor Boudreau read communications from William Laidley regarding the Bee Ordinance, the Graffiti Ordinance and Taxi Fare Ordinance. She also read a communication from Robert Morris indicating his position that it would be a mistake to further restrict access of dogs on the beach.

G. Public Hearings and Action

16. ORDINANCE #14-07/08 – Amending Chapter 14, "Licenses, Permits and Business Regulations Generally," regarding taxicab fees. Passed first reading 04/23/08. ROLL CALL VOTE. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Hughes. Passed roll call vote 5-0

H. Action on Old and New Business

17. ORDINANCE #13-07/08 - Amending Chapter 3 “Animals and Fowl”, regarding beekeeping. First reading. Postponed 4/7/08. Passage requires majority vote.

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Councilor Beecher motioned and Councilor Morgan seconded to have the item read by title only. Passed 5-0

The following people addressed this item;

Bill Lynell, Portland resident
Bernard Faunce, 98 Sawyer Street
Linda Nerbak, 79 North Marriner Street
Omid Ghayebii, 48 Robert Mills Road

Motion for passage was made by Councilor Hughes and seconded by Councilor Morgan. Motion to amend the order by striking out Sec. 3-83 completely was made by Councilor Hughes and seconded by Councilor Beecher. Passed 5-0. A second amendment was made by Councilor Beecher and seconded by Councilor Hughes to amend section 3-78 “shall be kept in ~~Langstroth~~ type of hives with removable frames”. Passed 5-0. The ordinance passed first reading as amended 4-1 (Loring).

18. ORDER #160-07/08 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Loring. Passed 5-0

Motion was made by Councilor Beecher to take Items #23 through #39 out of order. Seconded by Councilor Morgan. Passed 5-0.

19. ORDER #161-07/08 Amending Orders #122-07/08, #127/08 and #128-07/08 regarding appointments to the Economic Development Committee. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 5-0

20. PROCLAMATION #10-07/08– Proclaiming May 18 through May 24, 2008 as Public Works Week. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Loring. Passed 5-0

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21. ORDINANCE #15-07//08 – Amending Chapter 29, “Sewer Pretreatment and Permits”, to meet Federal and State requirements. First reading. Passage requires majority vote.

Motion was made by Councilor Morgan and seconded by Councilor Beecher to have the Ordinance read by title only. Passed 5-0

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Loring. Passed first reading 5-0

22. ORDER #162-07/08 - Granting permission to National Semiconductor to place two monitoring wells in the right-of-way of Western Avenue. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 5-0

23. ORDER #163-07/08 – Authorizing the School Department to re-appropriate prior year capital improvement funds for various projects. Passage requires majority vote.

The following person addressed this item;

Bernard Faunce, 98 Sawyer Street – Mr. Faunce said he hopes the School Department is using these funds for what they say they are being used for.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 5-0

24. RESOLVE #7-07/08 – Authorizing the School Department to expend \$15,371,766 for Regular Instruction during the 2008/09 Fiscal Year. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 5-0

25. RESOLVE #8-07/08 – Authorizing the School Department to expend \$7,671,473 for Special Education during the 2008/09 Fiscal Year. Passage requires majority vote.

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There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Hughes. Passed 5-0

26. RESOLVE #9-07/08 – Authorizing the School Department to expend \$302,683 for Career and Technical Education. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Beecher. Passed 5-0

27. RESOLVE #10-07/08 – Authorizing the School Department to expend \$764,389 for Other Instruction during the 2008/09 Fiscal Year. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Hughes. Passed 5-0

28. RESOLVE #11-07/08 – Authorizing the School Department to expend \$3,555,678 for Student and Staff Support during the 2008/09 Fiscal Year. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Loring. Passed 5-0

29. RESOLVE #12-07/08 – Authorizing the School Department to expend \$986,900 for System Administration during the 2008/09 Fiscal Year. Passage requires majority vote.

The following person addressed this item;

Jeff Inglis, 17 Highland Ave. – Mr. Inglis asked if each of these items would be listed on the School Budget Referendum Ballot. He was told they would not, the budget will be voted on as a yes or no on the total approved.

Motion for passage was made by Councilor Morgan and seconded by Councilor Beecher. Passed 5-0

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30. RESOLVE #13-07/08 – Authorizing the School Department to expend \$2,002,766 for School Administration during the 2008/09 Fiscal Year. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Hughes. Passed 5-0

31. RESOLVE #14-07/08 – Authorizing the School Department to expend \$1,404,801 for Transportation and Buses during the 2008/09 Fiscal Year. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Beecher. Passed 5-0

32. RESOLVE #15-17/08 – Authorizing the School Department to expend \$5,152,393 for Facilities Maintenance during the 2008/09 Fiscal Year. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 5-0

33. RESOLVE #16-07/08 – Authorizing the School Department to expend \$2,292,004 for Debt Service and Other Commitments during the 2008/09 Fiscal Year. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Hughes. Passed 5-0

34. RESOLVE #17-07/08 – Authorizing the School Department to expend \$428,048 for All other Expenditures during the 2008/09 Fiscal Year. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Beecher. Passed 5-0

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35. RESOLVE #18-07/08 – Authorizing the School Department to expend \$28,065,828 for funding public education from kindergarten through grade 12 during the 2008/09 Fiscal Year. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Beecher. Passed 5-0

36. RESOLVE #19-07/08 – Authorizing the School Department to expend \$2,127,763 for non-funded debt service during the 2008/09 Fiscal Year. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Hughes. Passed 5-0

37. RESOLVE #20-07/08 – Authorizing the School Department to expend \$7,778,597 for additional local funds during the 2008/09 Fiscal Year. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Beecher. Passed 5-0

38. RESOLVE #21-07/08 – Authorizing the School Department to expend \$39,932,991 for unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools during the 2008/09 Fiscal Year. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Loring. Passed 5-0

39. RESOLVE #22-07/08 – Appropriating \$20,000 and raising \$20,000 as the local share to expend for Adult Education during the 2008/09 Fiscal Year. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Beecher. Passed 5-0

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At this point the Council would have returned to Item #19, however Councilor Morgan motioned to take Items #21 and #22 out of order. Councilor Beecher seconded and the motion passed 5-0.

40. ORDER #164-07/08 – Accepting a Maine Bureau of Highway Safety grant for \$5,000 to be used by the Police Department for an OUI Enforcement Project. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Beecher. Passed 5-0

41. ORDER #165-07/08 - Accepting Maine Bureau of Highway Safety grant for \$2,000 to be used by the Police Department for a Safety Belt Enforcement Project. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 5-0

42. ORDER #166-07/08 - Accepting Maine Bureau of Highway Safety grant for \$5,000 to be used by the Police Department for a Speed Enforcement Project. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Loring. Passed 5-0

43. ORDER #167-07/08 - Accepting a Governor's Deed for the Fore River Drive Right-of-Way. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 5-0

44. ORDER #168-07/08 – Accepting pedestrian easements from Anthem Health Plans of Maine, Inc., and Blethen Maine Newspapers, Inc. for the Gannett Drive Path. Passage requires majority vote.

There was no public discussion.

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Motion for passage was made by Councilor Morgan and seconded by Councilor Loring. Passed 5-0

45. ORDER #169-07/08 – Award of bid #70-08 to Dearborn Brothers Construction, Inc., of Buxton, ME, for repairs to Bug Light Park. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Boudreau. Passed 5-0

I. Citizen Discussion (Second Part)

Jeff Inglis, 17 Highland Ave. – Mr. Inglis enquired about what the next step would be regarding the dog issue. He was told that a subcommittee would be formed which would include Council, staff, residents and beach users to try and work out a resolution.

J. Councilor's Round Robin

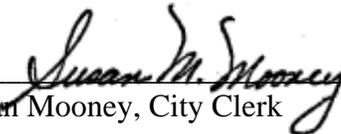
Councilors passed on round robin.

K. Executive Session

Motion to adjourn was made at 11:17 P.M. by Councilor Loring and seconded by Councilor Morgan. Passed 5-0

A TRUE COPY

ATTEST



Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 125
MAY 19, 2008

Roll Call: Mayor Soule called the meeting to order at 7:00 P.M. All Councilors were present

A. Acceptance of Minutes

Motion to accept the minutes from the May 5th Council meeting was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 7-0

B. Communications from City Manager

- Applications are now being received by the Maine Center for Creativity for the Tank Design Project. Information can be found at www.artallaround.com
- Bus driver rodeo – Make Barnes received a perfect score
- Letter of thanks for recycling efforts from Haley Walsh, a Holy Cross Student

C. Petitions and Communications

Harbor Commission Rule Change

Department Reports for the month April, 2008.

Attendance Reports for the month of April, 2008.

D. Appointment Calendar

1. ORDER #103-07/08 – Civil Service Commission, District 1 (Morgan) to fill a term which expires on 03/1/13. Postponed since 03/03/08. Passage requires majority vote.

There was no public discussion.

Motion to **postpone items #1, #2, #3, #4, #5 and #6** was made by Councilor Beecher and seconded by Councilor Hughes. **Postponed 7-0.**

2. ORDER #123-07/08 – Economic Development Committee, District 2 (Loring) to fill a term which expires on 03/23/09. Postponed on 04/07/08. Passage requires majority vote.

There was no public discussion.

Postponed – See action on Item #1

3. ORDER #124-07/08 – Economic Development Committee, District 3 (Soule) to fill a term which expires on 03/23/10. Postponed on 04/07/2008. Passage requires majority vote.

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There was no public discussion.

Postponed – See action on Item #1

4. ORDER #126-07/08 – Economic Development Committee, District 5 (Hughes) to fill a term which expires on 03/23/09. Postponed on 04/07/2008. Passage requires majority vote.

There was no public discussion.

Postponed – See action on Item #1

5. ORDER #127-07/08 – Economic Development Committee, At Large (Boudreau) to fill a term which expires on 03/23/11. Postponed on 04/07/2008. Passage requires majority vote.

There was no public discussion.

Postponed – See action on Item #1

6. ORDER #155-07/08 – Energy & Recycling Committee, District Five (Hughes) to fill a term which expires on 05/05/09. Passage requires majority vote.

There was no public discussion.

Postponed – See action on Item #1

7. ORDER #170-07/08 – Energy and Recycling Alternate, At-Large (Boudreau) to fill a term which expires 05/05/2011. Passage requires majority vote.

There was no public discussion.

Motion to appoint Reta Napi, of 482 Broadway, was made by Councilor Boudreau and seconded by Councilor Morgan. Councilor Blake questioned whether this needed to be listed as an associate member as opposed to an alternate member and noted that the ordinance says that upon recommendation from the Committee the City Council may appoint associate members. This appointment passed pending a recommendation from the Committee to appoint Associate Members 7-0.

E. Consent Calendar

F. Citizen Discussion (First Part)

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Albert Dimillo, 64 Colchester Drive – Mr. Dimillo brought comparative information regarding the cost per South Portland student as opposed to those in other local communities.

Richard Bryant, Spurwink Ave., Cape Elizabeth – Mr. Bryant pointed out what he considered flaws to the bee ordinance and encouraged the Council to not pass the ordinance.

G. Public Hearings and Action

8. ORDINANCE #13-07/08 - Amending Chapter 3 “Animals and Fowl”, regarding beekeeping. Postponed on 04/07/08. Passed first reading 05/05/08. ROLL CALL VOTE. Passage requires majority vote.

Motion was made to have the ordinance read by title only by Councilor Morgan and seconded by Councilor Boudreau. Passed 7-0

The following people addressed this item;

Richard Bryant, Spurwink Ave., Cape Elizabeth – Mr. Bryant made suggestions on revisions to the ordinance.

Erin Forbes, Portland resident – Ms. Forbes indicated that Omid Ghayebii got rid of his bee hives because of all the attention around this issue. She said this whole issue was the result of one complaint.

Philip Gaven, 120 Thompson Street – Mr. Gaven inquired about representation on this issue and whether both sides had been heard. He also questioned whether the fee was to provide a barrier or an attempt to raise revenue.

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Motion was made by Councilor Morgan and seconded by Councilor Blake to amend section 3-75 to eliminate the annual permit fee. The amendment failed 3-4 (Boudreau, Soule, Beecher, Hughes)

Councilor Morgan proposed an amendment to set the annual fee at \$15.00. Councilor Hughes seconded, but after a short amount of discussion Councilor Morgan withdrew his amendment.

Councilor Morgan proposed an amendment to make the \$1,000.00 penalty an aggregate amount with authority of the magistrate to set further fines. Councilor Blake seconded. Failed 2-5 (Boudreau, Soule, Beecher, Hughes, Loring)

Councilor Beecher proposed an amendment to strike out “prior to establishing an apiary” from section 3-76. Councilor Morgan seconded and it passed 7-0.

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Motion was made by Councilor Boudreau and seconded by Councilor Morgan to correct the spelling of apiary in Section 3-72. Passed 7-0. The ordinance passed roll call vote as amended 5-2 (Loring, Blake)

9. ORDINANCE #15-07/08 – Amending Chapter 29, “Sewer Pretreatment and Permits”, to meet Federal and State requirements. Passed first reading 05/05/08. ROLL CALL VOTE. Passage requires majority vote.

Motion was made by Councilor Morgan and seconded by Councilor Blake to have the ordinance read by title only. Passed 7-0

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0.

10. Applebee’s Restaurants North, LLC d/b/a Applebee’s Neighborhood Grill and bar, 200 Running Hill Road for a coin- operated Games Machine License. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Blake and seconded by Councilor Beecher. Passed 7-0.

H. Action on Old and New Business

11. ORDER #171-07/08 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion. Library Director, Kevin Davis, thanked the Friends of the South Portland Public Library for their continued support of the Summer Reading Program.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0.

12. ORDER #172- 07/08 – Award of bid #69-08 to GIS Mapping & Analysis, of Portland, ME, for Geographic Information Systems (GIS) Services for a period of three years. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Loring. Passed 7-0.

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13. ORDER #173-07/08 – Accepting a Communities Promoting Health Coalition Grant from PROP to be used by the South Portland Library. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Blake and seconded by Councilor Boudreau. Passed 7-0.

14. ORDINANCE #16- 07/08 – Amending Chapter 27, “Zoning,” regarding a moratorium on tattoo and/or body piercing establishments. First reading. Passage requires majority vote.

Motion was made by Councilor Morgan and seconded by Councilor Beecher to have the ordinance read by title only. Passed 7-0

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Beecher. Passed 4-3 (Blake, Boudreau, Hughes).

15. RESOLVE #23-07/08 – Regarding the PACTS Transportation Improvement Plan (TIP) for public transit. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Blake. Passed 7-0.

16. ORDER #174-07/08 - Amending the Traffic Schedule for No Parking on portions of Sawyer Street. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Loring. Motion to postpone until the amendment could be brought to a workshop was made by Councilor Blake and seconded by Councilor Boudreau. Postponed 7-0.

17. ORDER #175-07/08– Setting the time for opening the polls for the June 10, 2008 Primary Election. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 6-0 (Loring out of the room).

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MAY 19, 2008

18. PROCLAMATION #11-07/08 – Regarding Memorial Day, and directing that flags be placed on the graves of veterans. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Loring. Passed 7-0.

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Councilor Blake recognized the appointment of Greg Marles to the Energy & Recycling Committee. He said the consolidation of the polling locations for the May 13th Special Election was well organized. He also spoke about an event the Land Trust and West End Trail Committee would be holding on June 7th. Folks are invited to meet at 9:30 A.M. behind J.P. Thornton's for a tour. Additionally volunteers will meet at 12:30 P.M. behind Sappi Business Office on John Roberts Road to work on a new trail that will connect to Clark's Pond trail.

Mayor Soule said there will be no workshop next week and he thanked Councilor Boudreau for sitting in for him at the last Council meeting. He also expressed thanks to all those who send cards after the recent passing of his Mother.

Councilor Loring talked about the 17 acres of wooded wet land in South Portland owned by the City of Portland.

Councilor Hughes said he hopes to see lots of people show up for the June 7th Land Trust and West End Trail project.

Councilor Boudreau indicated that she has been riding the bus and encouraged others to give it a try.

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405. (6)(A), regarding discussion of duties of Corporation Counsel.

Motion to go into executive session was made at 9:23 P.M. by Councilor Boudreau and seconded by Councilor Morgan. Passed 7-0

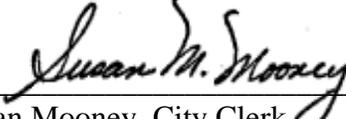
Motion to come out of executive session was made at 10:15 P.M. by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0

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Motion to adjourn was made at 10:16 P.M. by Councilor Hughes and seconded by Councilor Blake. Passed 7-0

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ATTEST



Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 132
JUNE 2, 2008

Roll Call: Mayor Soule called the meeting to order at 7:00 P.M. Councilor Loring and Councilor Boudreau were absent.

A. Acceptance of Minutes

Motion to accept the minutes from the May 19th Council meeting was made by Councilor Morgan and seconded by Councilor Beecher. Passed 5-0

B. Communications from City Manager

The Manager addressed the following items;

- The Buxbaum Funeral – visiting hours 2:00 P.M. to 6:00 P.M. on Tuesday at Conroy Tully and a Funeral Mass at Holy Cross Church on Wednesday at 10:00 A.M.
- Staged Homeland Security drill starting June 2nd

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #103-07/08 – Civil Service Commission, District 1 (Morgan) to fill a term which expires on 03/1/13. Postponed since 03/03/08. Passage requires majority vote.

There was no public discussion.

Motion to **postpone items #1, #2, #3, #4, #5 and #6** was made by Councilor Morgan and seconded by Councilor Blake. **Postponed 5-0.**

2. ORDER #123-07/08 – Economic Development Committee, District 2 (Loring) to fill a term which expires on 03/23/09. Postponed on 04/07/08. Passage requires majority vote.

There was no public discussion.

Postponed – See action on Item #1

3. ORDER #124-07/08 – Economic Development Committee, District 3 (Soule) to fill a term which expires on 03/23/10. Postponed on 04/07/2008. Passage requires majority vote.

There was no public discussion.

Postponed – See action on Item #1

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4. ORDER #126-07/08 – Economic Development Committee, District 5 (Hughes) to fill a term which expires on 03/23/09. Postponed on 04/07/2008. Passage requires majority vote.

There was no public discussion.

Postponed – See action on Item #1

5. ORDER #127-07/08 – Economic Development Committee, At Large (Boudreau) to fill a term which expires on 03/23/11. Postponed on 04/07/2008. Passage requires majority vote.

There was no public discussion.

Postponed – See action on Item #1

6. ORDER #155-07/08 – Energy & Recycling Committee, District Five (Hughes) to fill a term which expires on 05/05/09. Passage requires majority vote.

There was no public discussion.

Postponed – See action on Item #1

E. Consent Calendar

F. Citizen Discussion (First Part)

Albert Dimillo, 64 Colchester Drive – Regarding the Economic Development Committee, Mr. Dimillo questioned the amount of land left in South Portland left to develop and remarked that property taxes should be a big issue for committee members. He also questioned how justification could be made for the school department budget being 22% above the state standard.

Devon Gray, 26 Beach Street – Mrs. Gray said dogs continue to be a problem at Willard Beach even though many folks are keeping their dogs on a leash. She indicated that the Animal Control Officer had not issued a single citation and cited numerous recent incidents with problem dogs.

Tim O’Neil, 81 Adelbert Street – Mr. O’Neil spoke in support of Ed Kelleher as District 7 Senator. He said he would help with looking for good Economic Development appointees and commented that the Council was doing a very good job.

Bill Laidley, 12 Taylor Street – Mr. Laidley said the Council was spending too much time on graffiti, bees and tattoo ordinances and that they should deal with

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real problems. He said the Armory was a money pit and that the public was not given a chance for input when the building was purchased.

G. Public Hearings and Action

7. ORDINANCE #16- 07/08 – Amending Chapter 27, “Zoning,” regarding a moratorium on tattoo and/or body piercing establishments. Passed first reading on 05/19/09. ROLL CALL VOTE. Passage requires five affirmative votes.

There was no public discussion.

Motion to postpone because of the absence of two Councilors was made by Councilor Morgan and seconded by Councilor Beecher. Postponed 5-0.

8. Northeast Ice Cream44 Rigby Road is seeking a variance to operate their ice cream truck during a Soccer Tournament at Wainwright Fields within 500’ of another City licensed Food Establishment. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Morgan. Passed 5-0.

9. Renaldo Aspiras, d/b/a RJ’s Pub, 173 Ocean St. for Class A Lounge with Liquor License. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Beecher. Passed 5-0.

10. Renaldo Aspirias, d/b/a RJ’s Pub, 173 Ocean St. for a Special Amusement without Dancing License. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Blake. Passed 5-0.

11. Renaldo Aspirias, d/b/a RJ’s Pub, 173 Ocean St. for a Coin-operated Machines License. Passage requires majority vote

There was no public discussion.

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Motion for passage was made by Councilor Beecher and seconded by Councilor Morgan. Passed 5-0.

12. Donald Scott Parker, LLC d/b/a Griffin Club, 62 Ocean St. for a Class A Lounge with Liquor License. New owner of an existing business. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Beecher. Passed 5-0.

13. Donald Scott Parker, LLC d/b/a Griffin Club, 62 Ocean St. for a Special Amusement without Dancing License. New owner of existing business. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Blake. Passed 5-0.

14. Donald Scott Parker, LLC d/b/a Griffin Club, 62 Ocean St. for a Coin – operated Machines Licenses. New owner of existing business. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Morgan. Passed 5-0.

H. Action on Old and New Business

15. ORDER#174-07/08 - Amending the Traffic Schedule for No Parking on a portion of Sawyer Street. Postponed on 05/19/08. Passage requires majority vote.

There was no public discussion.

Motion to withdraw this item was made by Councilor Morgan and seconded by Councilor Beecher. Passed 5-0.

16. ORDER #-176-07/08 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

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Motion for passage was made by Councilor Morgan and seconded by Councilor Beecher. Passed 5-0.

17. RESOLVE #24-07/08 – Approving the FY 2009 Appropriation Resolve. Passage requires majority vote.

The following people addressed this item;

Rick Carter, Chair of the School Board – Mr. Carter thanked the citizens who supported the school budget and also the City Council for their early guidance on their expectations on where the budget should come in at. He remarked that the State Essential Services and Programs sets a minimum standard for education and the School Board believes our system provides the best education for the dollars invested.

Bill Laidley, 12 Taylor Street – Mr. Laidley said the Council does good at housekeeping but shows poor leadership. He commented that the public schools have the game locked up and have all the resources and power.

Motion for passage was made by Councilor Morgan and seconded by Councilor Blake. Passed 5-0.

18. ORDER #177-07/08 – Setting the sewer user fees for FY 2009. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Blake. Passed 5-0.

19. ORDER #178-07/08 - Authorizing the Finance Director to accept prepayment of FY 2009 property taxes. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Blake. Passed 5-0.

20. ORDER #179-07/08 - 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.

There was no public discussion.

Motion for passage was made by Councilor Morgan and seconded by Councilor Blake. Passed 5-0.

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21. ORDER #180-07/08 – Authorizing a three percent cost of living adjustment for non-union municipal employees. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 5-0.

22. ORDER #181-07/08 - Authorizing the City Manager to submit the FY 2008 Annual Report for the Brick Hill Housing Development District to the Maine State Housing Authority. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 5-0.

23. RESOLVE #25-07/08 – Permitting yellow ribbons to be displayed from June 3rd through June 6th in recognition of the sacrifices of Justin Buxbaum. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 5-0.

I. Citizen Discussion (Second Part)

J. Councilor’s Round Robin

Councilor Morgan commended the staff for the work that was done to rebuild from the storm damage at Bug Light Park.

Councilor Beecher said that CASA (Citizens Against Substance Abuse) would be holding an unused medicine/drug collection program at the Community Center on October 18th. She commented on the speed in which graffiti was being cleaned up on the walkway. Councilor Beecher also reminded folks that all polling locations would be open for the June 10th Primary Election.

Council Blake remarked that with only three to four hundred acres of developable land left in South Portland, the key word for the Economic Development Committee is “re-development”. He presented a tri fold map of the Clark’s Pond Trail and reminded citizens about the organized tour and the construction of a new trail this Saturday.

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Mayor Soule talked about the huge turnout for the Memorial Day parade and said it was well organized and well done. He said we should not get pulled away from "A priorities" with "B, C & D issues". He will try to keep focused on the issues most important to folks.

K. Executive Session

A motion may be made to go into executive session pursuant to 1 M.R.S.A. §405(6)(E), discussion with Legal Counsel regarding pending litigation, Wainwright v. City of South Portland.

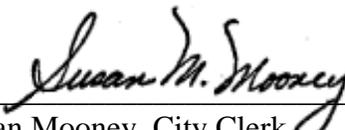
Motion to go into executive session was made at 9:02 P.M. by Councilor Morgan and seconded by Councilor Beecher. Passed 5-0

Motion to come out of executive session was made at 9:50 P.M. by Councilor Beecher and seconded by Councilor Hughes. Passed 5-0

Motion to adjourn was made at 9:51 P.M. by Councilor Morgan and seconded by Councilor Beecher. Passed 7-0

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ATTEST



Susan Mooney, City Clerk

IN COUNCIL REGULAR MEETING VOL. 69 PAGE 139
JUNE 16, 2008

Roll Call: Mayor Soule called the meeting to order at 7:00 P.M. All Councilors were present

A. Acceptance of Minutes

Motion to accept the minutes from the June 2nd Council meeting was made by Councilor Morgan and seconded by Councilor Beecher. Passed 7-0

B. Communications from City Manager

The Manager addressed the following items;

- In light of raising fuel costs staff is looking into making buildings as efficient as possible. The Idling and Use of Vehicle Policy is also being reviewed
- Willard Beach Task Force has been appointed and Assistant City Manager, Erik Carson will be the facilitator of the group.

C. Petitions and Communications

D. Appointment Calendar

1. ORDER #103-07/08 – Civil Service Commission, District 1 (Morgan) to fill a term which expires on 03/1/13. Postponed since 03/03/08. Passage requires majority vote.

There was no public discussion.

Motion to **postpone items #1, #2, #3, #4, #5 and #6** was made by Councilor Morgan and seconded by Councilor Boudreau. **Postponed 7-0.**

2. ORDER #123-07/08 – Economic Development Committee, District 2 (Loring) to fill a term which expires on 03/23/09. Postponed since 04/07/08. Passage requires majority vote.

There was no public discussion.

Postponed – See action on Item #1

3. ORDER #124-07/08 – Economic Development Committee, District 3 (Soule) to fill a term which expires on 03/23/10. Postponed since 04/07/2008. Passage requires majority vote.

There was no public discussion.

Postponed – See action on Item #1

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4. ORDER #126-07/08 – Economic Development Committee, District 5 (Hughes) to fill a term which expires on 03/23/09. Postponed since 04/07/2008. Passage requires majority vote.

There was no public discussion.

Postponed – See action on Item #1

5. ORDER #127-07/08 – Economic Development Committee, At Large (Boudreau) to fill a term which expires on 03/23/11. Postponed since 04/07/2008. Passage requires majority vote.

There was no public discussion.

Postponed – See action on Item #1

6. ORDER #155-07/08 – Energy & Recycling Committee, District Five (Hughes) to fill a term which expires on 05/05/09. Postponed on 06/02/08. Passage requires majority vote.

There was no public discussion.

Postponed – See action on Item #1

E. Consent Calendar

7. The residents of 115 – 125 Elderberry Drive are requesting the closure of their street from 12.30 – 4:30 P.M. on June 17, 2008 for an end of school party. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Beecher and seconded by Councilor Loring. Passed 7-0

F. Citizen Discussion (First Part)

Albert Dimillo, 64 Colchester Drive – Mr. Dimillo spoke about the School Department Budget.

Stephen Popp, 10 Woodland Road – Mr. Popp recognized Councilor Morgan for the forthcoming Service Monument and also gave credit to the leadership of Brian Hanlon. He noted that the monument will be funded by private donations.

John Barkin, 254 Cottage Road – Mr. Barkin asked about the Willard Beach Task Force and whether meetings would be open to the public.

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Christopher Kessler, 37 Cottage Road – Mr. Kessler indicated that he felt the Task Force should be allowed to complete their work before any amendments to the Ordinance are proposed.

Susan McCray, 88 Summit Street – Ms. McCray questioned the process to propose Task Force Committee members.

Roberta Zuckerman, 372 Preble Street – Ms. Zuckerman also referred to the Willard Beach dog issue.

William Laidley, 12 Taylor Street – Mr. Laidley addressed several issues including the budget process, status of the Library union contract negotiations and the winter heating plans for the Armory.

G. Public Hearings and Action

8. ORDINANCE #16- 07/08 – Amending Chapter 27, “Zoning,” regarding a moratorium on tattoo and/or body piercing establishments. Passed first reading on 05/19/09. ROLL CALL VOTE. Postponed 06/02/2008 Passage requires five affirmative votes.

There was no public discussion.

Motion to withdraw this item was made by Councilor Boudreau and seconded by Councilor Blake. Withdrawn 7-0

H. Action on Old and New Business

9. ORDER #-182-07/08 – Accepting miscellaneous donations. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Loring and seconded by Councilor Blake. Passed 7-0

10. ORDER #183-07/08 – Award of bid #77-08 to Hardypond Construction, of Portland, ME, for the purchase and installation of an emergency generator at the South Portland Community Center. Passage requires majority vote.

There was no public discussion.

Motion for passage was made by Councilor Blake and seconded by Councilor Morgan. Passed 7-0

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11. ORDER #184-07/08 – Award of bid #75-08 to Weston & Sampson, of Peabody, MA, for the Fine Bubble Aeration System Upgrade, Phase II project. Passage requires majority vote.

There was no public discussion. Jim Jones from Water Resource was present and answered questions from the Council.

Motion for passage was made by Councilor Beecher and seconded by Councilor Hughes. Passed 7-0

12. ORDER #185-07/08 – Award of bid #76-08 to Bahr Sales, Inc., of Wallingford, CT, for the purchase of a closed circuit television inspections unit for the Sewer Maintenance Division. Passage requires majority vote.

There was no public discussion. Dave Thomes, Operations Manager for Sewer Maintenance was present and answered questions from the Council.

Motion for passage was made by Councilor Boudreau and seconded by Councilor Blake. Passed 7-0

13. ORDER #186-07/08 – Implementing the FY 2009 Capital Improvement Program. Passage requires majority vote.

The following person addressed this item:

Dan Romano, 4 Simonton Street – Mr. Romano thanked everyone for their hard work.

Motion for passage was made by Councilor Morgan and seconded by Councilor Boudreau. Passed 7-0

14. ORDER #187-07/08 - Accepting the location and monument design for the Service Monument. Passage requires majority vote.

The following people addressed this item:

Kevin Battle, Sandy Hill Road
Valorie Swiger, School Street

Motion for passage was made by Councilor Morgan and seconded by Councilor Blake. Passed 6-0 (Boudreau recused)

15. ORDINANCE #17-07/08 – Amending Chapter 18 “Parks and Recreation”, regarding Dogs on Willard Beach. First reading. Passage requires majority vote.

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On June 12th a request was made by Councilor Beecher to add Item #15 to the agenda. Because the item was proposed after the 8:30 A.M. Tuesday morning deadline, the item needed a 2/3 majority vote to be considered for action.

Initially the ordinance was considered based on Standing Rule #3-E, which indicates that no ordinance, order or resolve shall be in order for action unless such ordinance, order or resolve shall be filed in the office of the City Clerk on or before noon of the Thursday prior to the meeting and that this deadline may be waived by a majority vote of the Council. The motion to waive Standing Rule #3-E was made on June 16th by Councilor Hughes and seconded by Councilor Boudreau and the vote was 4-3 (Soule, Blake, Morgan).

Under the premise that the ordinance was able to be considered for passage, the following residents spoke about the proposed ordinance;

Barry Zuckerman, 372 Preble Street
John Howard, 94 Lovietts Field Road
Crystal Goodrich, 17 Highland Ave.
Tom Ayres, 21 Brookside Ave.
Catherine Taylor, Willard Street
Dan Romano, 4 Simonton Street
Dorothy Kosinski, 16 Day Street
John Barkin, 254 Cottage Road
Patty Smith, 63 Parrott Street
Susan Chase, 63 Parrott Street
Peggy Steward, 55 Bayview Ave.
Darcy Halvorsen, 108 Loveitt's Field Road
Peter Tousignant, 242 Sawyer Street
Jeff Ingles, 17 Highland Ave.
Laura Phillips, 133 Providence Ave.
Jessy Kessler, 37 Cottage Road
Sheila Wellehan, 62 Elsmere Ave.
Ms. Hauser, 38 Sylvan Road
Anne Barrett, 21 Brookside Ave.

Because the item did not receive a 2/3 majority vote, it did not pass first reading. Councilor Beecher will not be bringing the amendment back for consideration and first reading at the July 7th Council meeting.

I. Citizen Discussion (Second Part)

Jeff Ingles, 17 Highland Ave. – Mr. Ingles said three Councilors have not responded to a Freedom of Access request.

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Sheila Wellehan, 62 Elsmere Ave. – Responding to comments made earlier in the meeting, Ms. Wellehan indicated that Scarborough and Cape Elizabeth were not more restrictive regarding dog access.

Dan Romano, 4 Simonton Street – Mr. Romano agreed that Cape Elizabeth has a more liberal policy.

Tom Ayres, 21 Brookside Ave. – Mr. Ayres thanked Councilor Blake, Councilor Morgan and Mayor Soule for supporting the process.

Cory Schnaible, 50 Willow Street – Indicated the need to have faith restored in this process.

Peter Tousignant, 242 Sawyer Street – Mr. Tousignant suggested holding the next meeting in a location that would be able to hold the capacity of those attending.

Crystal Goodrich, 17 Highland Ave. – Ms. Goodrich voiced concern over lack of communication and asked to be contacted when issues come up.

Christine Nelmes, 164 Sawyer Street – Ms. Nelmes encouraged Council to get folks on the other side of this issue to come in and be part of the process.

J. Councilor's Round Robin

Councilor Beecher reminded folks that the new recycling program will begin July 8th. She gave positive feedback on a program that she recently attended concerning storm water runoff.

Councilor Hughes indicated that when the search to form a Willard Beach Task Force was initiated the focus was to try and find people who were unbiased about the problem.

Councilor Boudreau spoke about Devon and Steve Gray and commented on the assets that Steven brings to the community.

Councilor Blake spoke favorably about sidewalk renovations in Ferry Village. He also commented positively about the storm water runoff presentation. Councilor Blake said he has heard from some people who are not happy with the new recycling bins. He also indicated that John Howard should be considered for the Task Force.

Mayor Soule also spoke in favor of John Howard being added to the Task Force. He voiced concerns about changing the hours that dogs could be on the beach and said that a change to evening hours instead of morning hours will disrupt those who like to take a walk on the beach in the evening.

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Councilor Morgan said he has heard complaints about the recycling bins too. In particular people have expressed dissatisfaction with the color of the bins.

K. Executive Session

A motion may be made to go into executive session, pursuant to 36 M.R.S.A. §841, to discuss application(s) for abatement of property taxes on account of infirmity or poverty.

Motion to go into executive session was made at 11:05 P.M. by Councilor Morgan and seconded by Councilor Boudreau. Passed 7-0

Motion to come out of executive session was made at 11:48 P.M. by Councilor Beecher and seconded by Councilor Hughes. Passed 6-0

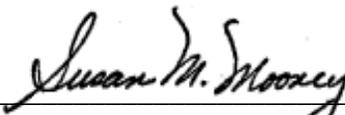
Motion to approve Hardship Abatement #2007/2008-10 was made by Councilor Boudreau and seconded by Councilor Morgan. Motion passed 7-0 to approve Abatement #2007/2008-10 for the first quarter taxes for 2008/2009 in the amount of \$974.04.

Motion to deny Hardship Abatement #2007/2008-11 was made by Councilor Beecher and seconded by Councilor Morgan. The denial passed 6-0 (Boudreau).

Motion to adjourn was made at 11:50 P.M. by Councilor Morgan and seconded by Councilor Beecher. Passed 6-0 (Boudreau).

A TRUE COPY

ATTEST



Susan Mooney, City Clerk