

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

**K. Executive Session**

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

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

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Emily F. Scully

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

**A. Acceptance of Minutes**

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

**B. Communications from City Manager**

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

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

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

**C. Petitions and Communications**

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

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

**D. Appointment Calendar**

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

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

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

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

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

**E. Consent Calendar**

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

The following spoke:  
Russ Lunt, Brigham St.

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**G. Public Hearings and Action**

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

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

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

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

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

The following spoke:

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

Morgan moved for passage, seconded by Cohen.

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

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

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

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

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

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The following spoke:

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

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

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

The following spoke on this item:

Natalie West, South Portland  
Barbara Psichos, South Portland

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

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

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

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

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

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

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

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

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

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

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18. ORDER #46-16/17 - Authorizing the method of sale of tax-acquired property located at 757 Main Street, Unit 29 (Map 63, Lot 29A-113) as offering for sale by public auction pursuant to Sec. 2-171(2)(a) of the Code of Ordinances and authorizing the City Manager to take any and all such further action necessary to proceed with sale of the property. Passage requires majority vote.

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

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

The following spoke:

Russ Lunt, Brigham St.  
Steve Hinchman, ReVision Energy

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

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

There was no citizen discussion.

**J. Councilor's Round Robin**

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

**K. Executive Session**

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

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Emily F. Scully