

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

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

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

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

**A. Acceptance of Minutes**

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

**B. Communications from City Manager**

HR Director Don Brewer – Update on Safety Committee

**C. Reports from Boards and Committees**

**D. Petitions and Communications**

**E. Appointment Calendar**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**F. Consent Calendar**

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

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

**H. Public Hearings and Action**

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

The following spoke:

Michael Sullivan, On The Border

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

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

The following spoke:

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

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

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

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

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

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

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

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

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

The following commented:

Greg Lewis, Mussey St.

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

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

The following commented:

Andrew Wallace, School IT Director  
Russ Lunt, Brigham St.

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

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

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

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

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

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

The following spoke:

Adrian Dowling

**K. Councilor's Round Robin**

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

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

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

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

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**L. Adjourn**

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

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

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