

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 80  
FEBRUARY 22, 2017**

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

**A. Acceptance of Minutes**

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

**B. Communications from City Manager**

Item #15 was taken out of order:

**15. RESOLVE #10-16/17** – Adopting a Proclamation of the 2016 Police Officer of the Year. Passage requires majority vote.

Chief Googins presented the award to Officer Kevin Theirault.

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

Presentation from Ed Googins, Chief of Police, on the Police Department's Body Camera Program

**C. Reports from Boards and Committees**

**D. Petitions and Communications**

**E. Appointment Calendar**

Rose moved to consider as a whole items #1, #3, #4, #5, #9, #10 and #11, seconded by Morgan. The motion passed 7-0. The City Clerk read the items:

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

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

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

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

**9. ORDER #122-16/17** – Conservation Commission, District Five (Fox), for an unexpired term which expires on 11/20/19. Postponed since 2/6/17. Passage requires majority vote.

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10. ORDER #123-16/17 – Conservation Commission, District At-Large (Henderson), for an unexpired term which expires on 11/20/19. Postponed since 2/6/17. Passage requires majority vote.

11. ORDER #131-16/17 – Conservation Commission, District One (Morgan), for an unexpired term which expires on 03/03/18. Passage requires majority vote.

Cohen moved to postpone items 1, 3, 4, 5, 9, 10 and 11, seconded by Rose. The motion passed 7-0.

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

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

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

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

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

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

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

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

12. ORDER #132-16/17 – Conservation Commission, District At-Large (Beecher), appointing **Rick Foss-Lacey** for a term which expires 3/3/20. Passage requires majority vote.

There was no public comment.

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

13. ORDER #133-16/17 – Board of Education, District Four, to fill a vacancy pursuant to Section 904 of the City Charter until Inauguration Day, December 4, 2017. Passage requires majority vote.

Councilor Rose moved to vote on the appointment of the District Four representative to the School Board by secret ballot, seconded by Councilor Fox. The motion passed 7-0.

The City Councilors were instructed to write the name of the candidate they wished to

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appointment on the piece of paper, fold it once, and direct it to the Clerk, who tallied the votes and read their totals outloud: James Doane – 2, Matthew Perkins – 5. Matthew Perkins was declared to have the majority support by the Council for appointment.

A motion was made by Councilor Cohen to amend ORDER #133-16/17 to add the name of Matthew Perkins to the order for appointment, and seconded by Councilor Morgan. The motion passed 7-0.

A motion was made by Councilor Cohen for passage of the order as amended and seconded by Councilor Morgan. The motion passed 7-0.

**F.Consent Calendar**

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

Caroline Hendry, South Portland

**H.Public Hearings and Action**

**14.** ORDINANCE #12-16/17 – Amending Chapter 27, “Zoning,” regarding Solar Energy Systems. Amended and passed first reading on February 6, 2017. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Henderson declared that her daughter works for ReVision Energy, LLC. Henderson stated no pecuniary interest or financial gain from her involvement in the adoption of the Ordinance or ORDER #134-16/17. Morgan moved to allow Henderson to vote, citing no conflict of interest, seconded by Cohen. The motion passed 6-0 (Henderson out).

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

**Action on Old and New Business**

**16.** ORDER #134-16/17 – Authorizing the Interim City Manager to execute a power purchase agreement, including a related license agreement, with ReVision SunFill, LLC, a wholly owned subsidiary of ReVision Energy, LLC, for the installation of a photovoltaic array at the City’s capped landfill located at 929 Highland Avenue. Passage requires majority vote.

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

**17.**ORDER #135-16/17 - Authorizing the Interim City Manager to sign a Municipal/StatePartnership Agreement with the Maine Department of Transportation regarding preliminary engineering for New Southbound Access at Exit 4 on I-295, and appropriating \$35,000 from Unassigned Fund Balance for the City’s share of project costs. Passage requires majority vote.

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

**18. ORDER #136-16/17** – Accepting miscellaneous donations. Passage requires majority vote.

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

**19. ORDER #137-16/17** – Amending the Non-union Personnel Policy. Passage requires majority vote.

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

**20. ORDER #138-16/17** – Accepting a Bureau of Highway Safety Speed Enforcement and Equipment Grant in the amount of \$12,902.39. Passage requires majority vote.

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

**21. ORDER #139-16/17** – Accepting \$3,650.00 under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

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

**22. ORDER #140-16/17** – Authorizing the Interim City Manager to execute and deliver a Declaration of Environmental Covenant to the State of Maine, acting by and through its Department of Environmental Protection, regarding the property located at 111 Waterman Drive (Wastewater Treatment Plant addition). Passage requires majority vote.

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

**23. ORDER #141-16/17** – Authorizing the Interim City Manager to sign an amendment to the agreement between the City of South Portland and the Portland Water District regarding billing, collection and customer service related to sewer user charges. Passage requires majority vote.

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

**24. ORDER #142-16/17** – Authorizing the Interim City Manager to accept delivery of a Release Deed with the Portland Water District for a property easement at 39 Hall Street (Tax Map 52, Lot 79). Passage requires majority vote.

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

**25. ORDER #143-16/17** – Authorizing the Interim City Manager to request proposals for design and planning for the Portland Street Pier, an economic feasibility study, and appropriating \$75,000 to the Portland Street Pier Contractual Services – Engineering Account.

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Cohen moved for passage, seconded by Beecher.

Rose moved to commit ORDER #143-16/17 to a workshop to be scheduled at the next workshop review session, seconded by Fox. The motion passed 4-3 (Cohen, Beecher, Morgan).

The main motion failed.

**26.ORDINANCE #13-16/17 - Amending Chapter 2, "Administration and Legislation" amending the number of Conservation Commission members from 14 to 9. Firstreading. Passage requires majority vote.**

Cohen moved for passage, seconded by Beecher.

Cohen moved to amend ORDINANCE #13-16/17, changing the total membership from "9" to "7", seconded by Fox. The motion passed 6-1 (Henderson).

The main motion passed, as amended, 7-0.

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

**K.Councilor's Round Robin**

Beecher thanked both candidates for applying for the District Four Board of Education seat and wished both best of luck in the November election.

Rose thanked co-Councilors for a lively and civil discussion.

**L.Executive Session**

Morgan moved to go into execution session at 9:37pm, pursuant to 1 M.R.S.A. §405 (6)(D) regarding labor negotiations with the IAFF Local #1476 Public Safety Dispatchers, seconded by Cohen. The motion passed 7-0.

Morgan moved to come out of Executive Session at 9:46pm, seconded by Cohen. The motion passed 7-0. Cohen moved to adjourn at 9:48pm, seconded by Morgan. The motion passed 7-0.

A TRUE COPY ATTEST



Emily F. Scully