



**Tuesday, July 20, 2021
CITY COUNCIL MEETING**

CLICK THE "VIDEO" LINK TO ENTER THE MEETING.

Meeting Begins: 6:30 P.M.

Regular Meeting Location: Zoom

<https://zoom.us/j/94322599202>

Or iPhone one-tap :

US: 19292056099

Or Telephone:

US: 1 929 205 6099

Webinar ID: 943 2259 9202

International numbers available: <https://zoom.us/u/aAz482hpA>

A. OPENING OF THE MEETING

Subject **1. Roll Call**

Meeting Jul 20, 2021 - CITY COUNCIL MEETING

Category A. OPENING OF THE MEETING

Access Public

Type

Subject **2. Acceptance of Minutes**

Meeting Jul 20, 2021 - CITY COUNCIL MEETING

Category A. OPENING OF THE MEETING

Access Public

Type Action, Minutes

Recommended Action Motion to accept the minutes from July 13, 2021.

Minutes [View Minutes](#) for Jul 13, 2021 - CITY COUNCIL MEETING

Subject **3. Petitions and Communications**

Meeting Jul 20, 2021 - CITY COUNCIL MEETING

Category A. OPENING OF THE MEETING

Access Public

Type

POSITION PAPER OF THE CITY MANAGER

B. APPOINTMENT CALENDAR

Subject 1. **ORDER #160-18/19 – Board of Appeals, District Two (Lewis), to fill an unexpired term which expires July 23, 2021. Postponed since March 26, 2019. Passage requires majority vote.**

Meeting Jul 20, 2021 - CITY COUNCIL MEETING

Category B. APPOINTMENT CALENDAR

Access Public

Type Action

Recommended Action Motion to postpone.

POSITION PAPER OF THE CITY CLERK

Robert Whyte resigned from the board effective March 19, 2019.

Subject 2. **ORDER #77-19/20 – Comprehensive Plan Implementation Committee, resident members (Lewis, Dhalac). Postponed since October 29, 2019. Passage requires majority vote.**

Meeting Jul 20, 2021 - CITY COUNCIL MEETING

Category B. APPOINTMENT CALENDAR

Access Public

Type Action

Recommended Action Motion to postpone.

POSITION PAPER OF THE CITY CLERK

With Ordinance #8-19/20 in effect (as of October 15, 2019), the Council must now select and appoint seven (7) residents to the Comprehensive Plan Implementation Committee. Members must live in their respective districts. Interested residents may apply online at www.southportland.org or at the Clerk's office.

District One	Councilor Morgan	October 2019, then for 3 years (October 2020-October 2023) - appointed Peter Stanton on 2/4/2020
District Two	Mayor Lewis	October 2019; then for 3 years (October 2021-October 2024)
District Three	Councilor Pride	October 2019, then for 3 years (October 2020-October 2023) - appointed Jessica Stafos on 2/18/2020
District Four	Councilor Caricchio	October 2019; then for 3 years (October 2021-October 2024) - appointed Barry Lucier on 2/11/2020
District Five	Councilor Dhalac	October 2019; then for 3 years (October 2019-October 2022)
At-Large	Councilor Bruzgo	October 2019; then for 3 years (October 2019-October 2022) - appointed Robert Foster on 1/28/2020
At-Large	Councilor Henderson	October 2019; then for 3 years (October 2019-October 2022)

Subject **3. ORDER #80-19/20 – Transit Advisory Committee, resident member (Pride), for a term ending October 1, 2023. Postponed since October 29, 2019. Passage requires majority vote.**

Meeting Jul 20, 2021 - CITY COUNCIL MEETING

Category B. APPOINTMENT CALENDAR

Access Public

Type Action

Recommended Action Motion to postpone.

POSITION PAPER OF THE CITY CLERK

This member must live in District 3.

Subject **4. ORDER #119-19/20 – Board of Assessment Review, District At-Large (Bruzgo) for a term that expires December 31, 2023. Postponed since January 7, 2020. Passage requires majority vote**

Meeting Jul 20, 2021 - CITY COUNCIL MEETING

Category B. APPOINTMENT CALENDAR

Access Public

Type Action

Recommended Action Motion to postpone.

POSITION PAPER OF THE CITY CLERK

Susan Hasson's term ended 12/31/19.

Subject **5. ORDER #178-19/20 - Civil Service Commission, District Two (Lewis), for a term that expires March 1, 2025. Postponed since March 5, 2020. Passage requires majority vote.**

Meeting Jul 20, 2021 - CITY COUNCIL MEETING

Category B. APPOINTMENT CALENDAR

Access Public

Type Action

Recommended Action Motion to postpone.

POSITION PAPER OF THE CITY CLERK

Caroline Hendry's term has ended. This appointee must be from District 2.

Subject **6. ORDER #203-19/20 - Long Creek Watershed Management District Board of Directors, private participating landowner, for an unexpired term that expires February 14, 2022. Postponed since May 5, 2020. Passage requires majority vote.**

Meeting Jul 20, 2021 - CITY COUNCIL MEETING

Category B. APPOINTMENT CALENDAR

Access Public

Type Action

Recommended Action Motion to postpone.

POSITION PAPER OF THE CITY CLERK

Mike Vail from ON Semiconductor recently notified the Long Creek Watershed Management District ("LCWMD") that he is resigning from LCWMD's Board of Directors effective April 30, 2020. Mike is one of the seven directors appointed to LCWMD's Board by the City of South Portland. Specifically, Mike was appointed as one of four "private Participating Landowners or representatives of private Participating Landowners whose Parcel is located within the City of South Portland."

The LCWMD is seeking a replacement for Mr. Vail. Interested residents should submit their application on the City's website [at this link](#) or at the City Clerk's office at City Hall. All applications and nominations received will be forwarded to the Council for consideration. This is a Council appointment.

Subject **7. ORDER #61-20/21 - Open Space Acquisition Committee, District At-Large (Bruzgo), for a term that expires October 1, 2023. Postponed since September 15, 2020. Passage requires majority vote.**

Meeting Jul 20, 2021 - CITY COUNCIL MEETING

Category B. APPOINTMENT CALENDAR

Access Public

Type Action

Recommended Action Motion to postpone.

POSITION PAPER OF THE CITY CLERK

This committee is currently seeking resident members. Interested persons should submit an [application](#).

Membership:

*There may not be more than 3 resident members from any one voting district.
A quorum shall consist of seven (7) members, at least six (6) of whom shall be voting members.*

Subject **8. ORDER #89-20/21 - Arts & Historic Preservation Committee, District Four (Caricchio), for a term expiring October 20, 2023. Postponed since October 20, 2020. Passage requires majority vote.**

Meeting Jul 20, 2021 - CITY COUNCIL MEETING

Category B. APPOINTMENT CALENDAR

Access Public

Type Action

Recommended Action Motion to postpone.

POSITION PAPER OF THE CITY CLERK

Jon Godin has resigned.

Subject **9. ORDER #152-20/21 - Civil Service Commission, District Four (Caricchio), appointing Vincent Maietta for an unexpired term that expires March 1, 2022. Postponed since February 9, 2021. ROLL CALL VOTE. Passage requires majority vote.**

Meeting Jul 20, 2021 - CITY COUNCIL MEETING

Category B. APPOINTMENT CALENDAR

Access Public

Type Action

Recommended Action Motion for passage.

POSITION PAPER OF THE CITY CLERK

The unfortunate death of Louis Maietta, Jr. has caused a vacancy on the Civil Service Commission. This vacancy must be filled by a resident of District 4.

Councilor Caricchio is requesting to appoint Vincent Maietta to fill this vacancy.

File Attachments

[Maietta - Application.pdf \(211 KB\)](#)

[ORDER #152.pdf \(726 KB\)](#)

Subject **10. ORDER #156-20/21 - Economic Development Committee, District Five (Dhalac), appointing Maranatha Mishkin for a term that expires March 23, 2024. Postponed since February 9, 2021. ROLL CALL VOTE. Passage requires majority vote.**

Meeting Jul 20, 2021 - CITY COUNCIL MEETING

Category B. APPOINTMENT CALENDAR

Access Public

Type Action

Recommended Action Motion for passage.

POSITION PAPER OF THE CITY CLERK

Bruce Bennett's term ends 03/23/2021. He is not seeking reappointment.

Councilor Dhalac is requesting to appoint Maranatha Mishkin to fill the vacancy. Maranatha is from District 3.

File Attachments

[Mishkin - Application.pdf \(218 KB\)](#)

[ORDER #156.pdf \(598 KB\)](#)

Subject **11. ORDER #165-20/21- Arts & Historic Preservation Committee, District Five (Dhalac), for an unexpired term that expires October 20, 2022. Postponed since March 2, 2021. Passage requires majority vote.**

Meeting Jul 20, 2021 - CITY COUNCIL MEETING

Category B. APPOINTMENT CALENDAR

Access Public

Type Action

Recommended Action Motion to postpone.

POSITION PAPER OF THE CITY CLERK

Caitie Whelan has resigned from the committee.

Subject **12. ORDER #222-20/21 - Waste Reduction Committee, District Three (Pride), for an unexpired term that expires May 5, 2022. Postponed on June 8, 2021. Passage requires majority vote.**

Meeting Jul 20, 2021 - CITY COUNCIL MEETING

Category B. APPOINTMENT CALENDAR

Access Public

Type Action

Recommended Action Motion to postpone.

POSITION PAPER OF THE CITY CLERK

Andrew Capelluti is stepping down from the Waste Reduction Committee in order to focus on landscape based initiatives. Andrew currently serves as Chair of the Waste Reduction Committee.

Subject **13. ORDER #01-21/22 - Planning Board, District Five (Dhalac), for an unexpired term that expires April 1, 2023. Passage requires majority vote.**

Meeting Jul 20, 2021 - CITY COUNCIL MEETING

Category B. APPOINTMENT CALENDAR

Access Public

Type Action

Recommended Action Motion to postpone.

POSITION PAPER OF THE CITY MANAGER

Damas Rugaba has resigned.

Subject **14. ORDER #02-21/22 - Harbor Commission, appointing Gene Willard (Mayoral Appointment), for a term that expires June 30, 2024. ROLL CALL VOTE. Passage requires majority vote.**

Meeting Jul 20, 2021 - CITY COUNCIL MEETING
Category B. APPOINTMENT CALENDAR
Access Public
Type Action
Recommended Action Motion for passage.

POSITION PAPER OF THE CITY CLERK

Gene Willard's term expired 06/30/21. He is seeking reappointment. Mr. Willard currently works as Senior Captain for Casco Bay Lines.

File Attachments
[ORDER #02.pdf \(511 KB\)](#)

Subject 15. ORDER #7-21/22 - Open Space Acquisition Committee, District Four (Caricchio) for an unexpired term that expires October 1, 2022.

Meeting Jul 20, 2021 - CITY COUNCIL MEETING
Category B. APPOINTMENT CALENDAR
Access Public
Type Action
Recommended Action Motion to postpone.

POSITION PAPER OF THE CITY MANAGER

Andrew Fersch, current chair, has resigned from the committee effective after the July 13, 2021 OSAC meeting.

Subject 16. ORDER #8-21/22 - Open Space Acquisition Committee, District Three (Pride), for an unexpired term that expires October 1, 2022.

Meeting Jul 20, 2021 - CITY COUNCIL MEETING
Category B. APPOINTMENT CALENDAR
Access Public
Type Action
Recommended Action Motion to postpone.

POSITION PAPER OF THE CITY CLERK

Chelsea Scudder has resigned from the committee effective after the July 13, 2021 OSAC meeting.

Subject 17. ORDER #15-21/22 - Senior Steering Implementation Committee, appointing Karen Taylor to fill the vacancy created by the resignation of Alan Cardinal. ROLL CALL VOTE. Passage requires majority vote.

Meeting Jul 20, 2021 - CITY COUNCIL MEETING
Category B. APPOINTMENT CALENDAR
Access Public
Type Action
Recommended Action Motion for passage.

POSITION PAPER OF THE CITY CLERK

Alan Cardinal resigned from the committee. Per ORDER #203-18/19 which created the committee, the committee is recommending to the City Council to appoint resident Karen Taylor to fill the vacancy.

File Attachments
[ORDER #15.pdf \(337 KB\)](#)

Subject 18. ORDER #16-21/22 - Board of Appeals, District One (Leighton), appointing Nicole Regan for a term that expires July 23, 2024. ROLL CALL VOTE. Passage requires majority vote.

Meeting Jul 20, 2021 - CITY COUNCIL MEETING
Category B. APPOINTMENT CALENDAR
Access Public
Type Action
Recommended Action Motion for passage.

POSITION PAPER OF THE CITY CLERK

Edward (Ted) Kelleher's term is ending 7/23/2021. He is not seeking reappointment. Councilor Leighton is requesting to appoint Nicole Regan of District 2 to fill the vacancy (starting 7/23/21). Nicole's application is attached for consideration.

File Attachments
[Application - Regan.pdf \(213 KB\)](#)
[ORDER #16.pdf \(473 KB\)](#)

C. CONSENT CALENDAR

D. CITIZEN DISCUSSION (PART I)

Subject 1. Citizen Discussion
Meeting Jul 20, 2021 - CITY COUNCIL MEETING
Category D. CITIZEN DISCUSSION (PART I)
Access Public
Type Discussion

Members of the public will be given up to **5 minutes** to speak on any item on or off the agenda during Citizens Discussion Part I. Members of the public speaking on any agenda item during this time will not

be able to speak on that item again once it comes up for public discussion (including workshops). Members speaking during Citizen Discussion Part I will not be able to speak during Citizen Discussion Part II.

E. PUBLIC HEARINGS AND ACTION

Subject **1. ORDINANCE #1-21/22 - Amending Chapter 8, "Fire Protection and Prevention" regarding Residential Sprinkler Revisions. Amended and passed first reading on July 6, 2021. Second reading. ROLL CALL VOTE. Passage requires majority vote.**

Meeting Jul 20, 2021 - CITY COUNCIL MEETING

Category E. PUBLIC HEARINGS AND ACTION

Access Public

Type Action

Preferred Date Jul 06, 2021

Recommended Action Council passage of ORDINANCE #1-21/22

POSITION PAPER OF THE CITY MANAGER

On February 2, 2021 the City Council held a [workshop on Fire Code Amendments related to residential sprinklers](#). The Council provided guidance to staff to prepare further amendments to modify the requirement that – starting October 1, 2021 – sprinklers be installed as part of additions and renovations to one and two-family dwelling units involving more than 50% of the gross floor area of the building. The City Council provided guidance that sprinklers should be installed when projects involve at least 800 s.f. of gross floor area and expose structural elements (i.e., go to the studs or to roof/ceiling/floor joists) for renovations or add more than 800 s.f. of gross floor area for additions.

On [July 6, 2021](#), City Council voted to remove the residential sprinkler requirement for additions/renovations and only require sprinklers for new construction. As such, this second reading is for an ordinance that would only require sprinklers for one and two-family dwelling units if they are new construction. Attached you will find both the original proposed ordinance amendment and the revised ordinance amendment.

Fire Chief Jim Wilson, Deputy Fire Chief Michael Williams, Code Enforcement Director Barb Skelton, and Corporation Counsel Sally Daggett will be at the meeting to answer questions.

File Attachments

[ORDINANCE - ORIGINAL at 1st reading 7-6-21.pdf \(148 KB\)](#)

[ORDINANCE #1-Ch 8 Amendments as Amended at First Reading ready for July 20 2021.pdf \(52 KB\)](#)

F. ACTION ON OLD AND NEW BUSINESS

Subject **1. ORDER #17-21/22 - Schedule Public Hearing on Amended Remote and Hybrid Meeting Policy for July 27, 2021 and Provide Notice of Consideration of Amendments to Council Standing Rules on July 27, 2021. ROLL CALL VOTE. Passage requires majority vote.**

Meeting Jul 20, 2021 - CITY COUNCIL MEETING

Category F. ACTION ON OLD AND NEW BUSINESS

Access Public

Type Action

Recommended Action Motion for passage.

POSITION PAPER OF THE CITY MANAGER

With the adoption of LD 32 as P.L. 2021, ch. 290 and cessation of the Governor's declared state of civil emergency, remote public meetings must either end July 30 or else comply with the new law. Under the new law, with the adoption of a written policy, public meetings may continue to be conducted remotely or in a "hybrid" (part remote and part in-person) mode in limited circumstances. Adoption of such a written policy requires notice and hearing, which notice is being given this evening, with the public hearing and action on adoption of an amended policy to comply with the new law set for July 27. Attached is a copy of the draft amended remote and hybrid meeting policy, which will replace the City's existing Remote Meeting Policy.

A companion amendment of the City Council Standing Rules is needed to go along with the updated remote and hybrid meeting policy. Specifically, Rule 1 needs to be amended to change an existing reference to remote meetings, and a new Rule 37 needs to be added to incorporate by reference the remote and hybrid meeting policy.

The Council recently adopted two policies that provide an exception to the Rule 4 procedures for Councilors bringing forward agenda items, and so it is also proposed that Rule 4 be amended to reflect that flag display and artistic crosswalk requests do not require a workshop. A summary of the proposed Rules changes is as follows:

- Rule #1: Update reference to remote and hybrid meeting policy
- Rule #4: Clarify that Flag Display Policy & Artistic Crosswalks Policy requested items don't need a workshop
- Rule #37: Incorporate by reference the remote and hybrid meeting policy

As a reminder, neither the remote and hybrid meeting policy nor the Council Rules amendments are in order for action this evening; the order to be acted on tonight serves to schedule the public hearing on the amended remote and hybrid meeting policy for July 27 and provides notice that action on Council Rules changes will take place on July 27.

File Attachments

LD 32-PL 2021 ch 290 re remote mtgs.pdf (139 KB)
1-Remote Meeting Policy Revised CLEAN 07-14-21.pdf (16 KB)
2-Remote Meeting Policy Redlined 07-14-21.pdf (22 KB)
3-Draft Amendments to Council Rules 07-14-21.pdf (32 KB)
Order #17.pdf (21 KB)

Admin Content

reviewed by sally - will send the amended council rules & remote meeting policy docs to Mary when ready

G. WORKSHOP DISCUSSION

Subject 1. Regulation of Small Cell Infrastructure

Meeting Jul 20, 2021 - CITY COUNCIL MEETING

Category G. WORKSHOP DISCUSSION

Access Public

Type Discussion

POSITION PAPER OF THE CITY MANAGER

The purpose of this workshop is to familiarize the City Council with small cell wireless technology and consider regulation of such antenna installations within the City of South Portland, particularly within the City's rights-of-way. Small cells are becoming more prevalent with the transition to 5G technology, and this infrastructure is commonly installed on poles within the City rights-of-way. There are relatively few in the City of South Portland today (less than 10), but we anticipate significant growth in the coming years.

The Federal Communications Commission (FCC) has adopted a [Declaratory Ruling](#) that places limits on municipal regulation. The State of Maine has also adopted a [statute on small wireless facilities](#) that ensures they are "...a permitted use within the public right-of-way, subject to permitting requirements and duly adopted, nondiscriminatory conditions otherwise applicable to permitted uses within the municipality and consistent with state and federal law..." The question for the City is not whether to allow these (they must be permitted based on State and Federal law), but rather, what reasonable and non-discriminatory regulations should the City adopt, if any?

During the past year City staff have been reviewing options for how best to regulate small wireless facilities and will be presenting a concept and recommendations for Council consideration. The proposal includes a licensing requirement for small wireless infrastructure within the right of way, as well as a consolidated permit process to streamline applications. It also includes ordinance amendments to better define wireless infrastructure and adopt public safety and design standards, in addition to other requirements.

Attached please find a Municipal Action Guide from the National League of Cities (NLC) related to Small Cell Technology, and overview of small cell technology from the Federal Communications Commission (FCC), and a draft license agreement for small cells.

Assistant City Manager Joshua Reny and Attorney Mark Bower of Jensen Baird will be presenting this item at the Council workshop. They, along with Fire Chief Jim Wilson and Planning Director Milan Nevajda, will be available to answer questions.

File Attachments

[NLC Small Cell Action Guide.pdf \(7,627 KB\)](#)

[FCC Tech Overview Small Cell May 2017.pdf \(1,082 KB\)](#)

[DRAFT Master License Agreement for Small Cells.pdf \(826 KB\)](#)

Subject **2. Support for Federal Semiconductor Legislation**

Meeting Jul 20, 2021 - CITY COUNCIL MEETING

Category G. WORKSHOP DISCUSSION

Access Public

Type Discussion

POSITION PAPER OF THE CITY MANAGER

In discussions with staff, Mayor Pride and Councilor Lewis indicated an interest in a workshop to discuss pending federal legislation in support of the semiconductor industry and whether the City of South Portland should send a letter to Maine's Congressional delegation requesting their support for said legislation. Economic Development Director Bill Mann has provided a comprehensive memo describing the legislation and the importance of our local semiconductor sector. Council is simply being asked whether such a letter of support should be sent (and by extension that the City is supportive of the proposed legislation).

Mr. Mann and Finance Director Ellen Sanborn will be present at the workshop to present the topic and will then be available to answer questions.

File Attachments

Staff Memo - Semiconductor Workshop.pdf (148 KB)

Links to Semiconductor Legislation & Other Info.pdf (142 KB)

Timeline of Semiconductor Industry in South Portland.pdf (2,508 KB)

Draft Letter for Congressional Delegation.pdf (482 KB)

Admin Content

Wait for Confirmation from Misha before publishing

Subject **3. List of Workshop Items to be Reviewed.**

Meeting Jul 20, 2021 - CITY COUNCIL MEETING

Category G. WORKSHOP DISCUSSION

Access Public

Type Discussion

POSITION PAPER OF THE CITY MANAGER

Council has workshops scheduled through December 21, 2021. There remains three items on the workshop list that are awaiting a date, none of which are ready to be scheduled for a specific date.

Staff is requesting that the July 27 workshop on boards and committees be postponed.

File Attachments

07-14-21 Workshop Items List.pdf (114 KB)

H. CITIZEN DISCUSSION (PART II)

Subject **1. Citizen Discussion**

Meeting Jul 20, 2021 - CITY COUNCIL MEETING

Category H. CITIZEN DISCUSSION (PART II)

Access Public

Type Discussion

Members of the public will be given up to **5 minutes** to speak on any item on or off the agenda during Citizens Discussion Part II. Members of the public who spoke on any agenda item (including workshops) will not be able to speak on that item again during this time. Members who spoke during Citizen Discussion Part I will not be able to speak during Citizen Discussion Part II.

I. COMMUNICATION FROM THE CITY MANAGER

J. COUNCILOR'S ROUND ROBIN

K. EXECUTIVE SESSION

L. ADJOURNMENT

Subject **1. Adjourn**

Meeting Jul 20, 2021 - CITY COUNCIL MEETING

Category L. ADJOURNMENT

Access Public

