

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 104  
MAY 15, 2017**

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

**A. Acceptance of Minutes**

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

**B. Communications from City Manager**

**C. Reports from Boards and Committees**

Beecher attended the recent Parks & Waterfront Alliance Casco Bay Cruise tour of the bay.

**D. Petitions and Communications**

**E. Appointment Calendar**

*Item 18 was taken out of order.*

**18. RESOLVE #14-16/17** – Adopting a Proclamation recognizing Sybil Riemensnider for her contribution to The South Portland Food Cupboard. Passage requires majority vote.

The following commented:

Jane Eberle  
Russ Lunt  
Sybil Riemensnider

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

**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 7-0.

**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 Beecher. The motion passed 7-0.

**3. ORDER #151-16/17** – Board of Appeals, District At-Large (Henderson), for an unexpired term which expires on 7/23/19. Passage requires majority vote.

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

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

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

**5. ORDER #180-16/17** – Planning Board, District Three (Rose), for an unexpired term expiring 04/01/18. Passage requires majority vote.

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

**6. ORDER #183-16/17** – Arts & Historic Preservation Committee, District One (Morgan), for an unexpired term expiring 10/20/19. Passage requires majority vote.

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

**7. ORDER #189-16/17** – Energy & Recycling Committee, District At-Large (Henderson), appointing **Greg Williams** for an unexpired term expiring 05/05/2020. Passage requires majority vote.

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

**8. ORDER #190-16/17** – Energy & Recycling Committee, District At-Large (Beecher), for an unexpired term expiring 05/05/2020. Passage requires majority vote.

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

**9. ORDER #191-16/17** – Energy & Recycling Committee, District At-Large (Beecher), appointing **Daniel Paul** for an unexpired term expiring 05/05/2020. Passage requires majority vote.

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

**10. ORDER #192-16/17** – Conservation Commission, District Three (Rose), for an unexpired term expiring 03/03/2020. Passage requires majority vote.

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

**F. Consent Calendar**

*Passage of Consent Calendar requires majority vote.*

**11. ORDER #193-16/17** – Granting street closure of Broadway on May 29, 2017 from 10:30am to 12:00pm for the Memorial Day Parade.

**12. ORDER #194-16/17** – Granting street closure of Fort Road, Benjamin Pickett Street, and Surfsite Road from 7:00am to 1:00pm for a triathlon on July 22 and 23, 2017 for Tri For A Cure.

**13. ORDER #195-16/17** – Granting street closure of Ocean Street from the intersections of A Street to D Street from 2:00pm to 10:00pm on August 12, 2017 for the Knightville Street Festival.

The following spoke:

Russ Lunt, Brigham St.

Jim Hoy, Hill St.

Cohen moved for passage of the Consent Calendar, seconded by Rose. The motion passed 7-0.

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

Russ Lunt, Brigham St.

Bob Whyte, Orchard St.

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Albert DiMillo, Colchester Dr.  
Greg Lewis, Mussey St.

**H. Public Hearings and Action**

**14. ORDINANCE #18-16/17-** Amending Chapter 27, "Zoning Ordinance," regarding extension of moratorium on the land use permitting and development of retail marijuana establishments and marijuana social clubs. Passed first reading on May 1, 2017. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

The following spoke:

Bob Whyte, Orchard St.  
Russ Lunt, Brigham St.  
Greg Lewis, Mussey St.  
Jim Hoy, Hill St.

Cohen moved for passage, seconded by Beecher. The motion failed 4-3 (Morgan, Rose, Fox) on a roll call vote.

**15. ORDINANCE #19-16/17 -** Amending Chapter 14, "Licensing", regarding extension of moratorium on the licensing of retail marijuana establishments and marijuana social clubs. Passed first reading May 1, 2017. ROLL CALL VOTE. Passage requires majority vote.

Cohen moved for passage, seconded by Beecher. The motion passed 4-3 (Morgan, Rose, Fox).

**16. ORDER #196-16/17 –** Granting Chicago Dogs, 671 Main Street, a F/E Restaurant with Liquor License. Passage requires majority vote.

The following spoke:

Russ Lunt, Brigham St.  
Albert DiMillo, Colchester Dr.

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

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

**17. RESOLVE #13-16/17 –** Amending Resolve #6-16/17 condemning violence and hate speech, and expressing solidarity with Muslims and all those targeted for their ethnicity, race, or religion. Postponed on May 1, 2017. Passage requires majority vote.

The following spoke:

George Corey, Franklin Terrace  
Robert Sellin, D St.  
Jim Hoy, Hill St.  
Patricia Whyte, Orchard St.  
Mary Jane Ferrier, School St.  
Bob Whyte, Orchard St.

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Rose moved for passage, seconded by Fox. The motion passed 5-2 (Cohen, Beecher).

**19. ORDER #197-16/17** – Award of Bid #31-17 to Chicago Dogs, of South Portland, ME, for the lease of the Willard Beach Concession Building. Passage requires majority vote.

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

**20. ORDER #198-16/17** – Accepting miscellaneous donations. Passage requires majority vote.

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

**21. RESOLVE #15-16/17** – Adopting a Proclamation regarding Memorial Day. Passage requires majority vote.

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

**22. ORDER #199-16/17** – Authorizing the City Manager to sign two license agreements with Portland Pipe Line Corporation extending the term for property used for the Greenbelt Walkway; one near Benjamin W. Pickett Street, and one behind Bonnybriar Road. Passage requires majority vote.

The following spoke:

Patricia Whyte, Orchard St.

Russ Lunt, Brigham St.

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

**23. ORDER #200-16/17** – Award of Bid #26-17 to Penta, of Moultonboro, NH, for an Aeration Splitter Project at the Water Resource Protection Facility. Passage requires majority vote.

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

*Items 24-34 were read and voted on as one item:*

**24. RESOLVE #16-16/17** - That \$19,050,373 be expended for Regular Instruction. Passage requires majority vote.

**25. RESOLVE #17-16/17** - That \$9,089,213 be expended for Special Education. Passage requires majority vote.

**26. RESOLVE #18-16/17** - That \$347,500 be expended for Career and Technical Education. Passage requires majority vote.

**27. RESOLVE #19-16/17** - That \$957,076 be expended for Other Instruction. Passage requires majority vote.

**28. RESOLVE #20-16/17** - That \$3,983,869 be expended for Student and Staff Support. Passage requires majority vote.

**29. RESOLVE #21-16/17** - That \$1,445,177 be expended for System Administration. Passage requires majority vote.

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**30. RESOLVE #22-16/17** - That \$2,497,874 be expended for School Administration. Passage requires majority vote.

**31. RESOLVE #23-16/17** - That \$2,008,911 be expended for Transportation and Buses. Passage requires majority vote.

**32. RESOLVE #24-16/17** - That \$4,328,601 be expended for Facilities Maintenance. Passage requires majority vote.

**33. RESOLVE #25-16/17** - That \$4,660,304 be expended for Debt service and Other Commitments. Passage requires majority vote.

**34. RESOLVE #26-16/17** - That \$438,520 be expended for All Other Expenditures. Passage requires majority vote.

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

**35. RESOLVE #27-16/17** - That \$35,855,791.50 be appropriated for the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that \$29,883,101.17 be raised as the City's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine revised Statutes, Title 20-A, section 15688. Passage requires majority vote.  
*Explanation: The City's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that the municipality must raise in order to receive the full amount of State dollars.*

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

**36. RESOLVE #28-16/17** - That \$4,057,799 be raised and appropriated for the annual payments on debt service previously approved by the voters for non-State funded school construction projects and non-State funded portions of school construction projects in addition to the funds appropriated as the local share of the City's contribution to the total cost of funding public education from pre-kindergarten to grade 12. Passage requires majority vote.

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

*Explanation: Non-State funded debt service is the amount of money needed for the annual payments on the City's long-term debt for major school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters of the City as follows:*

- *SPHS Auditorium/Cafeteria Construction, approved by voters on November 8, 1994*
- *Elementary Schools Construction and Renovation, approved by voters on November 6, 2001*
- *SPHS Addition and Renovation, approved by voters on November 2, 2010*

**37. RESOLVE #29-16/17** - That \$7,155,414.83 be raised and appropriated in additional local funds, which exceed the State's Essential Programs and Services Allocation model by \$6,394,662.67 as required to fund the budget recommended by the Board of Education. Passage requires majority vote.  
*The Board of Education recommends \$7,155,414.83 for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$6,394,662.67.*

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- Co-curricular/Athletic costs not recognized by EPS
- *Maintaining/Staffing two small Middle Schools rather than one*
- Staffing for Nursing Services greater than acknowledged by EPS
- Maintaining/Staffing five small Elementary Schools rather than four
- Class Size Targets less than State standard
- *Purchase of one 84 passenger Type D school bus*
- Lease payment for SPHS iPads
- *Capital Improvement Projects for Mahoney, Memorial and SPHS approved by voters on June 9, 2009*

*Explanation: The additional local funds are those locally raised funds over and above the municipality's local contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the school department budget for educational programs.*

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

**38. RESOLVE #30-16/17** -- That the Board of Education be authorized to expend \$48,807,418 for the fiscal year beginning July 1, 2017 and ending June 30, 2018 from the municipality's contribution to the total cost of funding public education from pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-State funded school construction projects, additional local funds for school purposes under the Maine Revised statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools. Passage requires majority vote.

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

*Items 39-41 were read and voted on as one item:*

**39. RESOLVE #31-16/17** - That the City of South Portland will appropriate \$25,000 for Adult Education and raise \$25,000 as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program. Passage requires majority vote.

**40. RESOLVE #32 -16/17** - That the City of South Portland will raise and appropriate \$430,000 in additional local dollars in support of the food service program. Passage requires majority vote.

**41. RESOLVE #33-16/17** – That the Board of Education be authorized to expend such other sums as may be received for state and federal grants or programs or other sources during the fiscal year for school and/or adult education purposes provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated. Passage requires majority vote.

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

**42. RESOLVE #34-16/17-** That the Board of Education be authorized to use all or part of additional state subsidy received, if any, to increase expenditures for school purposes in cost center categories approved by the School Board, increase the allocation of finances in a reserve fund approved by the School Board, and/or decrease the local cost share expectation, as defined in Title 20-A, section 15671-A(1)(B), for local property taxpayers for funding public education as approved by the School Board. Passage requires majority vote.

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

**43. ORDER #201-16/17** – Authorizing the Superintendent to implement the FY18 School Department Capital Improvement Plan in the amount of \$1,016,417 as detailed in the Superintendent’s memo and FY18 Proposed CIP Expenditure Summary. Passage requires majority vote.

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

**44. RESOLVE #35-16/17** – Supporting Solar Bills from the Legislature. Passage requires majority vote.

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

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

**K. Councilor’s Round Robin**

**L. Executive Session**

Cohen moved to adjourn at 10:03pm, seconded by Morgan. The motion passed 7-0.

A TRUE COPY ATTEST



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Emily F. Scully