

**IN COUNCIL REGULAR MEETING VOL. 79 PAGE 1
SEPTEMBER 18, 2017**

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

At the beginning of the meeting, Councilor Cohen moved to withdraw items #13 & #14 from the agenda, seconded by Morgan. The motion passed 7-0. These items will come before the Council at the next Council workshop.

A. Acceptance of Minutes

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

B. Communications from City Manager

A Mayoral Proclamation was read and presented recognizing members of the 2017 South Portland American Little League State Champions Team.

The Quarterly Investment Report was presented from the Department of Finance without comment.

C. Reports from Boards and Committees

Henderson reported on the first meeting of the Senior Citizen Advisory Committee. Cohen reported on the recent MMA Retreat in Kennebunkport.

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 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 #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 Cohen. The motion passed 7-0.

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

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

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F. Consent Calendar

5. ORDER #47-17/18 – Setting 7:00am as the time for the opening of the polls on Election Day, November 7, 2017. Passage requires majority vote.

Morgan moved for acceptance of the Consent Calendar, seconded by Beecher. The motion passed 7-0.

G. Citizen Discussion (First Part)

Russ Lunt, Brigham St.
Bob Klotz
Jasella, Lincoln St.
April, Cash St.
Greg Lewis, Mussey St.

H. Public Hearings and Action

6. ORDINANCE #4-17/18 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding secondhand dealers and pawnbrokers. Passed first reading 9/6/17. ROLL CALL VOTE. Passage requires majority vote.

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

7. ORDINANCE #5-17/18 – Amending Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding CATV Franchising. Passed first reading 9/6/17. ROLL CALL VOTE. Passage requires majority vote.

Morgan moved for passage, seconded by Henderson. The motion passed by roll call vote 7-0.

8. ORDER #48-17/18 – Granting Maine Mall Bistro LLC d/b/a Tuscan Table, 390 Gorham Road, a F/E with Liquor License. Passage requires majority vote.

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

9. ORDER #49-17/18 – Granting Big Fin LLC, d/b/a Big Fin Poke, 29 Western Avenue, a F/E with Malt and Vinous License. Passage requires majority vote.

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

I. Action on Old and New Business

10. RESOLVE #11-17/18 – Proclaiming the month of September as Pain Awareness & National Recovery Month. Passage requires majority vote.

The following spoke:
Ernie Merritt, Saco
Samanatha Shepherd, UNE

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

11. ORDER #50-17/18 – Accepting miscellaneous donations. Passage requires majority vote.

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

12. ORDER #51-17/18 – Extending, pursuant to 23 M.R.S. § 3032, the deadline for action by the City Council either to accept or allow a deemed vacation of certain paper streets for an additional period of 20 years; and authorizing the recording of notice regarding the same. Passage requires majority vote.

The following spoke:
Jasella, Lincoln St.
April, Cash St.

Cohen moved for passage, seconded by Morgan. Morgan moved to amend the order and Exhibit A attachment to include Exhibit 19 as part of the proposed streets for extension, seconded by Cohen. The motion passed 7-0. The main motion passed as amended 7-0.

13. RESOLVE #12 - 17/18 – Requesting Council guidance regarding amendments to Chapter 27, “Zoning” regarding Marijuana Zoning. Passage requires majority vote.

Withdrawn from the agenda.

14. RESOLVE #13 – 17/18 – Requesting Council guidance regarding amendments to Chapter 14, “Licensing” regarding Marijuana Licensing. Passage requires majority vote.

Withdrawn from the agenda.

15. ORDINANCE #6-17/18 - Amending Chapter 27, “Zoning,” regarding a Zone Text and Zone Map change for the West End Avenue Commercial Corridor (WACC), the West End Neighborhood Center (WNC), the West End Residential District (WR) and the IL zone. First reading. Passage requires majority vote.

The following spoke:
Stephanie Carver, GPCOG
Craig Piper, Comp Plan Implementation Committee Chair

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

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16. ORDINANCE #7-17/18 – Amending Chapter 27, “Zoning,” regarding a Zone Map change from Transitional Residential (RT) District and Limited Business (LB) District to Meetinghouse Hill Community Commercial (MHCC) District – 352, 362, 366, 372, 374, 376 and 378 Cottage Road (Tax Map 10, Lots 206, 207, 208, 209, 209A, 210 and 211). First reading. Passage requires majority vote.

Morgan moved for passage, seconded by Cohen. Cohen moved to accept the recommendations from the Planning Board and amend the Ordinance to include disallowance for drive-thrus and the recommended building height restriction. Seconded by Beecher. The motion for amendment passed 7-0.

The main motion passed as amended 5-2 (Henderson, Smith).

17. ORDER #52-17/18 – Adopting the MMA Model Ordinance GA Appendices A – H for the period of October 1, 2017 – September 30, 2018. Passage requires majority vote.

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

18. ORDER #53-17/18 – Appointing the Voting Delegate to the 2017 Maine Municipal Association’s Annual Business Meeting. Passage requires majority vote.

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

19. ORDER #54-17/18 – Award of Contracts for the Hot Tub Project at the Community Center Pool. Passage requires majority vote.

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

20. ORDER #55-17/18 – Accepting \$25,680 from the Maine Municipal Association. Passage requires majority vote.

Beecher moved for passage, seconded by Fox. Morgan moved to amend the order to include “Maine Municipal Association Employee Health Trust”, seconded by Fox. The motion passed 7-0. The main motion passed 7-0 as amended.

J. Citizen Discussion (Second Part)

April, Cash St.
John W., Cash St.

K. Councilor’s Round Robin

Rose thanked the Council for the postponement of the recreational marijuana resolves. Henderson reminded the public of the Casco Bay Heat Pump Challenge event occurring on 9/23.

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L. Executive Session

Fox moved to adjourn at 9:35pm, seconded by Cohen. The motion passed 7-0.

A handwritten signature in black ink, appearing to read "Joseph Salley". The signature is written in a cursive style with a large initial "J".

A TRUE COPY ATTEST _____