

**IN COUNCIL REGULAR MEETING VOL. 78 PAGE 74
FEBRUARY 6, 2017**

Roll Call: Mayor Smith called the meeting to order at 7:00pm. All Councilors were present; Councilor Morgan left the meeting after Item #18.

A. Acceptance of Minutes

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

B. Communications from City Manager

Presentation from Hank Farrah, of Runyon, Kersteen and Ouellette regarding audit review and short discussion by Finance Director Greg L'Heureux

C. Reports from Boards and Committees

Mayor Smith thanked those who were in attendance for the GPCOG meeting last week.

D. Petitions and Communications

Mayor Smith read an update regarding the Portland Pipeline v. City of South Portland lawsuit.

E. Appointment Calendar

Morgan moved to postpone items 1-5, 8-10, and 15-16, seconded by Beecher. The motion passed 7-0. The City Clerk read the items postponed.

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.
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.
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.
8. 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.
9. 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.

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10. 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.

15. ORDER #122-16/17 – Conservation Commission, District Five (Fox), for an unexpired term which expires on November 20, 2019. Passage requires majority vote.

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

6. ORDER #61-16/17 – Arts & Historic Preservation Committee, District One (Morgan), appointing **Richard Elias** for a term which expires 10/20/19. Postponed since 10/17/16. Passage requires majority vote.

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

7. ORDER #109-16/17 – Library Advisory Board, District Two (Smith), appointing **Colleen Jones-Turner** for a term which expires 12/31/19. Postponed since 1/4/17. Passage requires majority vote.

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

11. ORDER #114-16/17 – Energy & Recycling Committee, At-Large (Beecher), appointing **Daniel Paul** for a term which expires 05/05/17. Passage requires majority vote.

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

12. ORDER #117-16/17 – Energy & Recycling Committee, At-Large (Henderson), appointing **Greg Williams** for a term which expires 05/05/17. Passage requires majority vote.

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

13. ORDER #120-16/17 – Long Creek Watershed Committee appointment of **Susan Henderson**. Passage Requires majority vote.

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

14. ORDER #121-16/17 – Long Creek Watershed Committee appointment of **Will Haskell**. Passage requires majority vote.

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

F. Consent Calendar

G. Citizen Discussion (First Part)

The following spoke:

Ralph Cabana, South Portland

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H. Public Hearings and Action

Item #18 was taken out of order.

18. ORDER #124-16/17 – Requiring the City Council to review the amendments to Chapter 27, “Zoning,” evidenced by Ordinance # 11-16/17 on or before February 6, 2019. Passage requires majority vote.

The following spoke:

Greg Lewis, Mussey St.
Will Cabana, Portland

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

17. ORDINANCE #11-16/17 – Amending Chapter 27, “Zoning,” regarding Non-Conforming Residential lots. Passed first reading 1/18/17. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

The following spoke:

Kathy Cabana, South Portland
William Laidley, Planning Board
Will Cabana, Portland

Cohen moved for passage, seconded by Morgan. The motion passed 6-1 (Rose) by a roll call vote.

Action on Old and New Business

19. RESOLVE #6-16/17 – Resolution condemning violence and hate speech, and expressing solidarity with Muslims and all those targeted for their ethnicity, race, or religion. Passage requires majority vote.

The following spoke on this item:

Sen. Rebecca Millet, District 29
Ken Kunin, Superintendent of Schools
Jennifer Morris, Carrol St.
Jim Braley, S. Portland
Bruce Bennett, Red Oak
Roberta Zuckerman
Karen Silverman, Churchill Rd.
Patricia Whyte, Orchard St.
Susan Chase
Judith Kurtz
Cindy Maddox
Linden Thigpen
Justile, Bower St.

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I. Sherik
Rachel Burger, Churchill Rd.
Rosemarie DeAngelis
Barbara Psicos
Adrian Dowling
Blair Banwell
Cathy Chapman
Greg Lewis
Bob Whyte
Celcia Marcehetti
Makara Meng

Cohen moved for passage, seconded by Beecher. The motion passed 6-0 (Morgan out).

20. ORDINANCE #12-16/17 – Amending Chapter 27, “Zoning,” regarding Solar Energy Systems. First reading. Passage requires majority vote.

Beecher moved for passage, seconded by Henderson. Cohen moved to amend ORDINANCE #12-16/17 to accept the revisions outlined in 2(h). Fox seconded; amendment passed 6-0 (Morgan out). The main motion passed as amended 6-0 (Morgan out).

21. RESOLVE #7-16/17 – Transferring \$500,000 from the unassigned fund balance to the “Clear Skies Ordinance Legal Defense Fund” within the Litigation-Legal Reserve Fund, and providing additional funding for litigation defense costs. Passage requires majority vote.

The following spoke:
Patricia Whyte, Orchard St.

Rose moved for passage, seconded by Beecher. The motion passed 6-0 (Morgan out).

22. ORDER #125-16/17 – Authorizing the Interim City Manager to sign an Interlocal Agreement with Cumberland County Soil and Water Conservation District to serve as project manager for South Portland’s pesticide education and outreach, and appropriating up to \$20,000 from the City’s Unassigned Fund Balance to fund phase I – Education and Outreach Plan development. Passage requires majority vote.

Fox moved for passage, seconded by Beecher. The motion passed 6-0 (Morgan out).

23. ORDER #126-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

Fox moved for passage, seconded by Beecher. The motion passed 6-0 (Morgan out).

24. ORDER #127-16/17 – Award of Bid #22-17 to Yankee Ford, of South Portland, ME, for the purchase of four (4) Utility Interceptor vehicles for the Police Department. Passage requires majority vote.

Cohen moved for passage, seconded by Henderson. The motion passed 6-0 (Morgan out).

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25. ORDER #128-16/17 – Accepting \$1,002.80 under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

Beecher moved for passage, seconded by Fox. The motion passed 6-0 (Morgan out).

26. RESOLVE #8-16/17 – Adopting the Cumberland County All Hazards Plan. Passage requires majority vote.

Fox moved for passage, seconded by Smith. The motion passed 6-0 (Morgan out).

27. ORDER #129-16/17 – Authorizing the Interim City Manager to sign an agreement with the Town of Cape Elizabeth for Alternate Building Inspector services. Passage requires majority vote.

Fox moved for passage, seconded by Beecher. The motion passed 6-0 (Morgan out).

28. ORDER #130-16/17 – Appointing Scott T. Morelli as City Manager. Passage requires majority vote.

Cohen moved for passage, seconded by Rose. The motion passed 6-0 (Morgan out).

29. RESOLVE #9-16/17 – Supporting the development of new routes from the Maine Turnpike to municipal centers in western Cumberland County to reduce congestion on state and local roads and to improve access between the Turnpike and outlying communities. Passage requires majority vote.

Fox moved for passage, seconded by Beecher. The motion passed 6-0 (Morgan out).

J. Citizen Discussion (Second Part)

The following spoke:

Patricia Whyte, Orchard St.

Bob Whyte, Orchard St.

Adrian Dowling

K. Councilor's Round Robin

Rose commented on the U.S. President's cabinet picks.

Cohen thanked Rotary and staff for a great Winterfest.


Beecher commented on the great Winterfest event; thanks to Julie Rosenbach for help with organizing and promoting the Home Energy Fair. Sent well wishes to Russ Lunt.

Smith thanked everyone for their hard work and cooperation.

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L. Executive Session

Fox moved to adjourn at 10:15pm, seconded by Beecher. The motion passed 6-0 (Morgan out).

A TRUE COPY ATTEST 
Emily F. Scully