

IN COUNCIL REGULAR MEETING VOL. 78 PAGE 93
APRIL 3, 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 Morgan. The motion passed 7-0.

B. Communications from City Manager

The City Manager reminded the public of the City Budget Hearing on 4/5 at 7:00pm.

Update from Don Brewer on Leadership Academy

C. Reports from Boards and Committees

Mayor Smith reported on the first meeting of the O'Neil St. Committee.

D. Petitions and Communications

Citizen petition request for Skate Park. The following spoke: Jack Smart, Ackwood Rd; Jonathan Emmons Whited, Elsmere; Kirsten McWilliams, Elsmere; Russ Lunt, Brigham; Barbara Psichos, Knightville; Michelle Danois; Sybil Kipp, Pilsbury St; Scott Whited, Elsmere.

Councilor Morgan requested this item be scheduled for a future Council workshop for discussion, with support from Councilor Cohen, and Lisa Thompson from Parks & Rec.

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 #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 #162-16/17 – South Portland Housing Authority, District Three (Rose), appointing **Peter Howe** for an unexpired term which expires 03/25/22. Passage requires majority vote.

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

5. ORDER #163-16/17 – Energy & Recycling Committee, District Three (Rose), for an unexpired term which expires 05/05/19. Passage requires majority vote.

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

6. ORDER #164-16/17 – Planning Board, District Four (Cohen), appointing **Kevin Carr** for a term which expires 4/1/20. Passage requires majority vote.

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

7. ORDER #165-16/17 - Planning Board, District Five (Fox), for a term which expires 4/1/20. Passage requires majority vote.

Fox moved to suspend Council Rule 3(e) to allow an appointment to be made out of order.
Fox moved for passage, seconded by Beecher.

Fox moved to amend ORDER #165-16/17 to insert the name of Kathleen Phillips for appointment, seconded by Cohen. The motion passed 7-0.

The motion passed as amended 7-0.

F. Consent Calendar

G. Citizen Discussion (First Part)

The following spoke:

Jim Hoy, 77 Hill St.

Russ Lunt, Brigham St.

Albert DiMillo, Colchester Dr.

H. Public Hearings and Action

8. ORDINANCE #14-16/17 – Amending Chapter 27, re: Solar Ordinance. Passed first reading 3/6/17 and postponed on 3/20/17. ROLL CALL VOTE. Passage requires five (5) affirmative votes.

Cohen moved to postpone to next Council meeting; seconded by Morgan. The motion passed 7-0.

9. ORDINANCE #15-16/17 - Amending Chapter 27, "Zoning," regarding a Zone Map change from Residential A to Residential District G – 1337, 1343, 1351, 1350 and 1354 Broadway (Tax Map 32 Lots 168 and 169 and Tax Map 41 Lots 1, 27 and 27B). Passed first reading 3/20/17. ROLL CALL VOTE. Passage requires five (5) majority votes.

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

10. ORDER #166-16/17 - Public hearing on the proposed termination of the Peter H. Debevoise Memorial Scholarship Trust pursuant to 18-B M.R.S. § 414. Passage requires majority vote.

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

11. ORDER #167-16/17 - Public hearing to amend City Council Standing Rules. Passage requires majority vote.

The following spoke:

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George Corey, Franklin Terrace
Rosemarie DeAngelis, Pleasantdale
Barbara Psicos, Harbor Place

Cohen moved for passage, seconded by Beecher.

Mogan moved to amend Rule #35 to change the requirement from 3 Councilors to 2, seconded by Beecher.
The motion passed 7-0.

Smith moved to amend the start time of Council meetings from 6:30pm to 7:00pm, seconded by Beecher.
The motion passed 7-0.

The main motion passed as amended 7-0.

Action on Old and New Business

12. ORDER #168-16/17 – Accepting miscellaneous donations. Passage requires majority vote.

Cohen moved for passage, seconded by Morgan. The motion passed 6-0 (Fox out of the room).

13. ORDER #169-16/17- Accepting \$1,420.00 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 Beecher. The motion passed 7-0.

14. ORDER #170-16/17 - Authorizing the City Manager to submit the FY 2017-2018 Community Development Block Grant Annual Action Plan to the Cumberland County Community Development Program. Passage requires majority vote.

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

15. ORDER #171-16/17 – Authorizing the City Manager to sign a collective bargaining agreement with IAFF Local #1476 Public Safety Dispatchers for the period of July 1, 2016 to June 30, 2018. Passage requires majority vote.

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

I. Citizen Discussion (Second Part)

J. Councilor's Round Robin

Cohen reported on attending the Class of '19 successful basketball fundraiser.

K. Executive Session

Morgan moved to go into Executive Session pursuant to 1 M.R.S.A. § 405(6)(E) to discuss the pending litigation matters of *Portland Pipe Line Corporation, et al. v. City of South Portland, et al.* and *City of South Portland, et al. v. Maine Municipal Association Property & Casualty Pool* with the City's legal counsel, seconded by Cohen. The motion passed 7-0.

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Cohen moved to come out of Executive Session at 9:20pm, seconded by Morgan. The motion passed 7-0.
Cohen moved to adjourn at 9:21pm, seconded by Morgan. The motion passed 7-0.

A TRUE COPY ATTEST



Emily F. Scully