

IN COUNCIL REGULAR MEETING JUNE 4, 2012 VOL. 127 PAGE 229

ROLL CALL: Mayor Brennan called the meeting to order at 7:10 P.M. (Councilor Coyne Absent.)

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Anton and seconded by Councilor Duson for approval of the minutes of May 21, 2012. Passage 8-0.

RECOGNITIONS:

PROCLAMATIONS:

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| Proc 41-11/12 | Proclamation Honoring Noah Lupica as the Top-Ranking Student of Casco Bay High School's Class of 2012 - Sponsored by Mayor Michael F. Brennan. |
| Proc 42-11/12 | Proclamation Honoring Madeline Weatherhead as the Second-Ranking Student of Casco Bay High School's Class of 2012– Sponsored by Mayor Michael F. Brennan. |
| Proc 43-11/12 | Proclamation Honoring Madeline Ostwald as Valedictorian of Deering High School's Class of 2012 – Sponsored by Mayor Michael F. Brennan. |
| Proc 44-11/12 | Proclamation Honoring Julia King as Salutatorian of Deering High School's Class of 2012 – Sponsored by Mayor Michael F. Brennan. |
| Proc 45-11/12 | Proclamation Honoring Ellen Jewett as Valedictorian of Portland High School's Class of 2012 – Sponsored by Mayor Michael F. Brennan. |
| Proc 46-11/12 | Proclamation Honoring Eleni Anderson as Salutatorian of Portland High School's Class of 2012 – Sponsored by Mayor Michael F. Brennan. |

APPOINTMENTS:

CONSENT ITEMS:

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| Order 204-11/12 | Amending Traffic Schedule Re: Kennebec Street – Sponsored by the Transportation and Sustainability Committee - Councilor David A. Marshall, Chair. |
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Order 205-11/12 Amending Traffic Schedule Re: Sheridan Street – Sponsored by the Transportation and Sustainability Committee – Councilor David A. Marshall, Chair.

Motion was made by Councilor Donoghue and seconded by Councilor Marshall for passage of the consent items. Passage 8-0.

LICENSES:

Order 206-11/12 Granting Municipal Officer's Approval of AMA, LLC d/b/a Hugo's, 86 Middle St. Application to Expand Licensed Area for a Class XI Restaurant/Lounge License into 88 Middle Street, with Outdoor Dining on Public Property – Sponsored by Katherine L. Jones, City Clerk.

Motion was made by Councilor Anton and seconded by Councilor Donoghue for passage. Passage 8-0.

Order 207-11/12 Granting Municipal Officer's Approval of Deane Sports Bar, LLC d/b/a Mark's Place, 416 Fore Street. Application for a Class A Lounge Liquor License with Entertainment with Dance – Sponsored By Katherine L. Jones, City Clerk

Motion was made by Councilor Anton and seconded by Councilor Suslovic for passage. Passage 8-0.

BUDGET ITEMS:

COMMUNICATIONS:

Com 20 – 11/12 Communication RE: Establishment of the Spring and Free Street Area Streetscape Advisory Committee – Sponsored by Mayor Michael F. Brennan

The Mayor's appointees to the Committee are:

TBD	Creative Portland
Steve Crane	Cumberland County Civic Center
Mark Filler	Filler and Associates
Ricardo Quesada	Fore River Management
Hilary Bassett	Greater Portland Landmarks
Linda Betty	Holiday Inn by the Bay
Penny St. Louis	Maine Health

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Jan Beitzer	Portland Downtown District
Kristen Levesque	Portland Museum of Art
Brian Petrovek	Portland Pirates
TBD	Portland society of Architects
TBD	Portland Bicycle & Pedestrian Advisory Committee
TBD	Portland Children's Museum
TBD	Area Resident
TBD	West End Neighborhood Association
Tim Soley	East Brown Cow Corporation

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 198-11/12 Approving a Substantial Amendment to the Consolidated Housing and Community Development 2011-2012 Annual Action Plan Re: The Emergency Solutions Grant Program and Accepting Funds in the Amount of \$53,007 to Implement the Amended Plan – Sponsored by Mark H. Rees, City Manager. This order was given first reading on May 21, 2012.

Motion was made by Councilor Suslovic and seconded by Councilor Donoghue for passage. Passage 8-0.

Order 199-11/12 Amending Resolution 13-11/12 to Appropriate Community Development Block Grant Program Income - Sponsored by Mark H. Rees, City Manager. This item was given first reading on May 21, 2012.

Motion was made by Councilor Suslovic and seconded by Councilor Anton for passage. Passage 8-0.

Order 200-11/12 Adopting Eastern Cemetery Master Plan and Amending the City's Comprehensive Plan – Sponsored by the Planning Board, Carol Morrisette, Chair. This item was given first reading on May 21, 2012.

Motion was made by Councilor Donoghue and seconded by Councilor Marshall for passage. Passage 8-0.

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Order 201-11/12 Amendment to Portland City Charter Article II, Section 2 (City Council) Re: Term of At-Large Council Seat – Sponsored by the Legislative Committee, Mayor Michael F. Brennan, Chair. This item was given first reading on May 21, 2012.

Motion was made by Councilor Donoghue and seconded by Councilor Mavodones to postpone Order 201. Motion failed 3-5 (Anton, Brennan, Marshall, Leeman, Suslovic.)

Motion was made by Councilor Mavodones and seconded by Councilor Anton for passage. Passage 7-1. (Councilor Mavodones.)

Order 202-11/12 Amendment to Portland City Code Chapter 23 Secondhand Goods Article II. Pawnbrokers, Junk Dealers, Secondhand Dealers, and Flea Markets Sections 23-16 thru 23-29 – Sponsored by the Public Safety, Health, and Human Services Committee, Councilor Edward J. Suslovic, Chair. This item was given first reading on May 21, 2012.

Motion was made by Councilor Suslovic and seconded by Councilor Donoghue for passage. Passage 8-0.

Order 203-11/12 Amendment to Portland City Code Chapter 15, (Licenses and Permits), Section 15-6 (Fees) and Section 15-12 (Fees and Expiration Dates) Re: Flea Markets – Sponsored by the Public Safety, Health and Human Services Committee, Councilor Edward J. Suslovic, Chair. This item was given first reading on May 21, 2012.

Motion was made by Councilor Suslovic and seconded by Councilor Duson to Amend Order 203 by striking the \$35.00 application requirement for flea market sellers. Passage 5-3, (Leeman, Duson, Mavodones.)

Motion was made by Councilor Anton and seconded by Councilor Donoghue to amend Order 203 by striking the \$25.00 renewal application fee for flea market sellers. Passage 7-1 (Duson.)

Motion was made by Councilor Suslovic and seconded by Councilor Anton for passage. Passage 8-0.

ORDERS:

Order 208-11/12 Approving the Recommendation of The Portland Public Arts Committee for the Commissioning of Artist-Designed Seating to be Placed Along The Bayside Trail - Sponsored by the Portland Public Art Committee, Alice Spencer, Co-Chair, and Councilor David A. Marshall, Council Representative.

Motion was made by Councilor Anton and seconded by Councilor Donoghue for passage. Passage 8-0.

Order 209-11/22 Adopting the Transforming Forest Avenue Plan and Amending the City's Comprehensive Plan – Sponsored by the Planning Board, Carol Morrisette, Chair.

Motion was made by Councilor Leeman and seconded by Councilor Mavodones to amend Order 209 by adding a traffic study and engineering analysis to confirm the feasibility of this change. Passage 8-0.

Motion was made by Councilor Donoghue and seconded by Councilor Duson for passage. Motion failed 1-7 (Duson, Mavodones, Anton, Brennan, Marshall, Leeman Suslovic.)

Order 209-A- 11/12 Adopting the Transforming Forest Avenue Plan and Amending the City's Comprehensive Plan – Sponsored by the Transportation and Sustainability Committee, David A. Marshall, Chair.

Motion was made by Councilor Leeman and seconded by Councilor Anton to amend order 209-A by adding a traffic study and engineering analysis to confirm the feasibility of this change. Passage 8-0.

Motion was made by Councilor Marshall and seconded by Councilor Duson for passage as amended. Passage 8-0.

**Order 210-11/12 Approving Revised Municipal/State Agreement for Bayside Trail Sponsored by Mark H. Rees, City Manager
This is a first reading.**

**Order 211-11/12 Adopting Development Program for the Portland Downtown District for Fiscal Year 2012-2013 – Sponsored by Mark H. Rees, City Manager.
This is a first reading.**

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- Order 212-11/12 Assessing Maintenance and Implementation Assessments in the Portland Downtown District for Fiscal year 2011-2012 – Sponsored by Mark H. Rees, City Manager.
This is a first reading.**
- Order 213-11/12 Authorizing Master Agreement and Supplemental Services Agreement with Portland’s Downtown District – Sponsored by Mark H. Rees, City Manager.
This is a first reading.**
- Order 214-11/12 Requesting Amendment to City Code, Sec. 14-49 (Zoning Map Amendment) RE: Conditional Rezoning for Property in Vicinity of 26-32 Thomas Street (The Williston West Church Complex) – Sponsored by Carol Morrisette, Planning Board Chair.
This is a first reading.**

AMENDMENTS:

- Order 215-11/12 Amending Chapter 10, Fire Prevention and Protection; Revisions to Articles I, III, V, VII & VIII – Sponsored by Public Safety and Health & Human Services Committee – Councilor Edward J. Suslovic, Chair.
This is a first reading.**
- Order 216-11/12 Amending Chapter 13 (General Assistance) RE: Levels of Assistance – Sponsored by Mayor Michael F. Brennan.
This is a first reading.**

LICENSE RENEWALS:

REQUEST FOR EXECUTIVE SESSION:

Motion was made by Councilor Suslovic and seconded by Councilor Dusen to move into Executive Session pursuant to 1MRSA405(e) to consult with its attorney about the City’s legal rights and settlement negotiations regarding Shipyard Brewing Company and sewer user fees.
Passage 8-0, 10:00 P.M.

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Motion was made by Councilor Suslovic and seconded by Councilor Mavodones to move out of executive session. Passage 8-0, 10:24 P.M.

Motion was made by Councilor Marshall and seconded by Councilor Anton to adjourn. Passage 8-0, 10:25 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk