

IN COUNCIL REGULAR MEETING MAY 7, 2012 VOL. 127 PAGE 215

ROLL CALL: Mayor Brennan called the meeting to order at 7:10 P.M. (Councilor Duson arrived during the Proclamations.)

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Suslovic and seconded by Councilor Anton to approve the minutes of April 23, 2012 Special City Council meeting and April 30, 2012 Special City Council meeting. Passage 8-0.

ANNOUNCEMENTS:

RECOGNITIONS:

PROCLAMATIONS:

- Proc 34-11/12** **Proclamation Honoring Maine Walks for Haiti, May 12, 2012 – Sponsored by Mayor Michael F. Brennan.**
- Proc 35-11/12** **Proclamation Honoring National Nursing Home Week, May 13-19, 2012 – Sponsored by Mayor Michael F. Brennan.**
- Proc 36-11/12** **Proclamation Proclaiming National Public Works Week, May 20-26, 2012– Sponsored by Mayor Michael F. Brennan**
- Proc 37-11/12** **Proclamation Proclaiming Portland Bike Month, May, 2012, Portland Bike to School Day, May 9, 2012, and Portland Bike to Work Day, May 18, 2012 – Sponsored by Mayor Michael F. Brennan.**

APPOINTMENTS:

- Order 171-11/12** **Order Appointing Councilor John M. Anton to Metro Board – Sponsored by Mayor Michael F. Brennan.**

Motion was made by Councilor Suslovic and seconded by Councilor Marshall for passage. Passage 8-1, (Duson).

CONSENT ITEMS:

- Order 172-11/12** **Setting Time for Opening of Polls for Election on June 12, 2012 – Sponsored by Katherine L. Jones, City Clerk.**
- Order 173-11/12** **Order Declaring “26th Annual Southern Maine Pride Celebration Festival” – Sponsored by Mark H. Rees, City Manager**
- Order 174-11/12** **Order Declaring Cabot Creamery Cooperative “Celebrate Portland Festival” – Sponsored by Mark H. Rees, City Manager.**

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Order 175-11/12 Order Declaring Fenix Theater Company's "Shakespeare in the Park" at Deering Oaks Park – Sponsored by Mark H. Rees, City Manager.

Motion was made by Councilor Suslovic and seconded by Councilor Donoghue for passage of the consent items. Passage 8-0, (Anton out).

LICENSES:

BUDGET ITEMS:

Order 176-11/12 Authorizing FY 2013 Administrative Fees in Various Departments – Sponsored by the Finance Committee, Councilor John M. Anton, Chair.

Motion was made by Councilor Anton and seconded by Councilor Duson to postpone Order 176 to the May 21, 2012, Regular City Council Meeting. Passage 9-0.

**Order 177-11/12 Authorizing City Manager to Enter into Certain Agreements to Implement the FY 2013 Human Resources and Certain Fringe Benefits Budgets - Sponsored by Mark H. Rees, City Manager.
This is a first reading.**

Order 178-11/12 Re: Self-Insured Liability Program - Sponsored by Mark H. Rees, City Manager.

Motion was made by Councilor Anton and seconded by Councilor Duson to postpone Order 178 to the May 21, 2012 Regular City Council meeting. Passage 9-0.

**Order 179-11/12 Authorizing City Manager to Enter into Certain Agreements to Implement the FY 2013 Health and Human Services Budget - Sponsored by Mark H. Rees, City Manager.
This is a first reading.**

Order 180-11/12 Authorizing City Manager to Accept Scholarship Trust Donations and Enter into Trust Agreements – Sponsored Mark H. Rees, City Manager.

Motion was made by Councilor Anton and seconded by Councilor Duson to postpone Order 180 to the May 21, 2012 Regular City Council meeting. Passage 9-0.

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Order 181-11/12 Order Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by the Finance Committee, Councilor John M. Anton, Chair.

Motion was made by Councilor Anton and seconded by Councilor Duson to postpone Order 181 to the May 21, 2012 Regular City Council meeting.
Passage 9-0.

**Order 182-11/12 Order Amending 2002 Waterfront Tax Increment Financing Plan and Appropriating Funds – Sponsored by the Finance Committee, Councilor John M. Anton, Chair.
This is a first reading.**

**Order 183-11/12 Amending 2003 Bayside Tax Increment Financing Plan and Appropriating Funds – Sponsored by the Finance Committee, Councilor John M. Anton, Chair.
This is a first reading.**

**Order 184-11/12 Amending Creative Portland Development and Arts Tax Increment Financing District and Amending the Development Program for the District – Sponsored by the Housing and Community Development Committee, Councilor Nicholas M. Mavodones, Jr., Chair.
This is a first reading.**

**Order 185-11/12 Designating FY13 Funds for Specific Island Services – Sponsored by the Finance Committee, Councilor John M. Anton, Chair.
This is a first reading.**

BUDGET RELATED ORDINANCE AMENDMENTS:

**Order 186-11/12 Amendment to Portland City Code Chapter 25 §119 (Streets, Sidewalks and Other Public Places) Re: Excavator's License Fee - Sponsored by the Finance Committee, Councilor John M. Anton, Chair.
This is its first reading.**

APPROPRIATION RESOLVE:

**Order 187-11/12 Fiscal Year 2012-2013 Appropriation Resolve - Sponsored by the Finance Committee, Councilor John M. Anton, Chair.
This is a first reading.**

SCHOOL BUDGET ITEMS:

Mayor Brennan asked to have the School Budget Items taken out of order.

Order 165-11/12 Order Approving State/Local EPS Funding Allocation for Public Education from K-12 for Portland Schools for FY 2013 – Sponsored by the Finance Committee, Councilor John M. Anton, Chair. This item was given first reading on April 30, 2012.

Motion was made by Councilor Anton and seconded by Councilor Mavodones for passage. Passage 9-0.

Order 166-11/12 Approving Non-State Funded School Debt Service for Portland Schools for FY 2013 – Sponsored by the Finance Committee, Councilor John M. Anton, Chair. This item was given first reading on April 30, 2012.

Motion was made by Councilor Anton and seconded by Councilor Mavodones for passage. Passage 9-0.

Order 167-11/12 Raising and Appropriating Additional Local Funds for Portland Schools for FY 2013 – Sponsored by the Finance Committee, John M. Anton Chair. This item was given first reading on April 30, 2012.

Motion was made by Councilor Anton and seconded by Councilor Coyne for passage. Passage 9-0.

Order 168-11/12 Approving Total School Operating Budget for Portland Schools FY 2013 – Sponsored by the Finance Committee, Councilor John M. Anton, Chair. This item was given first reading on April 30, 2012.

Motion was made by Councilor Anton and seconded by Councilor Coyne for passage. Passage 9-0.

Order 169-11/12 Appropriating and Raising Funds for Adult Education for FY 2013 as Required by the Maine Revised Statutes, Title 20-A M.R.S.A. §8603-A(1) – Sponsored by the Finance Committee, Councilor John M. Anton, Chair. This item was given first reading on April 30, 2012.

Motion was made by Councilor Anton and seconded by Councilor Dusen for passage. Passage 9-0.

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Order 170-11/12 Appropriating and Raising Funds for the Food Service Budget in the Portland Public Schools for FY 2013 – Sponsored by the Finance Committee, Councilor John M. Anton, Chair. This item was given first reading on April 30, 2012.

Motion was made by Councilor Anton and seconded by Councilor Donoghue for passage. Passage 9-0.

COMMUNICATIONS:

RESOLUTIONS:

UNFINISHED BUSINESS:

Resolve 14-11/12 Resolution Adopting the FY 2013 HOME Program and Appropriating Funds for that Program – Sponsored by the Housing and Community Development Committee, Councilor Nicholas M. Mavodones, Jr., Chair. This item was given first reading on April 23, 2012.

Motion was made by Councilor Mavodones and seconded by Councilor Anton for passage. Passage 9-0.

Order 158-11/12 Approving Memorandum of Agreement for Regional Traffic Management Systems – Sponsored by Mark H. Rees, City Manager. This item was given first reading on April 23, 2012.

Motion was made by Councilor Suslovic and seconded by Councilor Duson for passage. Passage 8-0. (Marshall out).

Order 161-11/12 Amending Waiver Fee Schedule – Sponsored by Mark H. Rees, City Manager.

Motion was made by Councilor Anton and seconded by Councilor Suslovic for passage. Passage 9-0.

Order 162-11/12 Amendment to Portland City Code Chapter 28 (Traffic and Motor Vehicles) Article I. in General; Article II. Administration and Enforcement; and Article III. Stopping, Standing and Parking - Sponsored by Mark H. Rees, City Manager. This item was given first reading on April 23, 2012.

Motion was made by Councilor Anton and seconded by Councilor Suslovic for passage. Passage 9-0.

Order 163-11/12 Amendment to Portland City Code Chapter 4 Amusements Division 2 (License) Section 4-51 (Required) – Sponsored by the Public Safety and Health and Human Services Committee, Councilor Edward J. Suslovic, Chair. This item was given first reading on April 23, 2012.

Motion was made by Councilor Donoghue and seconded by Councilor Anton to amend the proposed ordinance by striking the monthly cap in Section 4-51 (b) (4). Motion failed 4-5 (Duson, Mavodones, Coyne, Brennan, Suslovic).

Motion was made by Councilor Anton and seconded by Councilor Mavodones to amend Section 4-51 (b) (4) to strike the restriction of two after-hour events per calendar month and replace it with 24 after-hour events per calendar year. Passage 6-3, (Suslovic, Brennan, Coyne).

Motion was made by Councilor Suslovic and seconded by Councilor Marshall for passage as amended. Passage 7-2, (Coyne, Marshall).

Order 164-11/12 Amendment to Portland City Code Sec. 14-49 (Zoning Map Amendment) Re: Conditional Rezoning for Property in Vicinity of 81-85 Danforth Street – Sponsored by the Planning Board, Carol Morrisette, Chair. This item was given first reading on April 23, 2012.

Councilor Anton disclosed that he worked for the financial company that represents Community Housing of Maine

Motion was made by Councilor Anton and seconded by Councilor Suslovic to amend the order by adding the Planning Board amendments to the Conditional Zoning Agreement. A new paragraph 11 was added to the Conditional Zoning Agreement for passage as amended. Passage 8-0, (Mavodones gone).

Motion was made by Councilor Donoghue and seconded by Councilor Duson to amend the Conditional Zoning Agreement by striking paragraph 2 (c) (3) which prohibits residents of the Danforth on High from seeking and obtaining a residential parking permit from the City. Passage 5-3 (Suslovic, Marshall, Brennan).

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

ORDERS:

**Order 188-11/12 Approving Application for New Freedom Program Grant Fund
and Authorizing City State Agreement – Sponsored by Mark H. Rees,
City Manager.**

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

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

A TRUE COPY.

Katherine L. Jones, City Clerk