

IN COUNCIL REGULAR MEETING JUNE 20, 2011 VOL. 127 PAGE 122

ROLL CALL: Mayor Mavodones called the meeting to order at 6:13 P.M. (Councilor Coyne arrived during unfinished business.)

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Marshall and seconded by Councilor Anton to approve the minutes of June 6, 2011 Regular meeting and June 13, 2011 Special meeting. Passage 8-0.

ANNOUNCEMENTS:

Motion was made by Councilor Anton and seconded by Councilor Suslovic to take Order 263, 278 out of order. Passage 8-0.

Order 263-10/11 Accepting and Appropriating a Grant Award in the Amount of \$2,424.00 from the Maine Department of Conservation for the Development of a Forest Management Plan – Sponsored by Pat Finnigan, Acting City Manager. This item was given first reading on June 6, 2011.

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

Order 278-10/11 Setting Compensation for Portland Board of Public Education - Sponsored by Pat Finnigan, Acting City Manager.

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

RECOGNITIONS:

PROCLAMATIONS:

CONSENT ITEMS:

Order 270-10/11 Amending Traffic Schedule – Sponsored by Councilor Kevin J. Donoghue, Transportation Committee Chair.

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Order 271-10/11 Declaring Compass Project's 8th Annual "Family Boat Building Event" Festival July 8, 2011 – July 10, 2011 – Sponsored by Pat Finnigan, Acting City Manager.

Order 272-10/11 Declaring 2011 "Fourth of July" Festival – Sponsored by Pat Finnigan, Acting City Manager.

Order 273-10/11 Declaring "The Urban Epic Challenge" as a Festival and Approving Contract and Permits Therefor – Sponsored by Pat Finnigan, Acting City Manager.

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

LICENSES:

Order 274-10/11 Granting Municipal Officers' Approval of SPT LLC, d/b/a SPT 2.0, 416 Fore Street. Application for a Class A Lounge and Entertainment with Dance – Sponsored by Katherine L. Jones, City Clerk.

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

Order 275-10/11 Granting Municipal Officers' Approval of the Application of Jaime Vacchiano d/b/a The Café, 484 Stevens Avenue. Application for a Class I Liquor License with Outdoor Dining on Private Property – Sponsored by Katherine L. Jones, City Clerk.

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

Order 276-10/11 Granting Municipal Officers' Approval of Aurora Provisions Inc d/b/a Aurora Provisions @ Portland Museum of Art. Application for a Class I Liquor License – Sponsored by Katherine L. Jones, City Clerk.

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

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Order 277-10/11 Granting Municipal Officers' Approval of Nosh LLC d/b/a Taco Escobarr, 548 Congress Street. Application for a Class XI Liquor License and Outdoor Dining on Public Property – Sponsored by Katherine L. Jones, City Clerk.

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

PUBLIC HEARINGS:

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 148-10/11 Adopting Brentwood Parcel Master Plan and Amending City's Comprehensive Plan – Sponsored by the Planning Board, Joe Lewis, Chair. This item was postponed on April 4, 2011.

Motion was made by Councilor Duson and seconded by Councilor Anton to amend Order 148 to receive a report of findings from Public Works Supervisor by communication in the council packet for June 18, 2012. Passage 9-0.

Motion was made by Councilor Waxman and seconded by Councilor Marshall to postpone Order 148 until June 18, 2012. Passage 9-0.

APPOINTMENTS:

Order 269-10/11 Appointing Constable – Sponsored by Pat Finnigan, Acting City Manager.

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

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Order 259-10/11 Adopting Development Program for the Portland Downtown District for Fiscal Year 2011-2012 – Sponsored by Pat Finnigan, Acting City Manager. This item was given first reading on June 6, 2011.

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

Order 260-10/11 Assessing Maintenance and Implementation Assessments in the Portland Downtown District for Fiscal Year 2011-2012 – Sponsored by Pat Finnigan, Acting City Manager. This item was given first reading on June 6, 2011.

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

Order 261-10/11 Authorizing Master Agreement and Supplemental Services Agreement with Portland's Downtown District – Sponsored by Pat Finnigan, Acting City Manager. This item was given first reading on June 6, 2011.

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

Order 262-10/11 Authorizing the Acting City Manager to Submit the Tier III Combined Sewer Overflow Long Term Control Plan to the Maine Department of Environmental Protection – Sponsored by Pat Finnigan, Acting City Manager. This item was given first reading on June 6, 2011.

Motion was made by Councilor Leeman and seconded by Councilor Waxman to amend order 262 to accept the plan to 20 years.

Motion failed 3-5(Anton, Duson, Mavodones, Marshall, Donoghue).

Motion was made by Councilor Anton seconded by Councilor Duson to postpone until first meeting in August to refine 15, 20, 25 year case, side by side baseline exemptions. Motion failed 2-7 (Coyne, Waxman, Suslovic, Leeman, Mavodones, Donoghue, Marshall).

Motion was made by Councilor Marshall seconded by Councilor Donoghue to amend Order 262 to 15 years. Passage 5-4 (Suslovic, Coyne, Leeman, Waxman).

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

Order 264-10/11 Amendment to Portland City Code Chapter 17 (Offenses, Miscellaneous Provisions), Article I (In General) – Sponsored by the Public Safety Committee, Councilor Edward J. Suslovic, Chair. This item was given first reading on June 6, 2011.

Motion was made by Councilor Marshall and seconded by Councilor Waxman to amend Order 264 by striking out section I. Passage 5-3 (Coyne, Suslovic, Donoghue.)

Motion was made by Councilor Duson and seconded by Councilor Mavodones to amend Order 264 by striking 17-6 sale of graffiti implements. Motion failed 4-5 (Anton, Donoghue, Marshall, Leeman, Suslovic.)

Motion was made by Councilor Marshall and seconded by Councilor Duson to amend budget to pay for graffiti. Passage 9-0.

Motion was made by Councilor Suslovic and seconded by Councilor Marshall for passage as amended. Passage 9-0.

Order 265-10/11 Amendment to Portland City Code Chapter 21 (Farmers' Markets), Article I, Section 21-3 – Sponsored by the Health and Recreation Committee, Councilor Dory Richards Waxman, Chair. This item was given first reading on June 6, 2011.

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

Order 266-10/11 Amendment to Portland City Code Chapter 19 (Peddlers and Solicitors), Article II, Section 19-24 – Sponsored by the Health and Recreation Committee, Councilor Dory Richards Waxman, Chair. This item was given first reading on June 6, 2011.

Councilor Marshall recued himself and noted that he was a Street Artist.

Motion was made by Councilor Waxman and seconded by Councilor Anton for passage. Passage 6-0. (Coyne, Suslovic out).

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Order 267-10/11 Designating Thompson's Point Transit-Oriented Development and Tax Increment Financing District and Adopting Municipal Development Program for the District – Sponsored by the Community Development Committee, Councilor Cheryl A. Leeman, Chair. This item was given first reading on June 13, 2011.

Motion was made by Councilor Suslovic and seconded by Council Donoghue to amend Order 267 to add transit portion be 25% of the life of the TIF. Passage 9-0.

Motion was made by Councilor Suslovic and seconded by Councilor Coyne for passage as amended. Passage 9-0.

Order 268-10/11 Approving Credit Enhancement Agreement with Thompson's Point Development Company, Inc. – Sponsored by the Community Development Committee, Councilor Cheryl A. Leeman, Chair. This item was given first reading on June 13, 2011.

Motion was made by Councilor Anton and seconded by Councilor Donoghue to amend Order 268 the credit enhancement to define "Maximum Cumulative TIF Payment Amount. Motion failed 3-5(Coyne, Waxman, Duson, Mavodones, Suslovic).

Motion was made by Councilor Suslovic and seconded by Councilor Marshall to amend Order 268 the credit enhancement agreement to remove all references to the "Maximum Cumulative TIF payment amount." Passage 5-3 (Anton, Marshall, Leeman).

Motion was made by Councilor Waxman and seconded by Councilor Suslovic for passage as amended. Passage 8-0 (Donoghue gone).

ORDERS:

Order 279-10/11 Approving Collective Bargaining Agreement with AFSCME Labor and Trades for July 1, 2011 through June 30, 2012 - Sponsored by Pat Finnigan, Acting City Manager. First reading.

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Order 280-10/11 Approving Collective Bargaining Agreement with AFSCME Supervisors for July 1, 2011 through June 30, 2012 – Sponsored Pat Finnigan, Acting City Manager. First reading.

AMENDMENTS:

Order 281-10/11 Amendment to Portland City Code Chapter 14. Land Use Article III. Zoning RE: B-1 Zone - Sponsored by the Planning Board, Joe Lewis, Chair . First reading.

Order 282-10/11 Amendment to Portland City Code Sec. 14-49 (Zoning Text and Map Amendment) Re: Second Amendment to Conditional Zoning Agreement The Village at Ocean Gate (aka Bay House) – Sponsored by the Planning Board, Joe Lewis, Chair. First Reading.

Order 283-10/11 Accepting and Appropriating a Grant Award in the Amount of \$1,047,363.00 from the US Department of Homeland Security for the Fire Department – Sponsored by Pat Finnigan, Acting City Manager.

Motion was made by Councilor Coyne and seconded by Councilor Suslovic to waive the second reading. Passage 7-1. (Anton)

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

Motion was made by Councilor Coyne and seconded by Councilor Suslovic to adjourn. Passage 8-0, 12:25 A.M.

A TRUE COPY.

Katherine L. Jones, City Clerk