IN COUNCIL REGULAR MEETING DEC. 20, 2010 VOL. 127 PAGE 53

ROLL CALL: Mayor Mavodones called the meeting to order at 7: 12 P.M. Councilor Donoghue arrived during the Consent Calendar. Coyne arrived during discussion of Resolve 6.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Marshall and seconded by Councilor Duson to approve the minutes of the Inaugural and Regular meetings of 12/6/10. Passage 7-0.

ANNOUNCEMENTS:

RECOGNITIONS:

PROCLAMATIONS:

Proc 13-10/11 Honoring Detective Joseph Fagone as Police Officer of the Month for October 2010 – Sponsored by Mayor Nicholas M. Mavodones, Jr.

Proc 14-10/11 Honoring Ann Mosley as Employee of the Month for December 2010 – Sponsored by Mayor Nicholas M. Mavodones, Jr.

Proc 15-10/11 Honoring Officer Richard Ray as Police Officer of the Month for November 2010 – Sponsored by Mayor Nicholas M. Mavodones, Jr.

APPOINTMENTS:

Order 106-10/11 Appointing Constables for 2011 Re: City and Portland Housing Authority – Sponsored by Joseph E. Gray, Jr., City Manager.

Motion was made by Councilor Anton and seconded by Councilor Waxman for passage. Passage 7-0.

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Order 107-10/11 Appointing Katherine Jones as Acting City Clerk – Sponsored by Mayor Nicholas M. Mavodones, Jr.

Motion was made by Councilor Anton and seconded by Councilor Leeman for passage. Passage 7-0.

Order 108-10/11 Appointing Katherine Jones as Registrar of Voters - Sponsored by Mayor Nicholas M. Mavodones, Jr.

Motion was made by Councilor Suslovic and seconded by Councilor Waxman for passage. Passage 7-0.

CONSENT ITEMS:

Order 109-10/11 Accepting True Street as a City Way and Turn-Around at the End of True Street as a Public Easement – Sponsored by Joseph E. Gray, Jr., City Manager.

Order 110-10/11 Accepting Drainage Easement – Sponsored by Joseph E. Gray, Jr., City Manager.

Order 111-10/11 Accepting Demerest Street as a City Way and Turn-Around at the End of Demerest Street as a Public Easement – Sponsored by Joseph E. Gray, Jr., City Manager.

Order 112-10/11 Authorizing Agreement with ICAC d/b/a Kaplan University – Sponsored by Joseph E. Gray, Jr., City Manager.

Motion was made by Councilor Anton and seconded by Councilor Waxman for passage of the Consent Calendar. Passage 8-0.

LICENSES:

Order 113-10/11 Granting Municipal Officer's Approval of Old Mast Investments, LLC, d/b/a Gogi, 653 Congress Street. Application for Class IV Restaurant with Beer and Entertainment without Dance License – Sponsored by Linda C. Cohen, City Clerk.

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

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Order 114-10/11 Granting Municipal Officer's Approval of Diamond Cove, LLC, d/b/a Diamond's Edge Restaurant, 1 Diamond Avenue. Application for Class I Restaurant With Liquor and Entertainment With Dance License. Outdoor Dining Requested – Sponsored by Linda C. Cohen, City Clerk.

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

Order 115-10/11 Granting Municipal Officer's Approval of Allied Resources, Inc., d/b/a The Cactus Club, 416 Fore Street. Class A Lounge and Entertainment with Dance License – Sponsored by Linda C. Cohen, City Clerk.

Motion was made by Councilor Marshall and seconded by Councilor Suslovic to postpone this item to 1/3/11. Passage 8-0.

PUBLIC HEARINGS:

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

Resolve 6-10/11 Authorizing the City of Portland's Participation in the Greater Portland Economic Development Corporation – Sponsored by the Community Development Committee, Councilor Cheryl A. Leeman, Chair.

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

UNFINISHED BUSINESS:

Order 98-10/11 Adopting FY 2010 Capital Improvement Program in the Amount of $9,994,950 – Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. Given first reading on 12/6/10.

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

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Order 99-10/11 Authorizing General Obligation Bonds to Finance a Portion of the Proposed 2010 Capital Improvement Program in an Amount not to Exceed $9,994,950 – Sponsored by Councilor Jill C. Duson, Chair. Given first reading on 12/6/10.

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

Order 100-10/11 Appropriating $9,994,950 for Capital Improvement Projects for 2010 Capital Improvement Program – Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. Given first reading on 12/6/10.

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

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Order 101-10/11 Adopting Policy Statement for the Waterfront Central Zone and Amending the City's Comprehensive Plan – Sponsored by the Community Development Committee, Councilor Cheryl A. Leeman, Chair. Postponed on 12/6/10.

Motion was made by Councilor Leeman and seconded by Councilor Suslovic for passage.

Motion was made by Councilor Donoghue and seconded by Councilor Marshall to amend the order by retaining the prohibition on residential uses in the policy statement. Passage 9-0.

Motion was made by Councilor Duson and seconded by Councilor Donoghue to amend the order to add a measurement of inventory of first floor uses regarding displacement and bringing forward the report sometime in April. Withdrawn.

Passage, as amended, 9-0.

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Order 103-10/11 Amendment to Portland City Code Chapter 14. Land Use Article III. Zoning Division 18. Waterfront Central Zone – Sponsored by the Community Development Committee, Councilor Cheryl A. Leeman, Chair. Given first reading on 12/6/10.

Motion was made by Councilor Waxman and seconded by Councilor Coyne for passage.

Motion was made by Councilor Duson and seconded by Councilor Donoghue to amend the order by adding a requirement in the ordinance that an inventory be taken of first floor uses and provided to the Council. Passage 9-0.

Motion was made by Councilor Anton and seconded by Councilor Donoghue to amend the order prohibiting new non-marine use in the first floors outside of the Non-Marine Use Overlay Zone. Failed 3-6 (Mavodones, Leeman, Duson, Coyne, Waxman, Suslovic).

Motion was made by Councilor Donoghue and seconded by Councilor Marshall to cap the non-marine use at 25%. Failed 2-7 (Mavodones, Leeman, Duson, Coyne, Waxman, Anton, Suslovic).

Motion was made by Councilor Marshall and seconded by Councilor Donoghue to change the sixty days to six months. Failed 3-6 (Mavodones, Leeman, Duson, Coyne, Waxman, Suslovic).

Motion was made by Councilor Anton and seconded by Councilor Donoghue to amend the order to include, in the report to Council, investment in marine infrastructure in the zone. Passage 9-0.

Motion was made by Councilor Leeman and seconded by Councilor Waxman to amend the order in Section 14-311 (a) regarding marketing requirements. Passage 9-0.

Passage, as amended, 7-2 (Marshall, Donoghue).

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Order 271-09/10 Adopting Policy Statement for the Waterfront Central Zone and Amending the City's Comprehensive Plan – Sponsored by the Planning Board, Joe Lewis, Chair. Given first reading on 6/21/10. Postponed on 6/21/10, 7/19/10, 8/16/10 and 9/20/10.

Motion was made by Councilor Suslovic and seconded by Councilor Coyne to indefinitely postpone this item. Passage 9-0.

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Order 272-09/10 Amendment to Portland City Code Chapter 14. Land Use Article III. Zoning Division 18. Waterfront Central Zone - Sponsored by the Planning Board, Joe Lewis, Chair. Postponed on 6/21/10, 7/19/10, 8/16/10 and 9/20/10.

Motion was made by Councilor Leeman and seconded by Councilor Duson to indefinitely postpone this item. Passage 9-0.

Order 102-10/11 Establishing Burglar Alarm Permit Fees – Sponsored by the Public Safety Committee, Councilor Edward J. Suslovic, Chair. Postponed on 12/6/10.

Motion was made by Councilor Marshall and seconded by Councilor Suslovic for passage.

Motion was made by Councilor Donoghue and seconded by Councilor Suslovic to amend the order by adding the amendments from the Public Safety Committee. Passage 8-0 (Leeman out).

Passage, as amended, 7-0 (Anton, Leeman out).

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Order 104-10/11 Amendment to Portland City Code Chapter 2.5. Alarm Systems Article II. Burglar Alarm Systems Sections 2.5-17 and 2.5-21 – Sponsored by the Public Safety Committee, Councilor Edward J. Suslovic, Chair. Given first reading on 12/6/10.

Motion was made by Councilor Coyne and seconded by Councilor Marshall for passage.

Motion was made by Councilor Marshall and seconded by Councilor Donoghue to amend the order by adding the amendments from the Public Safety Committee. Passage 7-0 (Anton, Leeman out).

Passage 7-0 (Anton, Leeman out).

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Order 105-10/11 Amendment to Portland City Code Chapter 10. Fire Prevention Article VIII. Signaling Systems for the Protection of Life and Property Section 10-104 – Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading on 12/6/10.

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

ORDERS:

Order 116-10/11 Approving Collective Bargaining Agreement with Police Benevolent Association - Sponsored by Joseph E. Gray, Jr., City Manager. First reading.

Order 117-10/11 Allocating $400,000 in HOME Funds to Avesta Housing for Pearl Place, Phase IIa – Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair. First reading.

AMENDMENTS:

Order 118-10/11 Approving Amendments to Conditional Zoning Agreement with Home Start for Property Located on Luther Street on Peaks Island – Sponsored by Joseph E. Gray, Jr., City Manager. First reading.

LICENSE RENEWALS:

Motion was made by Councilor Coyne and seconded by Councilor Marshall to adjourn. Passage 7-0 (Leeman, Anton out) 10:37 P.M.

A TRUE COPY.

ATTEST_____
Linda C. Cohen, MMC, City Clerk