

IN COUNCIL REGULAR MEETING JUNE 21, 2010 VOL. 126 PAGE 115

ROLL CALL: Mayor Mavodones called the meeting to order at 7:00 P.M. Councilor Leeman arrived after roll call.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Waxman and seconded by Councilor Duson to approve the minutes of the 6/7/10 meeting. Passage 9-0.

ANNOUNCEMENTS:

RECOGNITIONS:

PROCLAMATIONS:

Proc 33-09/10 Honoring Police Officer Cong Van Nguyen as Officer of the Month for May, 2010 – Sponsored by Mayor Nicholas M. Mavodones, Jr.

APPOINTMENTS:

Order 266-09/10 Appointing Constables for 2010 Re: Department of Public Services - Sponsored by Joseph E. Gray, Jr., City Manager.

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

Motion was made by Councilor Coyne and seconded by Councilor Duson to amend the order by adding, in the third paragraph, “or issue parking tickets.” Passage 8-0 (Marshall out).

Passage, as amended, 9-0.

CONSENT ITEMS:

LICENSES:

Order 267-09/10 Granting Municipal Officer’s Approval of KTDJL, INC, d/b/a Samuel’s, 1160 Forest Avenue. Request to Add Outdoor Dining – Sponsored by Linda C. Cohen, City Clerk.

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

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Order 268-09/10 Granting Municipal Officer's Approval of Hot Suppa! LLC, d/b/a Hot Suppa!, 703 Congress Street. Application for Class I Restaurant with Liquor License – Sponsored by Linda C. Cohen, City Clerk.

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

Order 269-09/10 Granting Municipal Officer's Approval of Po' Boys & Pickles, LLC, d/b/a Po' Boys & Pickles, 1124 Forest Avenue. Request to Expand Outdoor Dining Area – Sponsored by Linda C. Cohen, City Clerk.

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

PUBLIC HEARINGS:

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

Resolve 17A-09/10 Supporting City of Portland's Obesity Prevention Efforts– Sponsored by Mayor Nicholas M. Mavodones, Jr.

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

UNFINISHED BUSINESS:

Order 261-09/10 Amending and Replacing Order 152-09/10 (Jetport Fluid Capture and Recovery Improvements) – Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. Given first reading on 6/7/10.

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

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Motion was made by Councilor Marshall and seconded by Councilor Coyne to waive Council Rules to allow public comment on the first reading of Order 283-09/10. Passage 9-0.

Order 265-09/10 Amendment to Portland City Code Chapter 14 Article XVIII Section 14-2001 thru 14-2009 - Sponsored by Gary C. Wood, Corporation Counsel. Given first reading on 6/7/10.

Motion was made by Councilor Marshall and seconded by Councilor Waxman for passage. Failed 0-9 (Mavodones, Leeman, Duson, Marshall, Donoghue, Anton, Skolnik, Coyne, Waxman).

Order 283-09/10 Amendment to Portland City Code Chapter 14. Land Use Articles III. Zoning Divisions 1, 12 and 17 – Sponsored by Councilor David A. Marshall and Co-Sponsored by Councilors Kevin J. Donoghue, Jill C. Duson, and Dory Richards Waxman. First reading.

Motion was made by Councilor Marshall and seconded by Councilor Donoghue to refer this to the Planning Board.

Motion was made by Councilor Skolnik and seconded by Councilor Waxman to amend the motion by including the B2 zone for the Planning Board's consideration. Passage 7-2 (Leeman, Donoghue).

Passage, as amended, 9-0.

Order 262-09/10 Adopting Development Program for the Portland Downtown District for Fiscal Year 2010-2011 – Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading on 6/7/10.

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

Order 263-09/10 Assessing Maintenance and Implementation Assessments in the Portland Downtown District for Fiscal Year 2010-2011 – Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading on 6/7/10.

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

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Order 264-09/10 Authorizing Master Agreement and Supplemental Services Agreement with Portland's Downtown District – Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading on 6/7/10.

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

Order 240-09/10 Amendment to Portland City Code Chapter 14. Land Use Article III. Co-Sponsored by the Transportation Committee, Councilor Kevin J. Donoghue, Chair, and the Planning Board, William Hall, Chair. Given first reading and postponed on 5/17/10.

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

Order 241-09/10 Amendment to Portland City Code Chapter 14. Land Use Article III. Zoning Division 20. Off-Street Parking – Sponsored by the Transportation Committee, Councilor Kevin J. Donoghue, Chair. Given first reading and postponed on 5/17/10.

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

Motion was made by Councilor Duson and seconded by Councilor Anton to amend the order by adding referral to the Finance Committee. Withdrawn.

Motion was made by Councilor Anton and seconded by Councilor Donoghue to amend the ordinance by extending the boundary to State Street instead of stopping it at High. Passage 8-0 (Skolnik gone).

Passage, as amended, 8-0.

Order 242-09/10 Amendment to Portland City Code Chapter 14. Land Use Article III. Zoning Division 20. Off-Street Parking – Sponsored by the Planning Board, William Hall, Chair. Given first reading and postponed on 5/17/10.

Motion was made by Councilor Anton and seconded by Councilor Donoghue to indefinitely postpone this item. Passage 8-0.

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Order 244-09/10 Amendment to Portland City Code Chapter 14. Land Use Article III. Zoning Division 10 B-2 and B-2 Community Business Zones – Sponsored by the Housing Committee, Councilor John M. Anton, Chair. Given first reading and postponed on 5/17/10.

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

Order 243-09/10 Amendment to Portland City Code Chapter 14. Land Use Article III. Zoning Division 10 B-2 and B-2 Community Business Zones – Sponsored by the Planning Board, William Hall, Chair. Given first reading and postponed on 5/17/10.

Motion was made by Councilor Donoghue and seconded by Councilor Duson to indefinitely postpone this item. Passage 8-0.

ORDERS:

Order 270-09/10 Approving 18-Month Extension of the Collective Bargaining Agreement with Local 740, International Association of Firefighters AFL-CIO - Sponsored by Joseph E. Gray, Jr., City Manager. First reading.

Order 271-09/10 Adopting Policy Statement for the Waterfront Central Zone and Amending the City's Comprehensive Plan – Sponsored by the Planning Board, William Hall, Chair.

Motion was made by Councilor Marshall and seconded by Councilor Waxman to postpone this item to 7/19/10. Passage 8-0.

AMENDMENTS:

Order 272-09/10 Amendment to Portland City Code Chapter 14. Land Use Articles III. Zoning Division 18. Waterfront Central Zone - Sponsored by the Planning Board, William Hall, Chair. First reading.

Order 273-09/10 Amendment to City Code §.14-49 (Zoning Text and Map Amendment) Re: Conditional Rezoning for Property Located on Luther Street On Peaks Island – Sponsored by the Planning Board, William Hall, Chair. First reading.

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- Order 274-09/10 Amendment to Zoning Map Re: Rezoning from R-5 Residential Zone to R-P Residence-Professional Zone Vicinity of 1326 Washington Avenue – Sponsored by the Planning Board, Bill Hall, Chair. First reading.
- Order 275-09/10 Amendment to Portland City Code Chapter 14. Land Use Articles III. Zoning Division 6. R-5 Residential Zone – Sponsored by the Planning Board, William Hall, Chair. First reading.
- Order 276-09/10 Amendment to Portland City Code Chapter 14. Land Use Articles III. Zoning Division 10. B-2 and B-2b Community Business Zone – Sponsored by the Planning Board, William Hall, Chair. First reading.
- Order 277-09/10 Amendment to Portland City Code Chapter 14. Land Use Article V. Site Plan – Sponsored by the Planning Board, William Hall, Chair. First reading.
- Order 278-09/10 Amendment to Portland City Code Chapter 14. Land Use Articles II, III, and IX – Sponsored by the Planning Board, William Hall, Chair. First reading.

- Order 279-09/10 Amendment to Portland City Code Chapter 14. Land Use Article III. Zoning Division 1. Generally - Sponsored by Councilor David A.Marshall. First reading.

Motion was made by Councilor Marshall and seconded by Councilor Duson to waive the rules to allow a motion on this item. Passage 8-0.

Motion was made by Councilor Marshall and seconded by Councilor Duson to refer this item to the Planning Board. Passage 8-0.

- Order 280-09/10 Amendment to Portland City Code Chapter 14 (Land Use), Article III Re: Housing Preservation and Replacement – Sponsored by the Planning Board, William Hall, Chair. First reading. First reading.
- Order 281-09/10 Amendment to Portland City Code Chapter 14 (Land Use), Article III Re: Housing Trust Fund – Sponsored by the Planning Board, William Hall Chair. First reading.
- Order 282-09/10 Amendment to Portland City Code Chapter 14. Land Use Articles III. Zoning Division 12.5. B-4 Commercial Corridor Zone – Sponsored by the Planning Board, William Hall, Chair. First reading.

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LICENSE RENEWALS:

Motion was made by Councilor Coyne and seconded by Councilor Donoghue to adjourn. Passage 8-0, 10:55 P.M.

A TRUE COPY.

ATTEST

Linda C. Cohen, MMC, City Clerk