

## **IN COUNCIL REGULAR MEETING MAY 3, 2010 VOL. 126 PAGE 91**

**ROLL CALL:** Mayor Mavodones called the meeting to order at 7:04 P.M. Councilors Anton and Coyne arrived after the Approval of the Minutes.

### **APPROVAL OF MINUTES OF PREVIOUS MEETING:**

Motion was made by Councilor Waxman and seconded by Councilor Marshall to approve the minutes of the April 27, 2010 meeting. Passage 7-0.

### **ANNOUNCEMENTS:**

### **RECOGNITIONS:**

### **PROCLAMATIONS:**

Proc 29-09/10      Declaring May 14, 2010, as Carlo Pittore Day – Sponsored by Mayor Nicholas M. Mavodones, Jr.

### **APPOINTMENTS:**

### **CONSENT ITEMS:**

Order 203-09/10      Declaring Saturday, May 22, 2010 from 8:00 A.M. – 4:00 P.M. “West Fest 2010” – Sponsored by Mayor Nicholas M. Mavodones, Jr.

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

### **LICENSES:**

Order 204-09/10      Granting Municipal Officer’s Approval of Bowl Portland, LLC, d/b/a Bayside Bowl, 58 Alder Street. Application for a Class XI Restaurant/Lounge and Entertainment With Dance License. Entertainment Inside Only. Outdoor Dining on Private Property – Sponsored by Linda C. Cohen, City Clerk.

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

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Order 205-09/10      Granting Municipal Officer's Approval of Ramen Miyake, LLC, d/b/a Paimen Miyaki, 188 State Street. Application for a Class III & IV (Beer & Wine) License – Sponsored by Linda C. Cohen, City Clerk.

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

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Order 206-09/10      Granting Municipal Officer's Approval of Portland Greendrinks/Triceratops Group, d/b/a May Event to Benefit Opportunity Maine. License for an Incorporated Civic Organization to Serve Alcohol at Special Event at Powerpay Office in Space Formerly Known as the Portland Public Market Building on May 11, 2010 – Sponsored by Linda C. Cohen, City Clerk.

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

Motion was made by Councilor Marshall and seconded by Councilor Donoghue to amend the order by changing the location to The Public Market House on Monument Square. Passage 9-0.

Passage, as amended, 9-0.

### **SCHOOL BUDGET ITEMS:**

Order 190A-09/10      Approving Contribution to Total Cost of Funding Public Education from Kindergarten to Grade 12 for Portland Schools for FY2011 – Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. Given first reading on 4/27/10.

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

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Order 191-09/10      Approving Non-State Funded Debt Service for Portland Schools for FY2011 – Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. Given first reading on 4/27/10.

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

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Order 192-09/10      Authorizing and Appropriating Additional Local Funds for Portland Schools for FY2011 – Sponsored by Finance Committee, Councilor Jill C. Duson, Chair. Given first reading on 4/27/10.

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

Motion was made by Councilor Duson and seconded by Councilor Coyne to amend the order reducing the amount in paragraph 2 by \$109,000 changing all other amounts in the order accordingly. Passage 9-0.

Passage, as amended, 9-0.

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Order 193-09/10      Approving Total Budget Summary for Portland Schools for FY 2011 – Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. Given first reading on 4/27/10.

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

Motion was made by Councilor Duson and seconded by Councilor Skolnik to amend the order by reducing the amount by \$109,000 changing all other amounts in the order accordingly. Passage 9-0.

Passage, as amended, 9-0.

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Order 194-09/10      Appropriating Funds from Non-Tax Revenues for Food Service in the Portland Public Schools – Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. Given first reading on 4/27/10.

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

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Order 195-09/10      Appropriating and Raising Funds for Adult Education as Required by the Maine Revised Statutes, Title 20-A M.R.S.A. §8603-A(1) – Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. Given first reading on 4/27/10.

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

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Order 196-09/10      Ratifying Final Fiscal Year 2008-2009 Expenditures and Revenues – Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. Given first reading on 4/27/10.

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

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Order 197-09/10      Reducing Local Option Funds by Unanticipated State School Subsidy for Portland Schools for FY2011 – Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. Given first reading on 4/27/10.

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

### PUBLIC HEARINGS:

### BUDGET ITEMS:

### FY11 BUDGET ITEMS: PUBLIC HEARING

**Public Comment Will Be Taken At This Council Meeting On All City Budget Orders, And The Appropriation Resolve. A City Council Workshop To Discuss The City Budget Will Be Held On May 10, 2010, At 5:00 P.M. In The City Council Chambers. Council Action On The City Budget Will Take Place At The City Council Meeting On May 17, 2010, At 7:00 P.M.**

Order 207-09/10      Authorizing FY 2011 Administrative Charges and Changes in Various Departments – Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair.

Motion was made by Councilor Duson and seconded by Councilor Skolnik to postpone this item to 5/17/10. Passage 9-0.

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Order 208-09/10      Authorizing Increase in Blue Trash Bag Fee - Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair.

Motion was made by Councilor Skolnik and seconded by Councilor Duson to postpone this item to 5/17/10. Passage 9-0.

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Order 209-09/10      Setting Parking Violation Waiver Fees – Sponsored by Joseph E. Gray, Jr., City Manager.

Motion was made by Councilor Duson and seconded by Councilor Waxman to postpone this item to 5/17/10. Passage 9-0.

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Order 210-09/10      Amending Towing Schedule and Fees for Nonconsensual Tows - Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair.

Motion was made by Councilor Duson and seconded by Councilor Marshall to postpone this item to 5/17/10. Passage 9-0.

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Order 211-09/10      Authorizing City Manager to Enter into Certain Agreements to Implement the FY 2011 Human Resources and Certain Fringe Benefits Budgets - Sponsored by Joseph E. Gray, Jr., City Manager. First reading.

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Order 212-09/10      Re: Self-Insured Liability Program - Sponsored by Joseph E. Gray, Jr., City Manager.

Motion was made by Councilor Anton and seconded by Councilor Leeman to postpone this item to 5/17/10. Passage 9-0.

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Order 213-09/10      Authorizing City Manager to Enter into Certain Agreements to Implement the FY 2011 Health and Human Services Budget - Sponsored by Joseph E. Gray, Jr. City Manager. First reading.

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Order 214-09/10      Authorizing City Manager to Accept Scholarship Trust Donations and Enter into Trust Agreements – Sponsored by Joseph E. Gray, Jr., City Manager.

Motion was made by Councilor Donoghue and seconded by Councilor Coyne to postpone this item to 5/17/10. Passage 9-0.

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Order 215-09/10      Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair.

Motion was made by Councilor Waxman and seconded by Councilor Marshall to postpone this item to 5/17/10. Passage 9-0.

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Order 216-09/10      Amending 2002 Waterfront Tax Increment Financing Plan and Appropriating Funds – Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. First reading.

Order 217-09/10      Amending 2003 Bayside Tax Increment Financing Plan and Appropriating Funds – Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. First reading.

Order 218-09/10      Amending 2008 Creative Portland Development TIF District – Sponsored by the Finance Committee, Jill C. Duson, Chair. First reading.

Order 219-09/10      Designating FY11 Funds for Specific Island Services – Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. First reading.

### **BUDGET RELATED ORDINANCE AMENDMENTS:**

Order 220-09/10      Amendment to Portland City Code Chapter 2 Administration Article VI. Funds Due to City Section 2-204 – Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. First reading.

Order 221-09/10      Amendment to Portland City Code Chapter 6 (Buildings and Building Regulations) Re: Fee Schedule - Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. First reading.

Order 222-09/10      Amendment to Portland City Code Chapter 14 Land Use Article III. Zoning. Division I. Generally - Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. First reading.

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- Order 223-09/10      Amendment to Portland City Code Chapter 14. Land Use Article IX. Historic Preservation Division 9. Administration. - Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. First reading.
- Order 224-09/10      Order Amending Chapter 15 (Licenses and Permits) Sections 15-6 (Fees) and 15-12 (Fees and Expiration Dates) – Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. First reading.
- Order 225-09/10      Amendment to Portland City Code Section 24-72(c) Re: Sewer User Charges – Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. First reading.
- Order 226-09/10      Amendment to Portland City Code Chapter 25 (Streets, Sidewalks and Other Public Places) Re: Sidewalk Occupancy and Street Vending Fee - Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. First reading.
- Motion was made by Councilor Donoghue and seconded by Councilor Marshall to waive the Council rules to add an item to the agenda: Order 226A-09/10. Passage 9-0.
- Order 226A-09/10      Amendment to Portland City Code Chapter 28 (Traffic and Motor Vehicles) Article III. Stopping, Standing and Parking Section 28-02. Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. First reading.

### **APPROPRIATION RESOLVE:**

- Order 227-09/10      Fiscal Year 2010-2011 Appropriation Resolve - Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. First reading.

### **COMMUNICATIONS:**

### **RESOLUTIONS:**

### **UNFINISHED BUSINESS:**

Council Anton stated that he would be recusing himself from participation in the discussion and action on Orders 199A-09/10 and 201-09/10.

- Order 199A-09/10      Authorizing City Manager to Negotiate Sale of a Portion of City Land Known as the Adams School Site to Avesta Housing – Sponsored by Joseph E. Gray, Jr., City Manager.

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

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Order 200-09/10      Authorizing Sale of Portion of City Land known as the Adam School Site to Avesta Housing – Sponsored the Housing Committee, Councilor Jill C. Duson, Chair Pro Tempore. Given first reading on 4/27/10.

Motion was made by Councilor Coyne and seconded by Councilor Duson to postpone this item to 5/10/10. Passage 8-0 (Anton gone).

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Order 201-09/10      Accepting an Additional National Neighborhood Stabilization Program Grant of \$400,000 and Appropriating \$1,729,136 in National Neighborhood Stabilization Program Funds for Affordable Housing Development to Avesta Housing for the Proposed Project on a Portion of City Property Known as the Adam School Site – Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair Pro Tempore. Given first reading on 4/27/10.

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

### **ORDERS:**

### **AMENDMENTS:**

### **LICENSE RENEWALS:**

Motion was made by Councilor Coyne and seconded by Councilor Donoghue to adjourn. Passage 8-0 (Anton gone), 9:03 P.M.

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ATTEST \_\_\_\_\_

Linda C. Cohen, MMC, City Clerk