

IN COUNCIL REGULAR MEETING NOV. 17, 2008 VOL. 125 PAGE 50

ROLL CALL: Mayor Suslovic called the meeting to order at 7:00 P.M. All Councilors were present.

SPECIAL MEETING:

Motion was made by Councilor Marshall and seconded by Councilor Anton to recess the City Council meeting and convene a Special Meeting of the Corporator of the Portland Fish Exchange – Sponsored by Mayor Edward J. Suslovic. Passage 9-0, 7:09 P.M.

Order 102-08/09 Appointing Thomas Valleau as Class C Director of the Portland Fish Exchange for a term to expire 10/31/10 - Sponsored by the Appointments & Non-Union Personnel Committee, Councilor John M. Anton, Chair.

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

SPECIAL MEETING:

Motion was made by Councilor Marshall and seconded by Councilor Anton to adjourn the Special Meeting of the Corporator of the Fish Exchange and convene a Special Meeting of the Corporator of the Downtown Portland Corporation – Sponsored by Mayor Edward J. Suslovic. Passage 9-0, 7:11 P.M.

Order 103-08/09 Approving Amendment to Bylaws of the Downtown Portland Corporation – Sponsored by Joseph E. Gray, Jr., City Manager.

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

Order 104-08/09 Amending Downtown Portland Corporation Program Financing
(Tab 12) Guidelines– Sponsored by Joseph E. Gray, Jr., City Manager.

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

Motion was made by Councilor Marshall and seconded by Councilor Anton to adjourn the Special Meeting of the Corporator of the Downtown Portland Corporation and reconvene the City Council meeting. Passage 9-0, 7:13 P.M.

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APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Cohen and seconded by Councilor Mavodones to approve the minutes of the 10/20/08 meeting. Passage 9-0.

ANNOUNCEMENTS:

RECOGNITIONS:

Presentation by Maine Marathon to Various City Departments and the School Department

PROCLAMATIONS:

Proc 13-08/09 Honoring Dr. Ann Lemire as Employee of the Month for November, 2008 – Sponsored by Mayor Edward J. Suslovic.

APPOINTMENTS:

Order 105-08/09 Appointing Members to Various Committees – Sponsored by the Appointments & Non-Union Personnel Committee, Councilor John M. Anton, Chair.

Name	Committee	Term Expires
Anna Collins	Board of Appeals	12/31/09
Anna Collins	Fair Hearing Officer	11/30/10
Shirley Peterson	Housing Authority (Tenant)	06/30/10
Robyn Tucker	Housing Authority (At Large)	06/30/10
Jon Gale	Police Citizen Review Subcommittee	03/15/11
Alison Grey	Police Citizen Review Subcommittee	03/15/11
Zachary Paakkanen	Police Citizen Review Subcommittee	03/15/11

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

Order 111-08/09 Approving Contract with AFSCME Supervisors – Sponsored by Joseph E. Gray, Jr., City Manager. First reading. Waiver of second reading requested.

Motion was made by Councilor Mavodones and seconded by Councilor Marshall to waive the second reading. Passage 9-0.

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

Order 112-08/09 Approving Contract with AFSCME Labor and Trades – Sponsored by Joseph E. Gray, Jr., City Manager. First reading. Waiver of second reading requested.

Motion was made by Councilor Donoghue and seconded by Councilor Marshall to waive the second reading. Passage 8-0 (Skolnik out).

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

Motion was made by Councilor Marshall and seconded by Councilor Cohen to amend the order changing the start date to July 1, 2008 not 2009. Passage 8-0 (Skolnik out).

Passage 8-0 (Skolnik out).

Order 113-08/09 Approving Contract with Communications Employees Association – Sponsored by Joseph E. Gray, Jr., City Manager. First reading. Waiver of second reading requested.

Motion was made by Councilor Cohen and seconded by Councilor Marshall to waive the second reading. Passage 8-0 (Skolnik out).

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

Order 121-08/09 Approving Policy RE: Unreserved Fund Balance. First reading.

Motion was made by Councilor Cohen and Councilor Marshall to add an item not on the agenda. Passage 8-0 (Skolnik).

CONSENT ITEMS:

LICENSES:

PUBLIC HEARINGS:

BUDGET ITEMS:

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COMMUNICATIONS:

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 135-07/08 Amendment to Portland City Code Chapter 25 Streets, Sidewalks and Other Public Places Article VIII. Removal of Snow and Ice Sections 25-173 & 25-174 – Sponsored by the Public Safety Committee, Councilor David A. Marshall, Chair. Given first reading on 1/23/08. Referred to Finance Committee on 2/4/08. Referred to Public Safety Committee on 10/20/08.

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 making the ordinance apply City wide, also in 173(a)1 requiring 4 foot clearing by a homeowner near a curb cut, and giving the City Manager the ability to allow a delay in some cases. Passage 7-2 (Cohen, Mavodones).

Passage, as amended, 7-2 (Cohen, Mavodones).

Councilor Anton said he would be recusing himself from participating in Orders 83, 114 and 115.

Motion was made by Councilor Donoghue and seconded by Councilor Cohen to waive the second reading for Order 115. Passage 8-0 (Anton abstaining).

Order 83-08/09 Approving HOME Program Funds and Community Housing Development Funds Re: Avesta Housing for Florence House – Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair. Given first reading on 10/6/08 and postponed on 10/20/08.

Motion was made by Councilor Mavodones and seconded by Councilor Donoghue for passage. Passage 7-1 (Marshall opposed; Anton abstaining).

Order 114-08/09 Granting Revocable License Re: 190 Valley Street (Florence House) – Sponsored by Joseph E. Gray, Jr., City Manager.

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Motion was made by Councilor Mavodones and seconded by Councilor Cohen for passage. Passage 7-1 (Marshall opposed; Anton abstaining).

Order 115-08/09 Amendment to Conditional Zone Agreement Re: Avesta Florence House LP, Florence House Housing Corporation and Florence House Condominium Association Street – Sponsored by the Planning Board, Janice Tevanian, Chair. First reading. Waiver of second reading requested.

Motion was made by Councilor Cohen and seconded by Councilor Donoghue for emergency passage. Passage 7-1 (Marshall opposed; Anton abstaining).

Order 92-08/09 Creating the Creative Portland Corporation and Approving Articles of Incorporation and By-Laws – Sponsored by the Creative Economy Steering Committee, Councilor James I. Cohen, Chair. Postponed on 10/20/08.

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

Order 93-08/09 Directing City Manager to Enter into Negotiations Re: Collaboration of Creative Portland Corporation and Portland Arts and Cultural Alliance – Sponsored by the Creative Economy Steering Committee, Councilor James I. Cohen, Chair. Postponed on 10/20/08.

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

Order 94-08/09 Designating Creative Portland Development and Tax Increment Financing District and Adopting the Creative Portland Development Program as the Municipal Development Program for the District – Sponsored by the Creative Economy Steering Committee, Councilor James I. Cohen, Chair. Given first reading on 10/20/08.

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

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Motion was made by Councilor Cohen and seconded by Councilor to amend the order in the title adding the word “Arts,” in Section 3 adding the word “substantially” and in Sec 4 striking “Exhibit” and replacing it with IIC and IVA. Passage 9-0.

Passage, as amended, 9-0.

Order 106-08/09 Approving Agreement with U Haul Co. of Maine, Inc. d/b/a Car Share and Dedication of Four On-Street Parking Spaces – Sponsored by the Transportation Committee, Councilor Kevin Donoghue, Chair.

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

Order 107-08/09 Amending the Bayside Economic Redevelopment Program as the Municipal Development Program for the Bayside Redevelopment Tax Increment Financing District – Sponsored by Joseph E. Gray, Jr., City Manager.

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

Councilor Cohen stated that he would recuse himself from participating in Order 108.

Order 108-08/09 Directing the City Manager to Terminate Negotiation with the Olympia Companies Re: Proposal to Develop the Maine State Pier – Sponsored by the Community Development Committee, Councilor Cheryl A. Leeman, Chair.

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

Order 109-08/09 Reconstituting the Merrill Auditorium Advisory Committee – Sponsored by the Appointments and Non-Union Personnel Committee, Councilor John M. Anton, Chair.

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Motion was made by Councilor Anton and seconded by Councilor Donoghue to postpone this item to 12/1/08. Passage 8-0. (Cohen gone).

Order 110-08/09 Amending Appointment of Trustees Re: Rackleff and Phillips Trusts – Sponsored by the Appointments and Non-Union Personnel Committee, Councilor John M. Anton, Chair.

Motion was made by Councilor Anton and seconded by Councilor Donoghue to postpone this item to 12/1/08. Passage 8-0 (Cohen gone).

AMENDMENTS:

Order 116-08/09 Amendment to Portland City Code Broadband Telecommunications Network (Sec 27-10) Re: Cable Television Committee – Sponsored by the Appointments and Non-Union Personnel Committee – Councilor John M. Anton, Chair. First reading.

Order 117-08/09 Amendment to Portland City Code Chapter 14 (Land Use) Article XV (Waterfront Capital Improvement and Economic Redevelopment Zone) Re: Waterfront Economic Development Advisory Committee – Sponsored by the Appointments and Non-Union Personnel Committee, Councilor John M. Anton, Chair. First reading.

Order 118-08/09 Amendment to Portland City Code Chapter Two, Article III (Boards, Commissions, Committees) Re: Term Limitations on Boards and Commissions – Sponsored by the Appointments and Non-Union Personnel Committee – Councilor John M. Anton, Chair. First reading.

Motion was made by Councilor Skolnik and seconded by Councilor Marshall to adjourn. Passage 7-0, 10:12 P.M.(Cohen, Leeman gone).

A TRUE COPY.

ATTEST _____
Linda C. Cohen, MMC, City Clerk