

IN COUNCIL REGULAR MEETING MAY 17, 2010 VOL. 126 PAGE 100

ROLL CALL: Mayor Mavodones called the meeting to order at 7:07 P.M. All Councilors were present.

SPECIAL MEETING:

Motion was made by Councilor Anton and seconded by Councilor Coyne to recess the City Council meeting and convene a Special Meeting of the Corporator of the Downtown Portland Corporation – Sponsored by Mayor Nicholas M. Mavodones, Jr. Passage 9-0, 7:09 P.M.

Order 228-09/10 Approving Transfer of \$83,000 from the Portland Real Estate Development Loan Fund to the City's General Fund to Fund Position of Business Development Representative and 50% of the Position of Director, Equal Opportunity & Multicultural Affairs Office – Sponsored by the Downtown Portland Corporation, Andrew Nelson, Board President.

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

Motion was made by Councilor Marshall and seconded by Councilor Waxman to adjourn the Special Meeting and reconvene the City Council meeting. Passage 9-0, 7:20 P.M.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Marshall and seconded by Councilor Coyne to approve the minutes of the regular meeting of 5/3/10 and the special meeting of 5/10/10. Passage 9-0.

ANNOUNCEMENTS:

RECOGNITIONS:

PROCLAMATIONS:

Proc 30-09/10 Honoring Arbor Week May 16-22, 2010 – Sponsored by Mayor Nicholas M. Mavodones, Jr.

Proc 31-09/10 Honoring Maine Walks for Haiti June 5, 2010 - Sponsored by Mayor Nicholas M. Mavodones, Jr.

APPOINTMENTS:

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CONSENT ITEMS:

Order 229-09/10 Changing Polling Place for Precinct 5-1 from the University of New England to the Stevens Avenue Armory, 772 Stevens Avenue for the June 8, 2010 Election and Subsequent Elections – Sponsored by Linda C. Cohen, City Clerk.

Order 230-09/10 Approving Transfer of Funds Under 15 M.R.S.A. Secs 5824(3) and 5836(6) – Sponsored by Joseph E. Gray, Jr., City Manager.

Motion was made by Councilor Skolnik and seconded by Councilor Donoghue for passage of the Consent Calendar. Passage 9-0.

LICENSES:

Order 231-09/10 Granting Municipal Officer's Approval of Mayo Street Arts, d/b/a Mayo Street Arts, 10 Mayo Street. Application for a Class III & IV (Beer & Wine) and Entertainment with Dance License. Entertainment Inside Only – Sponsored by Linda C. Cohen, City Clerk.

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

Order 232-09/10 Granting Municipal Officer's Approval of Flatbread, Inc., d/b/a Flatbread Co., 72 Commercial Street. Application for a Class I Restaurant with Liquor License – Sponsored by Linda C. Cohen, City Clerk.

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

Order 233-09/10 Granting Municipal Officer's Approval of Portland Greendrinks/Triceratops Group: Licenses for an Incorporated Civic Organization to Serve Alcohol at Special Events from 5:30 P.M. to 8:00 P.M. at the Powerpay Office, 25 Preble Street on June 8, 2010 and at Maine Green Building Supply at 111 Fox Street on July 13, 2010 – Sponsored by Linda C. Cohen, City Clerk.

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

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Order 234-09/10 Granting Municipal Officer's Approval of Holy Trinity Greek Orthodox Church, d/b/a Greek Food Festival, at 133 Pleasant Street. Application for License for Incorporated Civic Organization to Serve Alcohol at Special Event during Festival, on June 24, 25, and 26, 2010 from 11:00 A.M. to 10:00 P.M. – Sponsored by Linda C. Cohen, City Clerk.

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

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

Order 239-09/10 Amendment to Portland City Code Chapter 5 (Animals and Fowl) Article II.
Dogs Section 5-15.1 – Sponsored by the Health and Recreation
Committee, Councilor Dory Richards Waxman, Chair. First reading. Request to
waive second reading and give emergency passage.

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

PUBLIC HEARINGS:

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

UNFINISHED BUSINESS:

Orders 207-227 are the city budget orders for 2011. The public hearing on these orders was held on May 3rd. On May 11th the voters approved the school budget. The funding for that budget and the city budget is contained in the Appropriation Resolve (Order 227).

Order 207-09/10 Authorizing FY 2011 Administrative Charges and Changes in Various Departments – Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. Postponed on 5/3/10.

Motion was made by Councilor Skolnik and seconded by Councilor Duson for passage. 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. Postponed on 5/3/10.

Motion was made by Councilor Duson and seconded by Councilor Coyne for passage. Passage 6-3 (Donoghue, Marshall, Anton).

Order 209-09/10 Setting Parking Violation Waiver Fees – Sponsored by Joseph E. Gray, Jr., City Manager. Postponed on 5/3/10.

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

Order 210-09/10 Amending Towing Schedule and Fees for Nonconsensual Tows - Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. Postponed on 5/3/10.

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

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. Given first reading on 5/3/10.

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

Order 212-09/10 Re: Self-Insured Liability Program - Sponsored by Joseph E. Gray, Jr., City Manager. Postponed on 5/3/10.

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

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. Given first reading on 5/3/10.

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

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. Postponed on 5/3/10.

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

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. Postponed on 5/3/10.

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

Order 216-09/10 Amending 2002 Waterfront Tax Increment Financing Plan and Appropriating Funds – Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. Given first reading on 5/3/10.

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

Order 217-09/10 Amending 2003 Bayside Tax Increment Financing Plan and Appropriating Funds – Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. Given first reading on 5/3/10.

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

Order 218-09/10 Amending 2008 Creative Portland Development TIF District – Sponsored by the Finance Committee, Jill C. Duson, Chair. Given first reading on 5/3/10.

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

Order 219-09/10 Designating FY11 Funds for Specific Island Services – Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. Given first reading on 5/3/10.

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

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. Given first reading on 5/3/10.

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

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. Given first reading on 5/3/10.

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

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. Given first reading on 5/3/10.

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

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. Given first reading on 5/3/10.

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

Motion was made by Councilor Anton and seconded by Councilor Waxman to amend the order to leave the fees under Numbers 1 and 2 alone. Passage 5-4 (Mavodones, Duson, Coyne, Skolnik).

Passage, as amended, 9-0.

Order 224-09/10 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. Given first reading on 5/3/10.

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

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. Given first reading on 5/3/10.

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

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. Given first reading on 5/3/10.

Motion was made by Councilor Skolnik and seconded by Councilor Waxman for passage. 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 28-92 – Sponsored by the Finance Committee, Jill C. Duson, Chair. Given first reading on 5/3/10.

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

Motion was made by Councilor Skolnik and seconded by Councilor Waxman to amend the order by making it effective from 7/1/10 to 6/30/11 only. Failed 2-6 (Mavodones, Duson, Leeman, Marshall, Anton, Coyne; Donoghue out).

Passage 9-0.

APPROPRIATION RESOLVE:

Order 227-09/10 Fiscal Year 2010-2011 Appropriation Resolve - Sponsored by the Finance Committee, Councilor Jill C. Duson, Chair. Given first reading on 5/3/10.

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

Motion was made by Councilor Duson and seconded by Councilor Skolnik to amend the Resolve in the first paragraph to reflect a sum of \$196,256,415; in the third paragraph, the first amount in the 6th line to \$67,024,080; in the 7th line changing the tax levy to \$134,384,704; in the 8th line changing the tax rate to \$17.92, representing a 1% increase in the 9th line. Passage 9-0.

Motion was made by Councilor Donoghue and seconded by Councilor Waxman to amend the Resolve to add \$54,000 for police overtime from Memorial Day to Labor Day on Peaks Island. Failed 4-5 (Duson, Leeman, Coyne, Anton, Skolnik)

Motion was made by Councilor Donoghue and seconded by Councilor Marshall to amend the order by reinstating the first hour free at Elm Street Parking Garage. Failed 1-8 (Mavodones, Duson, Leeman, Marshall, Anton, Waxman, Coyne, Skolnik)

Passage, as amended, 9-0.

ORDERS:

Order 235-09/10 Amending City's Comprehensive Plan RE: Sustainable Portland - Sponsored by the Energy and Environmental Sustainability Committee, Councilor David A. Marshall, Chair.

Motion was made by Councilor Duson and seconded by Councilor Waxman to postpone this item to 6/7/10. Passage 9-0.

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Order 236-09/10 Accepting and Approving 2009 Annual Report and 2010 Annual Report and 2010 Annual plan of the Landbank Commission – Sponsored by Councilor Cheryl A. Leeman, City Council Representative to the Landbank Commission. First reading.

Order 237-09/10 Amending Waterfront Economic Redevelopment Tax Increment Financing District - Sponsored by the Community Development Committee, Councilor Cheryl A. Leeman, Chair. First reading.

Order 238-09/10 Approving Credit Enhancement Agreement with Waterfront Maine, Limited Partnership Re: Cumberland Cold Storage Property Located at 258 Commercial Street – Sponsored by the Community Development Committee, Councilor Cheryl A. Leeman, Chair. First reading.

AMENDMENTS:

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. First reading.

Motion was made by Councilor Coyne and seconded by Councilor Duson to postpone the public hearing to 6/21/10. 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. First reading.

Motion was made by Councilor Skolnik and seconded by Councilor Waxman to postpone the public hearing to 6/21/10. Passage 9-0.

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. First reading.

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Motion was made by Councilor Coyne and seconded by Councilor Anton to postpone the public hearing to 6/21/10. Passage 9-0.

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. First reading.

Motion was made by Councilor Waxman and seconded by Councilor Skolnik to postpone the public hearing to 6/21/10. Passage 9-0.

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. First reading.

Motion was made by Councilor Skolnik and seconded by Councilor Waxman to postpone the public hearing to 6/21/10. Passage 9-0.

LICENSE RENEWALS:

Motion was made by Councilor Skolnik and seconded by Councilor Coyne to adjourn. Passage 9-0, 10:18 P.M.

A TRUE COPY.

ATTEST _____
Linda C. Cohen, MMC, City Clerk