

IN COUNCIL REGULAR MEETING NOVEMBER 21, 2016 VOL. 133 PAGE 35

ROLL CALL: Mayor Strimling called the meeting to order at 5:00 P.M. (All Councilors present).

PRESENTATIONS:

Mayor Strimling Will Present a New Bicycle to Elijah Wentzell, Age 6, Passport to Play Winner.

RECOGNITIONS:

**“Arts in the Chamber”, Genevieve Curtis Singer/Song Writer
and
Student at Maine Academy of Modern Music.**

Motion was made by Councilor Ray and seconded by Councilor Duson to take Proclamation 15 and Approval of the minutes out of order. Passage 9-0.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Hinck and seconded by Councilor Suslovic for approval of the November 7, 2016, Regular City Council Meeting minutes. Passage 9-0.

PROCLAMATIONS:

Proc 15-16/17 Proclamation Honoring Detective Andjelko Napijalo as Police Officer of the Month – Sponsored by Mayor Ethan K. Strimling.

ANNUAL MEETING

Motion was made by Councilor Ray and seconded by Councilor Duson to recess the meeting of the City Council and convene the Annual Meeting of the Corporator of the Creative Portland Corporation. Passage 9-0.

1. Accepting CP FYE 2016 Activity and Financial Report.

Motion was made by Councilor Brenerman and seconded by Councilor Thibodeau for passage. Passage 9-0.

Motion was made by Councilor Hinck and seconded by Councilor Ray to adjourn the meeting of the Corporator of the Creative Portland Corporation and convene the Annual Meeting of the Portland Development Corporation. Passage 9-0, 5:20 P.M.

- 1. Accepting PDC FYE 2016 Activity and Financial Reports;**
- 2. Transaction of other business as may be deemed necessary.**

Motion was made by Councilor Costa and seconded by Councilor Ray for passage. Passage 9-0.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau to adjourn the meeting of the Corporation of the Portland Development Corporation and reconvene the regular City Council meeting. Passage 9-0, 5:25 P.M.

APPOINTMENTS:

CONSENT ITEMS:

LICENSES:

Order 85-16/17 Order Granting Municipal Officers' Approval of Battery Steele Brewing, LLC d/b/a Battery Steele Brewing. Application for a Brewery Alcohol Service License with Outdoor Dining on Private Property at 1 Industrial Way, Suite 12 – Sponsored by Michael Russell, Director of Permitting and Inspections.

Motion was made by Councilor Thibodeau and seconded by Councilor Ray for passage. Passage 9-0.

Order 86-16/17 Order Granting Municipal Officers' Approval of Baharat, LLC d/b/a Baharat. Application for a Class I FSE at 91 Anderson Street – Sponsored by Michael Russell, Director of Permitting and Inspections.

Motion was made by Councilor Hinck and seconded by Councilor Ray for passage. Passage 9-0.

BUDGET ITEMS:

COMMUNICATIONS:

Com 4-16/17 Communication Re: Fiscal Year (FY) 2016 Tax Increment Financing Annual Report – Sponsored by the Economic Development Committee, Councilor David Brenerman, Chair.

Com 5-16/17 Communication Re: City Council Rules – Sponsored by Mayor Ethan K. Strimling.

ORDERS:

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Order 87-16/17 Order Authorizing Assignment of Tax Increment Financing District Credit Enhancement Agreement Held by McAuley Place at Baxter Woods Retirement Community, Inc. – Sponsored by the Economic Development Committee, Councilor David Brenerman, Chair.

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

Order 88-16/17 Order Accepting the Portland International Jetport Sustainable Airport Master Plan – Sponsored by the Energy & Sustainability Committee, Councilor Jon Hinck, Chair.

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

Order 89-16/17 Order Approving Extension of Lease with General Services Administration Re: Transportation Security Administration Office Space at Jetport – Sponsored by Jon P. Jennings, City Manager.

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

Order 90-16/17 Order Authorizing Salary Increase for Corporation Counsel and the City Clerk- Sponsored by the Legislative/Nominating Committee, Councilor Justin Costa, Chair.

Motion was made by Councilor Ray and seconded by Councilor Costa for passage. Passage 9-0.

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 73-16/17 Moratorium Re: City Parks and Public Grounds in the R-6 Zone on the Portland Peninsula – Sponsored by Councilor Belinda Ray. It was given a first reading on October 17, 2016. At the November 7, 2016, City Council meeting it was postponed to this meeting.

Motion was made by Councilor Ray and seconded by Councilor Dusen for passage.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau to amend Order 73 by extending the Moratorium to February 6, 2017.

Passage 9-0.

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Motion was made by Councilor Ray and seconded by Councilor Duson for passage as amended and as an emergency. Passage 9-0.

Order 81-16/17 Order Approving Collective Bargaining Agreement with Professional and Technical City Employee Association (Pro-Tech) - Sponsored by Jon P. Jennings, City Manager. It was given a first reading on November 7, 2016

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

Order 82-16/17 Order Approving the Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees (AFSCME) Local 481-07 Supervisors – Sponsored by Jon P. Jennings, City Manager. This item was given first reading on November 7, 2016.

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

Order 83-16/17 Order Accepting a Housing and Urban Development Lead Hazard Control Grant and Appropriating \$1,814,867 for Lead Abatement in Cumberland County Residential Housing – Sponsored by Jon P. Jennings, City Manager. This item was given first reading on November 7, 2016.

Motion was made by Councilor Hinck and seconded by Councilor Thibodeau for passage. Passage 9-0.

Order 84-16/17 Moratorium Re: Retail Marijuana Establishments and Social Clubs – Sponsored by Danielle West-Chuhta, Corporation Counsel. This was given first reading on November 7, 2016. item was given first reading on November 7, 2016.

Motion was made by Councilor Suslovic and seconded by Councilor Thibodeau for passage as an emergency. Passage 9-0.

BREAK FOR DINNER:

7:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

UNFINISHED BUSINESS:

Order 76-16/17 Amendment to Portland City Code Chapter 6, Building & Building Regulations Re: Tenant Housing Rights - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair and Councilor David Brenerman, Vice Chair. This item was given first reading on October 17, 2016 and postponed to this meeting.

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

Motion was made by Councilor Thibodeau and seconded by Councilor Costa to amend Order 76 by adding Leeway in Terminations. Motion failed 3-6, (Duson, Mavodones, Brenerman, Costa, Ray, Suslovic)

Motion was made by Councilor Strimling and seconded by Councilor Hinck to amend Order 76 by adding Tenant Housing Rights regarding Discrimination. Motion failed 4-5 (Duson, Mavodones, Brenerman, Ray, Suslovic).

Motion was made by Councilor Duson and seconded by Councilor Brenerman for passage. 8-0 (Hinck out).

Motion was made by Councilor Mavodones and seconded by Councilor Brenerman to reconsider Order 76 to allow Councilor Hinck to vote on this order as he was out of the room on the vote. Passage 9-0.

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

ORDERS:

Order 91-16/17 Order Approving Purchase and Sale Agreement with CPB2 LLC for for Sale of City Property – Sponsored by the Economic Development Committee, Councilor David Brenerman, Chair.

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

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Motion was made by Councilor Hinck and seconded by Councilor Costa to amend Order 91 by adding a new section. “New Section 11. Conditions of Sale. The sale is conditioned upon the agreement that the developer , and his/her successors and assigns will allow public access over the proposed private Access Road as a condition of site plan approval should the Planning Board require it”. Passage 9-0.

Motion was made by Councilor Hinck and seconded by Councilor Duson for passage as amended. Passage 8-1 (Strimling).

Order 92-16/17 Order Approving the Collective Bargaining Agreement with the City Employees Benefit Association (CEBA) of the American Federation of State, County and Municipal Employees (AFSCME) Local 1373 - Sponsored by Jon P. Jennings City Manager.

This is its first reading.

AMENDMENTS:

Order 93-16/17 Amendment to Zoning Map Re: 10 Washington Avenue to India Street Form-Based Code Zone – Sponsored by the Planning Board, Elizabeth Boepple, Chair.

This is its first reading.

Order 94-16/17 Amendment to Portland City Code Chapter 2 Administration Re: Authorization for Finance Director to Accept and Execute Certain Licenses and Easements – Sponsored by Jon P. Jennings, City Manager.

This is its first reading.

Motion was made by Councilor Suslovic and seconded by Councilor Hinck to adjourn. Passage 9-0, 11:40, P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk