

**IN COUNCIL REGULAR MEETING JUNE 4, 2018 VOL.133 PAGE 223**

**ROLL CALL:** Mayor Strimling called the meeting to order at 5:30 P.M. (All Councilors Present).

**ANNOUNCEMENTS:**

**RECOGNITIONS:**

**Arts in the Chamber, The Portland Piano Trio  
Annie Antonacos, Tracey Jasas-Hardel, and Ben Noyes**

**APPROVAL OF MINUTES OF PREVIOUS MEETING:**

Motion was made by Councilor Ray and seconded by Councilor Batson for approval of the minutes of May 21, 2018 Regular City Council Meeting. Passage 9-0.

**PROCLAMATIONS:**

**Proc 36-17/18 Proclamation Honoring Officer Brent Ross as Police Officer of the Month for April 2018 – Sponsored Mayor Ethan K. Strimling.**

**Proc 37-17/18 Proclamation Honoring Caitlin Cameron, Planning and Urban Development Department, as Employee of the Month, for May 2018 – Sponsored by Mayor Ethan K. Strimling.**

**Proc 38-17/18 Proclamation Recognizing June as LGBTQ+ Pride Month – Sponsored by Councilor Pious Ali, Mayor Ethan K. Strimling, Councilor Belinda Ray, Councilor Spencer Thibodeau, Councilor Brian Batson, Councilor Justin Costa, Councilor Kimberly Cook, Councilor Jill Duson, and Councilor Nicholas M. Mavodones, Jr.**

**APPOINTMENTS:**

**Order 226-17/18 Order Appointing Constables for 2018 Re: Department of Public Safety, Portland Housing Authority, and Department of Parks, Recreation and Facilities – Sponsored by Jon P. Jennings, City Manager.**

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

**CONSENT ITEMS:**

- Order 227-17/18      Order Declaring Craft Brew Race Festival 2018 – Sponsored by Jon P. Jennings, City Manager.**
- Order 228-17/18      Order Declaring August 10, 11 and 12, 2018 the 93<sup>rd</sup> Annual St. Peter’s Bazaar and Italian Street Festival – Sponsored by Jon P. Jennings, City Manager.**
- Order 229-17/18      Order Declaring July 6 to August 24, 2018 the Friends of Deering Oaks Concert Series Festival – Sponsored by Jon P. Jennings.**
- Order 230-17/18      Order Re: Residential Parking Permit Extension – Sponsored by Jon P. Jennings, City Manager.**

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

**LICENSES:**

- Order 231-17/18      Order Granting Municipal Officers’ Approval of UBQ, LLC dba Uncle Billy’s Bar-B-Que. Application for a Class I FSE at 539 Deering Avenue – Sponsored by Michael Russell, Director of Permitting and Inspections.**
- Motion was made by Councilor Costa and seconded by Councilor Ray for passage. Passage 9-0.
- Order 232-17/18      Order Granting Municipal Officers’ Approval of Baharat, LLC dba Baharat. Application for Outdoor Dining on Public Property at 91 Anderson Street – Sponsored by Michael Russell, Director of Permitting and Inspections.**
- Motion was made by Councilor Batson and seconded by Councilor Ray for passage. Passage 8-0, (Cook out).
- Order 234-17/18      Order Granting Municipal Officers’ Approval of Battery Steele LLC dba Battery Steele Brewing. Application for Outdoor Dining on Private Property at 1 Industrial Way, Unit 12 – Sponsored by Michael Russell, Director of Permitting and Inspections.**

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Motion was made by Councilor Ray and seconded by Councilor Thibodeau for passage. Passage 8-0, (Cook out).

**Order 235-17/18      Order Granting a Municipal Officers' Approval of Rosetta Iannaccone dba The 5 Spot. Application for a Class III & Class IV FSE with Entertainment without Dance at 935 Congress Street – Sponsored by Michael Russell, Director of Permitting and Inspections.**

Motion was made by Councilor Batson and seconded by Councilor Ray for passage. Passage 8-0, (Cook out).

**Order 236-17/18      Order Granting a Municipal Officers' Approval of Lacazzima Inc dba Pizzarino. Application for a Class I FSE with Outdoor Dining on Public Property at 505 Fore Street – Sponsored by Michael Russell, Director of Permitting and Inspections.**

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

**Order 237-17/18      Order Granting Municipal Officers' Approval of Belleville LLC DBA Belleville. Application for a Class III & Class IV FSE with Outdoor Dining on Public Property at 1 North Street – Sponsored by Michael Russell, Director of Permitting and Inspections.**

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

**Order 238-17/18      Order Granting Municipal Officers' Approval of Greenlight Playspace and Café dba Greenlight Studio. Application for a Class III & Class IV FSE at 49 Dartmouth Street – Sponsored by Michael Russell, Director of Permitting and Inspections.**

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

**Order 239-17/18      Order Granting Municipal Officers' Approval of Bourbon Ventures, LLC dba Branchwater. Application for a Class XI FSE at 52 Wharf Street – Sponsored by Michael Russell, Director of Permitting and Inspections.**

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

**Order 240-17/18**      **Order Granting Municipal Officers' Approval of Blue Lobster Urban Winery LLC dba Blue Lobster Urban Winery. Application for Outdoor Dining on Public Property at 219 Anderson Street – Sponsored by Michael Russell, Director of Permitting and Inspections.**

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

**Order 241-17/18**      **Order Granting Municipal Officers' Approval of Fizz LLC dba Vena's Fizz House. Application for an expansion of Outdoor Dining on Public Property at 345 Fore Street – Sponsored by Michael Russell, Director of Permitting and Inspections.**

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

**BUDGET ITEMS:**

**COMMUNICATIONS:**

**Com 18-17/18**      **Communication Re: Results of the Municipal Greenhouse Gas House Inventory for 2016 – Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair.**

**RESOLUTIONS:**

**UNFINISHED BUSINESS:**

**Order 219-17/18**      **Amendment to Portland City Code Chapter 2 Re: Term Limit Removed for Board of Harbor Commissioners - Sponsored by the Legislative/Nominating Committee – Sponsored by Councilor Pious Ali, Chair.**

This item was given a first reading on May 21, 2018.

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

**Order 220-17/18**      **Amendment to Portland City Code Chapters 2 and 15 Re: Ending Collection of Past Due Personal Property Tax from Subsequent Property Owners – Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.**

It was given a first reading on May 21, 2018.

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

Motion was made by Councilor Mavodones and seconded by Councilor Costa to commence after 10:00 P.M. Passage 9-0.

**Order 221-17/18**      **Amendment to Portland City Code Chapter 14 Re: Adding a New Section 14-140.5 (Munjoy Hill Conservation Overlay District) Replacing the Existing Section 14-140.5 (Munjoy Hill Interim Planning Overlay District) - Sponsored by the Planning Board, Sean Dundon, Chair.**

It was given a first reading on May 21, 2018

Motion was made by councilor Ray and seconded by Councilor Cook to Amend Order 221 In section 14-140.5 (d) 1. (a) by adding “except that flat roofs are permitted in buildings of 3 or more units”, and adding “also” in the next sentence.  
Passage 9-0.

Motion was made by Councilor Ray and seconded by Councilor Duson to amend Order 221 by adding in section 14-140.5 (b)”Where this Section imposes a standard that differs from the standards contained in Articles III, IV, and V of Chapter 14, the City of Portland Design Manual or City of Portland Technical Manual, the standards in this section shall control.” By adding in section (c) after following dimensional “standards “and adding after supersede “dimensional standards “and by adding in section (d) after the word standards “shall apply in the District” and by adding after conflicting “designs”. Passage 9-0.

Motion was made by Councilor Ray and seconded by Councilor Duson to amend Order 221 in section Maximum Height by striking out “ or for developments” and “on lots over 2000sf. This” and adding “Workforce units shall be no smaller than 50% of the average size of the other units in the development, must, meet the definition for such units” for passage. Passage 8-1(Cook).

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Motion was made by Councilor Cook and seconded by Councilor Duson to amend Councilor Cooks amendment #4 by striking out Minimum Front Yard Setback. Passage 9-0.

Motion was made by Councilor Cook and seconded by Councilor Duson for passage as amended. Motion failed 4-5 (Duson, Mavodones, Ali, Ray, Thibodeau).

Motion was made by Councilor Cook and seconded by Councilor Duson to amend Order 221 section 2 (b) by adding “significantly” for passage. Motion failed 2-7 (Duson, Ali, Costa, Ray, Thibodeau, Batson, Strimling).

Motion was made by Councilor Cook and seconded by Councilor Ray in section 2. by adding ( c) It retains at least 75 % of the original exterior finishes; Motion failed 0-9 (Duson, Mavodones, Cook, Ali, Costa, Ray, Thibodeau, Batson, Strimling.)

Motion was made by Councilor Cook and seconded by Councilor Batson to amend Order 221 by striking out section e and adding “(d)” and by adding “the original” for passage. Motion failed 1-8, (Duson, Mavodones, Ali, Costa, Ray, Thibodeau, Batson, Strimling).

Motion was made by Councilor Cook and seconded by Councilor Duson to amend Order 221 in section 3 by striking out the word “and” just before (d) and by adding a new section (e) “and buildings designated as non-contributing according to the attached map as prepared by Portland Landmarks”.

Motion was made by Councilor Thibodeau and seconded by Councilor Duson to call the question. Passage 8-1 (Strimling).

Motion was made by Councilor Cook and seconded by Councilor Duson to amend Order 221 in section 3 by striking out the word “and” just before (d) and by adding a new section (e) “and buildings designated as non-contributing according to the attached map as prepared by Portland Landmarks”. Motion failed 1-8 (Duson, Mavodones, Ali, Costa, Ray, Thibodeau, Batson, Strimling).

Motion was made by Councilor Cook and seconded by Councilor Duson to amend Order 221 in section 4 (a) (iii) by striking the word “may” and adding the word “shall”. Motion failed 4-5 (Duson, Ali, Costa, Thibodeau, Batson.)

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Motion was made by Councilor Cook and seconded by Councilor Batson by amending Order 221 by changing in section 5 and 5 (b) 18 months to 12 months for passage. Passage 6-3 (Ray, Duson, Strimling).

Motion was made by Councilor Cook and seconded by Councilor Batson to amend Order 221 by adding section 8. "subsection (e) that a Demolition review shall be reported to the City Council annually as a communication. Passage 8-1 (Ray).

Motion was made by Councilor Cook and seconded by Councilor Batson for passage as amended and as an emergency. Passage 8-1(Cook)

**Order 222-17/18      Amendment to Portland City Code Chapter 14 Re: Additions to Existing Buildings - Sponsored by the Planning Board, Sean Dundon, Chair.**

It was given a first reading on May 21, 2018.

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

**Order 223-17/18      Amendment to Zoning Map Re: Munjoy Hill Neighborhood Conservation Overlay District – Sponsored by the Planning Board, Sean Dundon, Chair.**

It was given a first reading on May 21, 2018.

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

**ORDERS:**

**Order 242-17/18      Order Expanding the Geographic Area of the Portland Downtown - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.**

This is its first reading.

**Order 243-17/18      Order Adopting Development Program for Portland Downtown for Fiscal Year 2018-2019 - Sponsored by Jon P. Jennings, City Manager.**

This is its first reading.

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**Order 244-17/18      Order Assessing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2018-2019 – Sponsored by Jon P. Jennings, City Manager.**

This is its first reading.

**Order 245-17/18      Order Approving and Authorizing the Fiscal Year 2019 Master Agreement and Supplemental Services Agreement with Portland Downtown – Sponsored by Jon P. Jennings, City Manager.**

This is its first reading.

**AMENDMENTS:**

**Order 246-17/18      Amendment to Portland City Code Chapter 19 and Chapter 28 Re: Paying for Street Parking with an App – Sponsored by Jon P. Jennings, City Manager**

This is its first reading.

**Order 247-17/18      Amendment to Portland City Code Chapter 14 Re: Affordable Housing – Sponsored by the Planning Board, Sean Dundon, Chair.**

This is its first reading.

**Order 248-17/18      Amendment to Portland City Code Chapter 14 Re: Street Access - Sponsored by the Planning Board, Sean Dundon, Chair.**

This is its first reading.

**Order 249-17/18      Amendment to Portland City Code Chapter 25. Streets, Sidewalks, and and Other Public Places Article VIII. Removal of Snow and Ice - Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair.**

This is its first reading.

Motion was made by councilor Costa and seconded by Councilor Duson for passage. Passage 9-0, 11:30 P.M.

A TRUE COPY.

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Katherine L. Jones, City Clerk