

City Council repeals ban on chains

It addresses the concern that the ordinance sent an anti-business message.

By JOSIE HUANG
Staff Writer

Chain stores that are interested in coming to downtown Portland can breathe easier – at least for a while.

The Portland City Council voted 7-0 on Wednesday to overturn a three-month-old ordinance

restricting chain stores and restaurants, in favor of forming a group to look at the issue with fresh eyes.

The repeal followed protests from business and community members who felt that the law, which controls the number and location of formula businesses, was ill-conceived and sent a message that Portland is anti-business.

The public's concerns about the ordinance came to dominate

the councilors' time after they passed the law in November.

"It's become painfully clear to me that the only way to go forward on this is to take a step back first," said David Marshall, who helped lead the campaign for a repeal along with fellow freshman Councilor Kevin Donoghue. Both took office after the ordinance was passed.

The ordinance will expire 30 days from Wednesday's vote. It will be replaced by a task force

assigned to achieve a proper balance between locally owned businesses and national chains, and maintaining the character of downtown Portland.

The so-called Business Diversity Task Force will study policies used by other communities, such as store size limits and design standards, and make recommendations to the City Council and Planning Board. The panel does not have a deadline but will be required to make

quarterly reports.

Fifteen people will serve on the task force, including two city councilors, residents from each of the city's five districts and representatives from business groups.

Some of the future task force members were among the most vocal about repealing the ordinance. Roxane Cole, president of the Maine Real Estate and Development Association, said the law was created too hastily,

ily, without proper research or support.

"We felt the sensible planning was not at the table in the way we would like to see," Cole said.

Councilor James Cohen criticized the ordinance – which defined formula businesses as having at least 10 identical stores or businesses – for having the potential to hurt successful local and regional chains.

"My fear is that in our zeal to keep out a few businesses that perhaps some people didn't want, the effect has been to keep out many businesses that we do want," Cohen said.

The ordinance was conceived after a community group learned that a Congress Street property owner wanted to open a Hooters restaurant, the national chain known for skimpily dressed waitresses.

Other than Hooters, it is not clear to city officials what businesses the ordinance has discouraged, because it may have prevented potential business owners from submitting applications.

Councilor James Cloutier tried to block the repeal, saying that allowing the ordinance to stand would not preclude creating a task force.

"I don't believe that the repeal of this ordinance is either wise or necessary in order for the work of the task force to go ahead," Cloutier said.

But Cloutier's proposal failed 5-2, with only Mayor Nicholas Mavodones Jr. lending support.

Councilors Jill Duson and Donna Carr were not at Wednesday's meeting, but had they voted against the repeal, as they had said they would, there still would not have been enough votes to defeat it, according to city attorney Gary Wood.

Following the repeal, the council killed a proposed sunset provision for the ordinance from Councilor Ed Suslovic, concluding that it was moot.

In other business, the City Council decided to postpone discussion about moving the Portland Public Library to the former public market building to March 5.

The topic of finding alternatives to a tax on bars and restaurants that pays for extra police patrols in the Old Port was moved to March 19.

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