

IN COUNCIL SPECIAL MEETING APRIL 22, 2013 VOL. 128 PAGE 79

ROLL CALL: Mayor Brennan called the meeting to order at 7:00 P.M. (Councilor Anton, absent.)

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Marshall and seconded by Councilor Duson to approve the minutes of April 1, 2013, City Council meeting and April 8, 2013, Special City Council Meeting. Passage 8-0.

ANNOUNCEMENTS:

RECOGNITIONS:

PROCLAMATIONS:

Proc 32-12/13 Proclamation Honoring Daniel Townsend, Police Department, as Employee of the Month for March, 2013 – Sponsored by Mayor Michael F. Brennan.

Proc 33-12/13 Proclamation Recognizing Waynflete School Varsity Girls Basketball Team – Sponsored by Mayor Michael F. Brennan.

Proc 34-12/13 Proclamation Honoring Catherine McAuley High School Basketball Team – Sponsored by Mayor Michael F. Brennan.

APPOINTMENTS:

Order 177-12/13 Appointing Constables Re: Department of Public Services and Police Department - Sponsored by Mark H. Rees, City Manager.

Motion was made by Councilor Donoghue and seconded by Councilor Marshall for passage. Passage 8-0.

Order 178-12/13 Appointing Special Council Committees for 2013 – Sponsored by Mayor Michael F. Brennan.

Motion was made by Councilor Suslovic and seconded by Councilor Marshall for passage. Passage 8-0.

Order 179-12/13 Appointing Ward Clerk for Precinct 2-1– Sponsored by Katherine L. Jones, City Clerk.

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Motion was made by Councilor Marshall and seconded by Councilor Suslovic for passage. Passage 8-0.

CONSENT ITEMS:

- Order 180-12/13 Granting Easement to 119 Development, LLC – Sponsored by Danielle West-Chuhta, Corporation Counsel.**
- Order 181-12/13 Declaring “Craft Beer Comes to Portland 2013” as a Festival - Sponsored by Mark H. Rees, City Manager.**
- Order 182-12/13 Declaring “27th Annual Southern Maine Pride Celebration Festival” – Sponsored by Mark H. Rees, City Manager.**
- Order 183-12/13 Approving Transfer of Funds Under 15 M.R.S.A. Secs 5824(3) and 5836(6) – Sponsored by Mark H. Rees, City Manager.**
- Order 184-12/13 Approving Transfer of Funds Under 15 M.R.S.A. Secs 5824(3) and 5836(6) – Sponsored by Mark H. Rees, City Manager.**

Motion was made by Councilor Coyne and seconded by Councilor Suslovic for passage of the consent items. Passage 8-0.

LICENSES:

- Order 185-12/13 Granting Municipal Officers’ Approval of AAA The North Point LLC d/b/a The North Point, 35 Silver St. Application to add Outdoor Dining on Public Property – Sponsored by Katherine L. Jones, City Clerk.**

Motion was made by Councilor Mavodones and seconded by Councilor Marshall for passage. Passage 8-0.

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Order 186-12/13 Granting Municipal Officers' Approval of Smartin Services LLC d/b/a Bar of Chocolate, 38 Wharf St. Application for Class A Lounge License – Sponsored by Katherine L. Jones, City Clerk.

Motion was made by Councilor Suslovic and seconded by Councilor Marshall for passage. Passage 8-0.

Order 187-12/13 Granting Municipal Officers' Approval of Local Food 1, LLC d/b/a B Good, 15 Exchange St. Application for Class III & IV Wine & Beer License – Sponsored by Katherine L. Jones, City Clerk.

Motion was made by Councilor Suslovic and seconded by Councilor Duson for passage. Passage 8-0.

Order 188-12/13 Granting Municipal Officers' Approval of Fat Dragon, LLC d/b/a Empire at 575 Congress St. Application for Class XI Restaurant/Lounge License with Entertainment with Dance – Sponsored by Katherine L. Jones, City Clerk.

Motion was made by Councilor Suslovic and seconded by Councilor Marshall for passage. Passage 8-0.

Order 189-12/13 Granting Municipal Officers' Approval of Crobo LLC d/b/a Port City Music Hall at 504 Congress St. Application for Class XI Restaurant/Lounge License with Entertainment with Dance and After-Hours Entertainment. – Sponsored by Katherine L. Jones, City Clerk.

Motion was made by Councilor Mavodones and seconded by Councilor Suslovic for passage. Passage 8-0.

Order 190-12/13 Granting Municipal Officers' Approval of Fish Shack, LLC d/b/a Boone's Fish House & Oyster Room at 6 Custom House Wharf. Application for Class I Liquor License with Entertainment with Dance and Outdoor Dining on Private Property – Sponsored by Katherine L. Jones, City Clerk.

Motion was made by Councilor Marshall and seconded by Councilor Donoghue for passage. Passage 8-0.

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Order 191-12/13 Granting Municipal Officers' Approval of John Welliver d/b/a LFK at 188 State St. Application For Class I Liquor License and Outdoor Dining on Public Property – Sponsored by Katherine L. Jones, City Clerk.

Motion was made by Councilor Mavodones and seconded by Councilor Duson for passage. Passage 8-0.

Order 192-12/13 Granting Municipal Officers' Approval of SYPP Port LLC d/b/a SYPP at 345 Fore St. Application for Class XI Liquor License – Sponsored by Katherine L. Jones, City Clerk.

Motion was made by Councilor Suslovic and seconded by Councilor Duson for passage. Passage 8-0.

Order 193-12/13 Granting Municipal Officers' Approval of DLC, LLC d/b/a Diamond's Edge Restaurant at 279 Diamond Ave. Application for Class I Liquor License with Entertainment with Dance and Outdoor Dining on Private Property – Sponsored by Katherine L. Jones, City Clerk.

Motion was made by Councilor Mavodones and seconded by Councilor Suslovic for passage. Passage 8-0.

Order 194-12/13 Granting Municipal Officers' Approval of Sol Food Group, LLC d/b/a El Rayo Taqueria at 101 York St. Application to Expand Existing Alcohol Service Area for One Day Event on May 5, 2013 – Sponsored by Katherine L. Jones, City Clerk.

Motion was made by Councilor Donoghue and seconded by Councilor Suslovic for passage. Passage 8-0.

BUDGET ITEMS:

Order 195-12/13 Receiving and Referring to Finance Committee FY2014 Budget Estimates of the School Committee and Setting a Public Hearing Thereon – Sponsored by Mark H. Rees, City Manager.

Motion was made by Councilor Duson and seconded by Councilor Donoghue to postpone to the April 29, 2013 City Council meeting.

COMMUNICATIONS:

**Com 10-12/13 Communication Re: Portland Disability Advisory Committee –
Sponsored by Mark H. Rees, City Manager.
Voting Members**

Laura Antranigian
Renee Berry-Huffman
John Dunleavy
Karen Evans
Paulina Klimet-Cornet
Irene Maihot

Non-voting Members

Rick Langley – Disability Rights Center
Meryl Troop – Maine Center on Deafness
Rachel Talbot Ross – City of Portland

RESOLUTIONS:

UNFINISHED BUSINESS:

**Order 159-12/13 Amendment to Portland City Code Chapter 21 Farmers’
Markets Chapter 19 Peddlers and Solicitors Chapter 15
Licenses and Permits – Sponsored by the Public Safety,
Health and Human Services Committee, Councilor Edward
J. Suslovic, Chair. This item was given first reading on
March 4, 2013. At the March 18, 2013 this item was
postponed.**

Motion was made by Councilor Suslovic and seconded by Councilor
Marshall to amend Order 159 to add “takes effect January, 2014”. Passage 8
-0.

Motion was made by Councilor Suslovic and seconded by Councilor Coyne
to amend Order 159 to pass as an emergency and to change Deering Oak
Park time from 12:00 P.M. to 1:00 P.M. Passage 8-0.

Motion was made by Councilor Mavodones and seconded by Councilor
Suslovic for passage as amended. Passage 8-0.

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Order 175-12/13 Amendment to Portland City Code Chapter 14. Land Use Article III. Zoning (Division 17. B-7 Mixed Development District Zone) and Article V. Site Plan – Sponsored by the Planning Board, Carol Morrissette, Chair. This item was given first reading on April 1, 2013.

Motion was made by Councilor Mavodones and seconded by Councilor Donoghue for passage. Passage 8-0.

Order 176-12/13 Amendment to Portland City Code Article V, Site Plan Amendments for Master Development Plan – Sponsored by the Planning Board, Carol Morrissette, Chair. This item was given first reading on April 1, 2013.

Motion was made by Councilor Donoghue and seconded by Councilor Duson for passage. Passage 8-0.

ORDER:

Order 196-12/13 Approving City Property Ownership Sale – 60 Portland Pier – Sponsored by the Housing and Community Development Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

Motion was made by Councilor Mavodones and seconded by Councilor Donoghue for passage. Passage 8-0.

Order 197-12/13 Approving City-State Agreement with Maine Department of Transportation Re: Auburn Street, New Freedom Project – Sponsored by Mark H. Rees, City Manager.

Motion was made by Councilor Suslovic and seconded by Councilor Marshall for passage. Passage 8-0.

Order 198-12/13 Approving Notice of Intention to Lay Out a Public Easement Pursuant to 23 M.R.S.A. §3022 and 30-A M.R.S.A. §3402 Re: Winding Way, Peaks Island – Sponsored by Mark H. Rees City Manager.

Motion was made by Councilor Suslovic and seconded by Councilor Marshall for passage. Passage 8-0.

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Order 199-12/13 Approving Notice of Intention to Lay Out a Public Easement Pursuant to 23 M.R.S.A. §3022 and 30-A M.R.S.A. §3402 Re: Diamond Pass, Peaks Island – Sponsored by Mark H. Rees, City Manager.

Motion was made by Councilor Marshall and seconded by Councilor Donoghue for passage. Passage 8-0.

Order 200-12/13 Adopting Spring Street – Free Street Streetscape Area Plan as an Approved Master Plan - Sponsored by the Transportation, Sustainability and Energy Committee, Councilor Kevin J. Donoghue, Chair.

Motion was made by Councilor Marshall and seconded by Councilor Donoghue for passage. Passage 8-0.

AMENDMENTS:

Order 201-12/13 Amendment to Zoning Map Re: 91 State Street Rezoning from R-6 Residential Zone to R-7 Compact Urban Residential Zone - Sponsored by the Planning Board, Carol Morrissette, Chair.

This is its first reading.

Order 202-12/13 Amendment Zoning Map Amendment Re: 159 Canco Road From I-L Low Impact Industrial Zone to ROS Recreational Open Space Zone – Sponsored by the Planning Board, Carol Morrissette, Chair.

This is its first reading.

Motion was made by Councilor Mavodones and seconded by Councilor Coyne to adjourn. Passage 8-0, 10:35 P.M.

A TRUE COPY

Katherine L. Jones, City Clerk