

**IN COUNCIL REGULAR MEETING MARCH 19, 2012 VOL. 127 PAGE 196**

**ROLL CALL:**

Mayor Brennan called the meeting to order at 7:10 P.M. (Councilor Anton arrived at the beginning of the Proclamations. Councilor Coyne, arrived during Proclamation 27.

**APPROVAL OF MINUTES OF PREVIOUS MEETING:**

Motion was made by Councilor Marshall and seconded by Councilor Suslovic to approve the minutes of March 5, 2012. Passage 7-0.

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**RECOGNITIONS:**

**A Legislative Special Sentiment Will be Presented to the Deering High School Boys' Basketball Team and Catherine McAuley Basketball Team.**

**PROCLAMATIONS:**

**Proc 25-11/12**

**Proclamation Honoring Deering High School Boys' Basketball Team for Winning Maine's 2012 State Championship - Sponsored by Mayor Michael F. Brennan.**

**Proc 26-11/12**

**Proclamation Honoring Catherine McAuley High School Basketball Team for Winning Maine's 2012 State Championship - Sponsored by Mayor Michael F. Brennan.**

**Proc 27-11/12**

**Proclamation Honoring Alex Jaegerman, Planning Director, for Election as a Fellow of the American Institute of Certified Planners – Sponsored by Mayor Michael F. Brennan.**

**Proc 28-11/12**

**Proclamation Honoring Otto's Pizza – Sponsored by Mayor Michael F. Brennan.**

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**RESOLUTIONS:**

**Resolve 12-11/12**

**Resolution Designating Creative Portland Corporation (CPC) as Local Arts Agency - Sponsored by Councilor David A. Marshall.**

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Motion was made by Councilor Anton and seconded by Councilor Marshall to recess the Regular meeting of the City Council and convene a Special Meeting of the Creative Portland Corporation. Passage 9-0.

**SPECIAL MEETING:**

**Special Meeting of Creative Portland Corporation – Sponsored by Mayor Michael F. Brennan.**

A Special Meeting of the Corporation of Creative Portland Corporation will be held by the City Council on March 19, 2012, at 7:00 p.m. in City Council Chambers to designate Creative Portland Corporation (CPC) as Local Arts Agency and approve the merger of Creative Portland and Portland Arts and Cultural Alliance – Amendments to Creative Portland Bylaws.

**Order 132-11/12**

**Approving Merger of the Creative Portland Corporation and the Portland Arts and Cultural Alliance (PACA) and Approving Amendments to Creative Portland Bylaws – Sponsored by Councilor David A. Marshall, Creative Portland Board Member.**

Motion was made by Councilor Duson and seconded by Councilor Mavodones to amend Order 132 by striking language in section 4-3 “who will receive a slate of nominations for their consideration from the Board of Directors”, and “The Nominating Committee or the City Council may accept or reject the slate as a whole. If rejected, the Nominating Committee or the City Council shall request a new proposed slate of nominations from the Board of Directors. Passage 8-1 (Councilor Marshall).

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

Motion was made by Councilor Anton and seconded by Councilor Marshall to reconvene the Regular City Council meeting. Passage 9-0, 8:05, P.M.

**APPOINTMENTS:**

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**Order 133-11/12                      Order Appointing Election Clerks – Sponsored by Katherine L. Jones, City Clerk.**

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

**Order 134-11/12                      Appointing Wardens and Ward Clerks – Sponsored by Katherine L. Jones, City Clerk.**

| <b>WARDEN</b>    | <b>WARD CLERK</b> | <b>PRECINCT</b> |
|------------------|-------------------|-----------------|
| Denise Shames    | Aurelia Scott     | 1-1             |
| Carol Morrisette | Christopher Danse | 1-2             |
| James Carlson    | Reta Morrill      | 1-3             |
| Maryann O'Malley | Nancy Parker      | 2-1             |
| Susan Lichtman   | Priscilla Nelson  | 2-2             |
| Elaine Spring    | Katie Spring      | 3-1             |
| Rebecca Johnson  | Dale Kinney       | 3-2             |
| James Trott      | Elizabeth Cyr     | 4-1             |
| Diane Sbrega     | Troy Moon         | 4-2             |
| Sherwood Merrill | Wealthy Merrill   | 5-1             |
| George Smythe    | Charles Lane      | 5-2             |

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

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**CONSENT ITEMS:**

**Order 135-11/12                      Calling Special Election and Setting Time for Opening of Polls for Election on May 15, 2012 – Sponsored by Katherine L. Jones, City Clerk.**

Councilor Anton asked for Order 135 to be taken up separately.

Motion was made by Councilor Anton and seconded by Councilor Duson to postpone until April 2, 2012. Passage 9-0.

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**Order 136-11/12                      Approving Transfer of Funds Under 15 M.R.S.A. Secs 5824(3) and 5836(6) – Sponsored by Mark H. Rees, City Manager.**

**Order 137-11/12                      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 Suslovic and seconded by Councilor Councilor Donoghue for passage of the consent items. Passage 8-0 (Councilor Anton out).

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**LICENSES:**

**Order 138-11/12                      Granting Municipal Officer's Approval of Sebastian's, 339-345 Fore Street, Application for Class XI Liquor License with Outdoor Dining on Public Property – Sponsored by Katherine L. Jones, City Clerk.**

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

**Order 139-11/12                      Granting Municipal Officer's Approval of AMA, LLC d/b/a Hugo's, 88 Middle Street, Application for a Class I Liquor License – Sponsored by Katherine L. Jones, City Clerk.**

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

**Order 140-11/12                      Granting Municipal Officer's Approval of Silver Oak, Inc d/b/a The Danforth Inn, 163 Danforth Street. Application for a Class I Liquor License and Entertainment with Dance – Sponsored by Katherine L. Jones, City Clerk.**

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

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**BUDGET ITEMS:**  
**COMMUNICATIONS:**  
**RESOLUTIONS:**

**UNFINISHED BUSINESS:**

**Order 28-11/12      Amendment to Portland City Code Chapter 12 Garbage, Wastes and Junk Article II. Garbage and Solid Waste Removal/Recycling Section 12-17.1 – Sponsored by Mark H. Rees, City Manager.**

Motion was made by Councilor Anton and seconded by Councilor Duson to postpone this item until April 2, 2012 City Council meeting. Passage 9-0.

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**Order 32-11/12      Establishing Bulky Waste Tag Fee – Sponsored by Mark H. Rees, City Manager.**

Motion was made by Councilor Marshall and seconded by Councilor Donoghue to postpone this item until April 2, 2012 City Council meeting. Passage 9-0.

**Order 126-11/12      Granting Municipal Officer's Approval of Shade Tree Group, LLC d/b/a Port City Music Hall at 504 Congress St. Request to Add After Hours Entertainment with Dance – Sponsored by Katherine L. Jones, City Clerk.**

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

**Order 130-11/12      Appropriating \$75,000 in Portland Development Corporation Funds to the Milestone Foundation for Its Home Team Program – Sponsored by Mark H. Rees, City Manager. This item was given first reading on March 5<sup>th</sup>.**

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

**Order 131-11/12      Amendment to Portland City Code Chapter 14. Land Use Article III. Zoning Re: Places of Assembly – Sponsored by the Planning Board, Carol Morrisette, Chair. This item was given first reading on March 5<sup>th</sup>.**

Motion was made by Councilor Suslovic and seconded by Councilor Anton to amend Order 131 by adding language to add "a. any new institutional use shall demonstrate that it has a lot size of sufficient area to accommodate all proposed and foreseeable future activities and programs, including parking, and to absorb the impacts and growth needs of the institution. Such new use established after effective date shall not be eligible for expansion under the provisions of paragraph b below. Passage 8-0 (Councilor Anton out).

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Motion was made by Councilor Suslovic and seconded by Councilor Anton for passage as amended. Passage 8-0 (Councilor Anton out).

**ORDERS:**

**Order 141-11/12      Approving Interest Rate Swap Agreement RE: Pension Bonds - Sponsored by Mark H. Rees, City Manager.**

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

**Order 142-11/12      Order Setting Public Hearing – Sponsored by Mark H. Rees, City Manager.**

Motion was made by Councilor Anton and seconded by Councilor Suslovic for passage. Passage 7-0. (Councilor Donoghue, Councilor Mavodones gone).

**Order 143-11/12      Authorizing a Loan from Finance Authority of Maine in an Amount Not to Exceed \$1,000,000 – Sponsored by Mark H. Rees, City Manager. This is a first reading.**

**Order 144-11/12      Order Appropriating \$1,000,000 of Loan Proceeds – Sponsored by Mark H. Rees, City Manager. This is a first reading.**

**REQUEST FOR EXECUTIVE SESSION:**

Motion was made by Councilor Anton and seconded by Councilor Coyne to move into Executive Session Pursuant to 1 M.R.S.A. § 405 (6) (D) to provide guidance to City negotiators on the Collective Bargaining Agreement to Police Benevolent Association. Passage 6-0. (Councilor Mavodones, Councilor Donoghue, Councilor Leeman gone).

Motion was made by Councilor Dusen and seconded by Councilor Coyne to come out of Executive Session. Passage 7-0 (Councilor Mavodones, Councilor Donoghue, Councilor Leeman gone, 10:10 P.M.

Motion was made by Councilor Suslovic and seconded by Councilor Coyne to adjourn. Passage 7-0, (Councilor Mavodones, Councilor Donoghue, Councilor Leeman, ), 10:11 P.M.

A TRUE COPY

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Katherine L. Jones, City Clerk

