

IN COUNCIL REGULAR MEETING JUNE 6, 2011 VOL. 127 PAGE 114

ROLL CALL: Mayor ProTem Duson called the meeting to order at 7:10 P.M. (Mayor Mavodones absent.) Councilor Coyne arrived during proclamations.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Suslovic and seconded by Councilor Leeman to approve the minutes of the 5-16-2011 meeting. Passage 7-0.

ANNOUNCEMENTS:

RECOGNITIONS:

PROCLAMATIONS:

Pro 35-10/11 Proclamation Honoring Bruce Spang as Portland's Poet Laureate – Sponsored by Mayor Nicholas M. Mavodones, Jr.

Pro 36-10/11 Proclamation Affirming the International Observance of World Refugee Day and Recognizing the Positive Impact of the Refugee Community in the City of Portland - Sponsored by Mayor Nicholas M. Mavodones, Jr.

Pro 37-10/11 Proclamation Honoring Zoe Romano - Sponsored by Mayor Nicholas M. Mavodones, Jr.

APPOINTMENTS:

Order 243-10/11 Appointing City Manager and Approving Employment Contract - Sponsored by the City Manager Search Committee, Councilor Cheryl A. Leeman, Chair

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

IN COUNCIL REGULAR MEETING JUNE 6, 2011 VOL. 127 PAGE 115

Order 244-10/11 Order Appointing Members to Various Committees - Sponsored by the Appointments Committee, Councilor John R. Coyne, Chair.

Name	Committee	Term Expires
Alan Freedman	Civil Service	06/30/2014
Colin Apse	Landbank Commission	06/30/2014
Rene Perry	Landbank Commission	06/30/2014
William Mann	Landbank Commission	06/30/2014
Bryan Wentzell	Landbank Commission	06/30/2014
Steven Morgenstein	Park Commission	06/30/2014
Diane Davison	Park Commission	06/30/2014
Robyn Tucker	Portland Housing Authority	06/30/2014
Kathryn Malconian	Portland Housing Authority	06/30/2014
Robert Odlin	Fish Exchange A	06/30/2014
Lin Lisberger	Portland Public Art Comm.	06/30/2014
Jere DeWaters	Portland Public Art Comm.	06/30/2014
Anthony Muench	Portland Public Art Comm.	06/30/2014

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

CONSENT ITEMS:

Order 245-10/11 Declaring “25th Annual Southern Maine Pride Celebration Festival” – Sponsored by Pat Finnigan, Acting City Manager.

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

Order 246-10/11 Approving Transfer of Funds Under 15 M.R.S.A. Secs 5824(3) and 5836(6) – Sponsored by Pat Finnigan, Acting City Manager.

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

IN COUNCIL REGULAR MEETING JUNE 6, 2011 VOL. 127 PAGE 116

LICENSES:

Order 247-10/11 Granting Municipal Officer's Approval of Local Sprouts Cooperative, d/b/a Local Sprouts, 649 Congress Street. Request to add Outdoor Dining on Public Property. Sponsored by Katherine L. Jones, City Clerk.

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

Order 248-10/11 Granting Municipal Officer's Approval of Ramen Miyake, LLC, d/b/a Paimen Miyake, 188 State Street. Request to upgrade to a Class I Liquor License and add Outdoor Dining on Public Property. Sponsored by Katherine L. Jones, City Clerk.

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

Order 249-10/11 Granting Municipal Officer's Approval of 164 BCG, LLC, d/b/a White Cap Grille, 164 Middle Street. Application for a Class I Liquor License with Outdoor Dining on Private Property. Sponsored by Katherine L. Jones, City Clerk.

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

Order 250-10/11 Granting Municipal Officer's Approval of Figa LLC, d/b/a Figa, 249 Congress Street. Request to add Outdoor Dining on both Public & Private Property. Sponsored by Katherine L. Jones, City Clerk

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

Order 251-10/11 Granting Municipal Officer's Approval of Nav Noeul, d/b/a Apsara Restaurant, 345 Fore Street. Application for a Class I Liquor License with Outdoor Dining on Public Property. Sponsored by Katherine L. Jones, City Clerk.

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

IN COUNCIL REGULAR MEETING JUNE 6, 2011 VOL. 127 PAGE 117

Order 252-10/11 Granting Municipal Officer's Approval of 444 Pearl LLC, d/b/a The Pearl, 444 Fore Street. Change of Ownership, Application for Class A Lounge Liquor License. Entertainment with Dance. Sponsored by Katherine L. Jones, City Clerk.

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

Order 253-10/11 Granting Municipal Officer's Approval of Application of Charles Doucette d/b/a Plush West End at 106 High Street for a Class I Liquor License. Sponsored by Katherine L. Jones, City Clerk.

Motion was made by Councilor Waxman and seconded by Councilor Anton for passage. Passage 8-0.

PUBLIC HEARINGS:

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 279-10/11 Amendment to Portland City Code Chapter 14. Land Use Articles III. Zoning Division 1. Generally – Sponsored by Councilor David A. Marshall. This order was postponed on May 16th to June 6th.

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

Order 237-10/11 Approving Three-Party Partnership Agreements Between the City of Portland, the Maine Department of Transportation and the Portland Area Comprehensive Transportation System - Sponsored by Pat Finnigan, Acting City Manager. This order was given first reading on May 16, 2011

IN COUNCIL REGULAR MEETING JUNE 6, 2011 VOL. 127 PAGE 118

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

Order 242-10/11 Reallocating Excess Bond Proceeds – Sponsored by Pat Finnigan, Acting City Manager. This order was given first reading on May 16, 2011.

Motion was made by Councilor Anton and seconded by Councilor Waxman for passage. Passage 8-0.

Order 239-10/11 Order Allocating \$350,000 in Home Program Funds to Community Housing of Maine for a Housing Project at 66-68 High Street – Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair. This order was given first reading on May 16th, 2011.

Councilor Anton stated that he would be recusing himself from participation in discussion and action on Order 239-10/11.

Motion was made by Councilor Waxman and seconded by Councilor Coyne for passage. Passage 6-0. (Marshall out)

Order 240-10/11 Amendment to Portland City Code Chapter 14 Land Use Article III. Zoning RE: B-7 Zone – Sponsored by the Planning Board, Joe Lewis, Chair. This order was given first reading on May 16th, 2011.

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

Order 241-10/11 Amendment to Portland City Code Chapter 14 (Land Use), Article III Re: Housing Preservation and Replacement – Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair. This order was given first reading on May 16, 2011.

Motion was made by Councilor Anton and seconded by Councilor Suslovic to change section (d) (1) where the reference to (c)(1) was changed to (d) (1). Passage 8-0.

Motion was made by Councilor Anton and seconded by Councilor Donoghue for passage, as amended. Passage 8-0.

IN COUNCIL REGULAR MEETING JUNE 6, 2011 VOL. 127 PAGE 119

ORDERS:

Order 254-10/11 Amending the Traffic Schedule – Sponsored by Councilor Kevin J. Donoghue.

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

Order 255-10/111 Amending the Traffic Schedule – Sponsored by the Transportation Committee, Councilor Kevin J. Donoghue, Chair.

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

Order 256-10/11 Approving Agreement with Maine Department of Transportation Re: Improvements to Forest Avenue - Sponsored by Pat Finnigan, Acting City Manager.

Motion was made by Councilor Suslovic and seconded by Councilor Coyne for passage. Passage 7-0. (Anton out).

Order 257-10/11 Approving Purchase and Sale Agreement With Federated Companies, LLC – Sponsored by the Community Development Committee, Councilor Cheryl A. Leeman, Chair.

Motion was made by Councilor Anton and seconded by Councilor Waxman for passage. Passage 8-0.

Order 258-10/11 Appropriating \$967,000 for Payment up to that Amount for Jury Award, Interest and Costs in *Portland Company v. City Of Portland* – Sponsored by Gary C. Wood, Corporation Counsel

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

Order 259-10/11 Adopting Development Program for the Portland Downtown District for Fiscal Year 2011-2012 – Sponsored by Pat Finnigan, Acting City Manager. First reading.

- Order 260-10/11** Order Assessing Maintenance and Implementation Assessments in the Portland Downtown District for Fiscal Year 2011-2012 – Sponsored by Pat Finnigan, Acting City Manager. First reading.
- Order 261-10/11** Order Authorizing Master Agreement and Supplemental Services Agreement with Portland’s Downtown District – Sponsored by Pat Finnigan, Acting City Manager. First reading.

IN COUNCIL REGULAR MEETING JUNE 6, 2011 VOL. 127 PAGE 120

- Order 262-10/11** Authorizing the Acting City Manager to Submit the Tier III Combined Sewer Overflow Long Term Control Plan to the Maine Department of Environmental Protection – Sponsored by Pat Finnigan, Acting City Manager. First Reading
- Order 263-10/11** Accepting and Appropriating a Grant Award in the Amount of \$2,424.00 from the Maine Department of Conservation for the Development of a Forest Management Plan – Sponsored by Pat Finnigan, Acting City Manager. First Reading

AMENDMENTS:

- Order 264-10/11** Amendment to Portland City Code Chapter 17 (Offenses, Miscellaneous Provisions), Article I (In General) – Sponsored by the Public Safety Committee, Councilor Edward J. Suslovic, Chair. First Reading
- Order 265-10/11** Amendment to Portland City Code Chapter 21 (Farmers’ Markets), Article I, Section 21-3 – Sponsored by the Health and Recreation Committee, Councilor Dory Richards Waxman, Chair. First Reading
- Order 266-10/11** Amendment to Portland City Code Chapter 19 (Peddlers and Solicitors), Article II, Section 19-24 – Sponsored by the Health and Recreation Committee, Councilor Dory Richards Waxman, Chair. First reading.
(Tab 34)

Motion was made by Councilor Suslovic and seconded by Councilor Coyne to adjourn. Passage 7-0, (Donoghue gone) 11:03 P.M.

A TRUE COPY

Katherine L. Jones, City Clerk