

IN COUNCIL REGULAR MEETING SEPT. 9, 2009 VOL. 126 PAGE 17

ROLL CALL: Mayor Duson called the meeting to order at 7:04 P.M. Councilor Waxman was absent. Councilor Anton arrived after licenses.

SPECIAL MEETING:

Motion was made by Councilor Marshall and seconded by Councilor Skolnik to recess the City Council meeting and convene a Special Meeting of the Corporator of the Creative Portland Corporation – Sponsored by Mayor Jill C. Duson. Passage, 7:05 P.M.

Order 43-09/10 Appointing Patrick Costin as a Member of the Board of Directors of the Creative Portland Corporation for a term which expires on 11/30/11 – Sponsored by the Appointments and Non-Union Personnel Committee, Councilor John R. Coyne, Chair.

Motion was made by Councilor Mavodones and seconded by Councilor Coyne for passage. Passage 7-0.

Motion was made by Councilor Mavodones and seconded by Councilor Skolnik to adjourn the Special Meeting of the Corporator of the Creative Portland Corporation and convene a Special meeting of the Corporator of the Downtown Portland Corporation – Sponsored by Mayor Jill C. Duson. Passage 7-0, 7:07 P.M.

Order 44-09/10 Appointing Members of the Board of Directors of the Downtown Portland Corporation – Sponsored by the Appointments and Non-Union Personnel Committee, Councilor John R. Coyne, Chair.

Name	Term Expires
Donna Katsiaficas	09/30/12
Robert Witkowski	09/30/12

Motion was made by Councilor Coyne and seconded by Councilor Marshall for passage. Passage 7-0.

Motion was made by Councilor Mavodones and seconded by Councilor Coyne to adjourn the Special Meeting of the Board of Directors of the Downtown Portland Corporation and reconvene the City Council meeting. Passage 7-0, 7:10 P.M.

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APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Marshall and seconded by Councilor Skolnik to approve the minutes of the meeting of 8/17/09. Passage 7-0.

ANNOUNCEMENTS:

RECOGNITIONS:

PROCLAMATIONS:

APPOINTMENTS:

Order 45-09/10 Appointing Members to Various Committees – Sponsored by the Appointments and Non-Union Personnel Committee, Councilor John R. Coyne, Chair.

Name	Board	Term Expires
Patricia McAllister	Board of Appeals	12/31/10
Anna Collins	CDBG Allocations Committee	09/30/12
Lori Nicholas	CDBG Allocations Committee	09/30/12
Victoria Szatkowski	CDBG Allocations Committee	09/30/12
Dominic Suru	CDBG Allocations Committee	09/30/11
Carol Morrisette	Planning Board	01/31/12
Jere DeWaters	Portland Public Art Committee	06/30/11

Motion was made by Councilor Skolnik and seconded by Councilor Coyne for passage. Passage 7-0.

CONSENT ITEMS:

Order 46-09/10 Accepting a Portion of Kineo Street as a City Street – Sponsored by Joseph E. Gray, Jr., City Manager.

Order 47-09/10 Declaring 18th Annual Peak Performance Maine Marathon/Relay and Maine Half Marathon Day Festival – Sponsored by Joseph E. Gray, Jr., City Manager.

Order 48-09/10 Approving Purchase and Sale Agreement with Ross Y. Furman - Sponsored by Joseph E. Gray, Jr., City Manager.

Order 49-09/10 Approving Purchase and Sale Agreement with Roswell Y. Furman - Sponsored by Joseph E. Gray, Jr., City Manager.

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Motion was made by Councilor Mavodones and seconded by Councilor Skolnik for passage of the Consent Calendar. Passage 7-0.

LICENSES:

Order 50-09/10 Granting Municipal Officer's Approval of TOMAKS, LLC, d/b/a Miss Portland Diner, 140 Marginal Way. Application for Class I Restaurant with Outdoor Dining – Sponsored by Linda C. Cohen, City Clerk.

Motion was made by Councilor Mavodones and seconded by Councilor Donoghue for passage. Passage 7-0.

Order 51-09/10 Granting Municipal Officer's Approval of Tuffy McNutt, LLC, d/b/a Sonny's, 83 Exchange Street. Application for Class XI Restaurant/Lounge and Entertainment without Dance License. Entertainment Inside Only. Outdoor Dining – Sponsored by Linda C. Cohen, City Clerk.

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

Order 52-09/10 Granting Municipal Officer's Approval of Your Grandma's LLC, d/b/a Your Grandma's, 408 Forest Avenue. Application for Class III & IV (Beer & Wine) License. Outdoor Dining – Sponsored by Linda C. Cohen, City Clerk.

Motion was made by Councilor Mavodones and seconded by Councilor Skolnik for passage. Passage 7-0.

Order 53-09/10 Granting Municipal Officer's Approval of Concept One USA, Inc., d/b/a Restaurant Shima, 339 Fore Street. Application for Class I Restaurant License. Outdoor Dining – Sponsored by Linda C. Cohen, City Clerk.

Motion was made by Councilor Skolnik and seconded by Councilor Donoghue for passage. Passage 7-0.

PUBLIC HEARINGS:

BUDGET ITEMS:

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Order 54-09/10 was taken out of order.

Order 54-09/10 Establishing Short Term Future Development for the Maine State Pier – Sponsored by the Community Development Committee, Councilor Cheryl A. Leeman, Chair.

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

COMMUNICATIONS:

Com 3-09/10 Re: Taxi Management at the Portland International Jetport – Sponsored by the Transportation Committee, Councilor Kevin J. Donoghue, Chair.

Motion was made by Councilor Mavodones and seconded by Councilor Marshall to refer this item to the Transportation Committee. Passage 8-0.

RESOLUTIONS:

Resolve 2-09/10 Supporting Passage of H.R. 2454, The American Clean Energy and Security Act (“ACES”) in the U.S. Senate – Sponsored by the Energy and Environmental Sustainability Committee, Councilor David A. Marshall, Chair.

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

Resolve 3-09/10 Amended Resolution Limiting City Long-Term Debt – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

Motion was made by Councilor Mavodones and seconded by Councilor Coyne to refer this item to the Finance Committee. Passage 8-0.

UNFINISHED BUSINESS:

Order 40-09/10 Amending Traffic Schedule Re: Ocean Avenue – Sponsored by the Transportation Committee, Councilor Kevin J. Donoghue, Chair. Amended and failed to receive five votes on 8/17/09.

Motion for passage is already on the floor from the previous meeting, as well as an amendment that passed at that meeting.

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Motion was made by Mayor Duson and seconded by Councilor Donoghue to reconsider the amendment passed at the previous meeting. Failed 3-5 (Duson, Leeman, Mavodones, Skolnik, Coyne).

Passage 8-0.

Order 41-09/10 Amendment to Portland City Code Chapter 17 Offenses Article II. Offenses Against Public Peace Section 17-20 – Sponsored by the Public Safety Committee, Councilor Daniel S. Skolnik, Chair. Given first reading on 8/17/09.

Motion was made by Councilor Skolnik and seconded by Councilor Donoghue for passage.

Motion was made by Councilor Marshall and seconded by Councilor Donoghue to refer this item back to the Public Safety Committee. Passage 8-0.

Councilor Anton noted that he would be recusing himself from participating in the discussion of Order 42-09/10.

Order 42-09/10 Reauthorization of Amendment to City Code §14-49 (Zoning Text and Map Amendment) Re: Conditional Rezoning for Property in the Vicinity of Congress Street and Whitney Avenue – Sponsored by Gary C. Wood, Corporation Counsel. Given first reading on 8/17/09.

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

ORDERS:

Order 55-09/10 Notice of Public Hearing on Issuance of City of Portland General Obligation Bonds – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

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

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- Order 56-09/10 Authorizing General Obligation Bonds in an Amount not to Exceed \$3,500,000 Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair. First reading.
- Order 57-09/10 Appropriating \$3,500,000 of General Obligation Bond Proceeds – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair. First reading.
- Order 58-09/10 Authorizing General Obligation Bonds to Finance Equipment Purchases in an Amount not to Exceed \$1,980,000 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair. First reading.
- Order 59-09/10 Appropriating \$1,980,000 for Various Capital Equipment Projects – Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair. First reading.
- Order 60-09/10 Approving the Acceptance and Appropriation of MDOT Safe Routes to School Grant – Sponsored by Joseph E. Gray, Jr., City Manager. First reading.

AMENDMENTS:

LICENSE RENEWALS:

Motion was made by Councilor Donoghue and seconded by Councilor Skolnik for passage. Passage 5-0 (Leeman, Mavodones gone), 11:00 P.M.

A TRUE COPY.

ATTEST _____
Linda C. Cohen, MMC, City Clerk