

## **IN COUNCIL REGULAR MEETING JUNE 1, 2009 VOL. 125 PAGE 128**

**ROLL CALL:** Mayor Duson called the meeting to order at 7:16 P.M. All Councilors were present.

### **APPROVAL OF MINUTES OF PREVIOUS MEETING:**

Motion was made by Councilor Leeman and seconded by Councilor Donoghue to approve the minutes of the 5/18/09 meeting. Passage 9-0.

### **ANNOUNCEMENTS:**

### **RECOGNITIONS:**

### **PROCLAMATIONS:**

|               |                                                                                                                   |
|---------------|-------------------------------------------------------------------------------------------------------------------|
| Proc 36-08/09 | Honoring Robert K. Mitton, Sr. – Sponsored by Mayor Jill C. Duson.                                                |
| Proc 40-08/09 | Honoring Steve Luttrell as Portland's Poet Laureate – Sponsored by Mayor Jill C. Duson.                           |
| Proc 41-08/09 | Honoring Paul J. Fournier as Employee of the Month for May, 2009 - Sponsored by Mayor Jill C. Duson.              |
| Proc 42-08/09 | Honoring Detective Bryan Letarte as Police Officer of the Month for May, 2009 - Sponsored by Mayor Jill C. Duson. |

### **APPOINTMENTS:**

|                 |                                                                                                              |
|-----------------|--------------------------------------------------------------------------------------------------------------|
| Order 277-08/09 | Appointing Members to the Dr. Martin Luther King, Jr. Commission – Sponsored by Councilor Daniel S. Skolnik. |
|-----------------|--------------------------------------------------------------------------------------------------------------|

Rachel Talbot Ross, Co-Chair  
Janis Beitzer  
Rabbi Carolyn Braun  
Steve Bromage  
Bishop Steve Coleman  
Justin Costa  
Dennis Crowley  
Rev. Kenneth Lewis  
Regina Martin  
William Nelligan  
Jamie Parker

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Abraham Peck  
Regina Phillips  
Jonathan Rietman  
Wells Stayley-Mays  
Simon Thompson  
Dawud Ummah

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

### CONSENT ITEMS:

- Order 278-08/09      Traffic Schedule Amendment – Sponsored by the Transportation Committee, Councilor Kevin J. Donoghue, Chair.
- Order 279-08/09      Declaring “Pier Revue Day Two, Featuring Hot Day at the Zoo” as a Festival and Approving Contract and Permits Therefor - Sponsored by Joseph E. Gray, Jr., City Manager.
- Order 280-08/09      Declaring “Urban Epic” as a Festival and Approving Contract and Permits Therefor – Sponsored by Joseph E. Gray, Jr., City Manager.
- Order 281-08/09      Approving National Oceanic and Atmospheric Administration License Renewal for Government’s Use of Real Property – Sponsored by Joseph E. Gray, Jr., City Manager.
- Order 282-08/09      Granting Revocable License Re: Miss Portland Diner – Sponsored by Joseph E. Gray, Jr., City Manager.

Motion was made by Councilor Skolnik and seconded by Councilor Donoghue for passage of the Consent Calendar. Passage 9-0.

### LICENSES:

- Order 283-08/09      Granting Municipal Officer’s Approval of LLP, Corp., d/b/a Verrillo’s, Catering Big Brothers Big Sisters of Southern Maine – Urban Epic, to Serve in Beer Garden at the Maine State Pier on July 18, 2009 from 9:00 A.M. to 2:00 P.M. – Sponsored by Linda C. Cohen, City Clerk.

Motion was made by Councilor Anton and seconded by Councilor Coyne for passage.

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Motion was made by Councilor Mavodones and seconded by Councilor Anton to amend the order by changing the time to 10:30 A.M. to 12:30 P.M. for the serving of beer. Passage 9-0.

Passage, as amended, 9-0.

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Order 284-08/09      Granting Municipal Officer's Approval of Lafayette Inn by The Bay, Inc., d/b/a Holiday Inn by The Bay, 88 Spring Street. Application for Class I-A Hotel, more than 40 rooms, with Liquor and Entertainment with Dance License – Sponsored by Linda C. Cohen, City Clerk.

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

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Order 285-08/09      Granting Municipal Officer's Approval of TOMAKS, LLC, d/b/a Miss Portland Diner, 140 Marginal Way. Application to Expand Class III & IV (Beer & Wine) License to Include Outdoor Dining on City Property – Sponsored by Linda C. Cohen, City Clerk.

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

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Order 286-08/09      Granting Municipal Officer's Approval of Styxx, Inc., d/b/a Styxx, 3 Spring Street. Application to Add After Hours Dancing and Entertainment to Their Existing Class A Lounge and Entertainment with Dance License – Sponsored by Linda C. Cohen, City Clerk.

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

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Order 287-08/09      Granting Municipal Officer's Approval of Duc N. Ho, d/b/a Viet Bangkok Cuisine, 249 St. John Street. Application for Class I Restaurant with Liquor License – Sponsored by Linda C. Cohen, City Clerk.

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

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Order 288-08/09      Granting Municipal Officer's Approval of LLP, Corp., d/b/a Verrillo's, Catering Preble Street Pier Revue Concert, Featuring Wilco, for Service in Beer Garden at the Maine State Pier on July 18, 2009 from 4:30 P.M. to 10:00 P.M. – Sponsored by Linda C. Cohen, City Clerk.

Motion was made by Councilor Anton and seconded by Councilor Coyne for passage.

Motion was made by Councilor Anton and seconded by Councilor Coyne to amend the order to "featuring Hot Day at the Zoo." Passage 9-0.

Passage, as amended, 9-0.

### **PUBLIC HEARINGS:**

### **BUDGET ITEMS:**

### **COMMUNICATIONS:**

Com 12-08/09      Re: Business Diversity Report – Sponsored by the Task Force on Business Diversity, Councilors Cheryl A. Leeman and David A. Marshall, Chairs.

### **RESOLUTIONS:**

Motion was made by Councilor Skolnik and seconded by Councilor Anton to waive the second reading of Resolve 18-08/09 and Orders 294-08/09 and 295-08/09. Passage 9-0.

Resolve 18-08/09      Amending the 2009-2010 Consolidated Housing and Community Development Annual Action Plan Including Appropriations for Community Development Block Grant Program, Home Program, and Emergency Shelter Grant Program and Certifications Pertaining Thereto to Accept and Allocate Federal Funds – Sponsored by Joseph E. Gray, Jr., City Manager. First reading. Waiver of second reading and emergency passage requested.

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

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Motion was made by Councilor Mavodones and seconded by Councilor Waxman to amend the resolve by allocating \$4,312.50 to Spiral Arts, \$4,312.50 to Munjoy Hill Neighborhood Organization Neighborhood Service Corp., and \$19,671 to the Residential Rehab Program as a development activity. Passage 9-0.

Passage, as amended, 9-0.

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Order 294-08/09      Reallocating and Appropriating Community Development Block Grant Funds and Amending the 2009-2010 Consolidated Housing and Community Development Annual Action Plan – Sponsored by Joseph E. Gray, Jr., City Manager. First reading. Waiver of second reading and emergency passage requested.

Motion was made by Councilor Marshall and seconded by Councilor Anton for passage.

Motion was made by Councilor Donoghue and seconded by Councilor Marshall to amend the order by adopting Option 4 as outlined in the Council packet.

Motion was made by Councilor Skolnik and seconded by Councilor Donoghue to amend the amendment by giving \$50,000 to Hot Suppa and the rest to the skate park. Withdrawn.

Motion was made by Councilor Skolnik and seconded by Councilor Donoghue to amend the amendment to give \$50,000 to Hot Suppa and the rest to the Abyssinian Church. Failed 1-8 (Duson, Leeman, Mavodones, Marshall, Donoghue, Anton, Waxman, Coyne).

Motion was made by Councilor Donoghue and seconded by Councilor Anton to amend the amendment to change Atlantic Street reconstruction money to the Abyssinian project. Failed 3-6 (Duson, Leeman, Mavodones, Coyne, Waxman, Skolnik).

Motion was made by Councilor Marshall and seconded by Councilor Donoghue to amend the amendment by taking the Atlantic Street money and giving \$50,000 each to the Irish Heritage Center and the Abyssinian Church. Failed 3-6 (Duson, Leeman, Mavodones, Anton, Waxman, Coyne).

Amendment adopting Option 4 failed 4-5 (Duson, Leeman, Mavodones, Coyne, Waxman).

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Motion was made by Councilor Mavodones and seconded by Councilor Coyne to amend the order by using Option 3, as outlined in the Council packet. Passage 9-0.

Passage, as amended, 9-0.

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Order 295-08/09      Approving a Substantial Amendment to the Consolidated Housing and Community Development (HCD) 2008-2009 Annual Action Plan Re: The Community Development Block Grant Recovery (CDBG-R) Program and Accepting Funds in the Amount of \$572,670 to Implement the Amended Plan – Sponsored by Joseph E. Gray, Jr., City Manager. First reading. Waiver of second reading and emergency passage requested.

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

### **UNFINISHED BUSINESS:**

Order 212-08/09      Approving Lease with Maine Youth Golf Foundation Re: FirstTee Golf Course - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair. Referred to Finance Committee on 4/6/09. Postponed on 4/27/09 and 5/4/09.

Motion was made by Councilor Mavodones and seconded by Councilor Waxman to indefinitely postpone this item. Passage 6-2 (Duson, Skolnik opposed; Donoghue out).

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Order 275-08/09      Amending and Reducing the Geographical Boundaries and the Original Assessed Value of the Creative Portland Development and Arts District and Tax Increment Financing District – Sponsored by the Community Development Committee, Councilor Cheryl A. Leeman, Chair. Given first reading on 5/18/09.

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

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Order 276-08/09      Approving the Creation of the PowerPay/Portland Public Market Municipal Development District and Tax Increment Financing District, Approving the Development Program for the District, and Authorizing the Execution of a Credit Enhancement Agreement - Sponsored by the Community Development Committee, Councilor Cheryl A. Leeman, Chair. Given first reading on 5/18/09.

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

### **ORDERS:**

Order 289-08/09      Adopting the City of Portland Forest Management Plan – Sponsored by the Land Bank Commission – Roger Berle, Chair.

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

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Order 290-08/09      Discontinuing a Portion of St. John Street and Accepting Amendment to Utilities Easement – Sponsored by Joseph E. Gray, Jr., City Manager.

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

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Order 291-08/09      Adopting Development Program for the Portland Downtown District for Fiscal Year 2009-2010 – Sponsored by Joseph E. Gray, Jr., City Manager. First reading.

Order 292-08/09      Assessing Maintenance and Implementation Assessments in the Portland Downtown District for Fiscal Year 2009-2010 – Sponsored by Joseph E. Gray, Jr., City Manager. First reading.

Order 293-08/09      Authorizing Master Agreement and Supplemental Services Agreement with Portland's Downtown District – Sponsored by Joseph E. Gray, Jr., City Manager. First reading.

### **AMENDMENTS:**

Order 296-08/09      Amendment to Portland City Code Chapter 14 Land Use Article III. Zoning Sections 14-47, 14-382, 14-447, 14-449, and 14-473 – Sponsored by the Planning Board, David Silk, Chair. First reading.

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**LICENSE RENEWALS:**

Motion was made by Councilor Donoghue and seconded by Councilor Marshall to adjourn. Passage 6-0 (Leeman, Mavodones, Skolnik gone), 10:24 P.M.

A TRUE COPY.

ATTEST \_\_\_\_\_  
Linda C. Cohen, MMC, City Clerk