

IN COUNCIL SPECIAL MEETING APRIL 27, 2009 VOL. 125 PAGE 106

ROLL CALL: Mayor Duson called the meeting to order at 7:00 P.M. Councilor Skolnik was absent.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Mavodones and seconded by Councilor Coyne to approve the minutes of the 4/6/09 meeting. Passage 8-0.

ANNOUNCEMENTS:

RECOGNITIONS:

PROCLAMATIONS:

Proc 30-08/09 Honoring Kathleen Martin as Employee of the Month for March, 2009 – Sponsored by Mayor Jill C. Duson.

Proc 32-08/09 Recognizing Municipal Clerk's Week – Sponsored by Mayor Jill C. Duson.

Proc 33-08/09 Recognizing American City Quality Month – Sponsored by Mayor Jill C. Duson.

APPOINTMENTS:

Order 220-08/09 Appointing Wardens and Ward Clerks – Sponsored by Linda C. Cohen, City Clerk.

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

CONSENT ITEMS:

Order 221-08/09 Declaring Fenix Theater Company's "Shakespeare's Taming of the Shrew" and "Shakespeare's A Midsummer Night's Dream" at Deering Oaks Park as a Festival – Sponsored by Joseph E. Gray, Jr., City Manager.

Order 222-08/09 Declaring 2009 "Old Port Festival Day" – Sponsored by Joseph E. Gray, Jr., City Manager.

Order 223-08/09 Declaring "The Greek Heritage Festival" June 25, 2009 – June 27, 2009 – Sponsored by Joseph E. Gray, Jr., City Manager.

IN COUNCIL SPECIAL MEETING APRIL 27, 2009 VOL. 125 PAGE 107

- Order 224-08/09 Declaring “23rd Annual Southern Maine Pride Celebration of Diversity Festival” and Approving Contract and Permits Therefor – Sponsored by Joseph E. Gray, Jr., City Manager.
- Order 225-08/09 Declaring 2009 “Fourth of July” Festival – Sponsored by Joseph E. Gray, Jr. City Manager.
- Order 226-08/09 Declaring “Pier Revue, Featuring Wilco” as a Festival and Approving Contract and Permits Therefor – Sponsored by Joseph E. Gray, Jr., City Manager.
- Order 227-08/09 Declaring 2009 “Summer Events/Concert Series Festival” – Sponsored by Joseph E. Gray, Jr., City Manager.
- Order 228-08/09 Declaring “7th Annual Greater Portland Festival of Nations” in Deering Oaks Park – Sponsored by Joseph E. Gray, Jr., City Manager.
- Order 229-08/09 Declaring “Baystock, Featuring Guster” as a Festival and Approving Contract and Permits Therefor – Sponsored by Joseph E. Gray, Jr., City Manager.
- Order 230-08/09 Approving the City of Portland’s Red Flag Policy and Identity Theft Prevention Program – Sponsored by Joseph E. Gray, Jr., City Manager.

Motion was made by Councilor Mavodones and seconded by Councilor Waxman for passage of the Consent Calendar. Passage. 8-0

Orders 247 and 250-08/09 were taken out of order.

Motion was made by Councilor Mavodones and seconded by Councilor Coyne to waive the second reading for Order 247-08/09. Passage 8-0.

- Order 247-08/09 Approving Collective Bargaining Agreement with Local 740, International Association of Firefighters, AFL-CIO – Sponsored by Joseph E. Gray, Jr., City Manager. First reading. Waiver of Second Reading Requested.

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

IN COUNCIL SPECIAL MEETING APRIL 27, 2009 VOL. 125 PAGE 108

Order 250-08/09 Approving Lease Agreement with Maine Port Authority Re: International Marine Terminal – Sponsored by Joseph E. Gray, Jr., City Manager.

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

LICENSES:

Order 231-08/09 Granting Municipal Officer's Approval of Grace Group, LLC, at 17 Chestnut Street. Application for Class XI Restaurant/Lounge and Entertainment with Dance License – Sponsored by Linda C. Cohen, City Clerk.

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

Order 232-08/09 Granting Municipal Officer's Approval of Holy Trinity Greek Orthodox Church, d/b/a Greek Food Festival, at 133 Pleasant Street. Application for License for Incorporated Civic Organization to Serve Alcohol at Special Event during Festival on June 25, 26, and 27, 2009 from 11:30 A.M. to 9:30 P.M. – Sponsored by Linda C. Cohen, City Clerk.

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

Order 233-08/09 Granting Municipal Officer's Approval of Binga's Wingas, LLC, d/b/a Binga's Wingas, at 50 Wharf Street. Application for Class XI Restaurant/Lounge and Entertainment with Dance License. Outdoor Dining – Sponsored by Linda C. Cohen, City Clerk.

Motion was made by Councilor Donoghue and seconded by Councilor Waxman to postpone this item to 6/15/09. Passage 7-0 (Anton out).

Order 234-08/09 Granting Municipal Officer's Approval of Tandoor, Inc., d/b/a Tandoor, 88 Exchange Street. Application for Class III & IV (Beer & Wine) License – Sponsored by Linda C. Cohen, City Clerk.

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

IN COUNCIL SPECIAL MEETING APRIL 27, 2009 VOL. 125 PAGE 109

Order 235-08/09 Granting Municipal Officer's Approval of The City of Portland, d/b/a The Portland Exposition Building, at 239 Park Avenue. Application for Class I Auditorium License – Sponsored by Linda C. Cohen, City Clerk.

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

Order 236-08/09 Granting Municipal Officer's Approval of The Dogfish Café, d/b/a The Dogfish Café, Catering Baystock 2009 Festival for Service in Beer Garden at the Maine State Pier on August 8, 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. Passage 8-0.

Order 237-08/09 Granting Municipal Officer's Approval of LLP, Corp., d/b/a Verrillo's, Catering Southern Maine Pride's Festival Annual Pride Pier Dance for Service in Beer Garden at the Maine State Pier on June 20, 2009, from 8:00 P.M. to 1:00 A.M. – Sponsored by Linda C. Cohen, City Clerk.

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

Order 238-08/09 Granting Municipal Officer's Approval of LLP, Corp., d/b/a Verillo's, Catering Preble Street Pier Revue Concert, Featuring Wilco, for Service in Beer Garden at the Maine State Pier on July 17, 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 Marshall for passage. Passage 8-0.

IN COUNCIL SPECIAL MEETING APRIL 27, 2009 VOL. 125 PAGE 110

Order 239-08/09 Granting Municipal Officer's Approval of Portland Downtown District and Lively Arts Foundation, d/b/a Alive at Five Outdoor Concert Series. License for Incorporated Civic Organization to Serve Beer at Special Events at Monument Square on July 9, 16, 23, 30, and August 6, 2009 from 5:00 P.M. to 8:00 P.M. – Sponsored by Linda C. Cohen, City Clerk.

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

FY10 SCHOOL BUDGET ITEM: PUBLIC HEARINGS:

Public comment will be taken at this Council meeting on all school budget orders. Council action on the school budget will take place at the City Council meeting on May 4, 2009 at 7:00 P.M. The public referendum on the school budget will be held on Tuesday, May 12, 2009.

Order 240-08/09 Authorizing Expenditure for the Portland School Department Cost Center Summary Budget – Sponsored by The Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair. First reading.

Order 241-08/09 Approving Non-State Funded Debt Service for Portland Schools for FY2010 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair. First reading.

Order 242-08/09 Approving Additional Local Funds for Portland Schools for FY2010 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair. First reading.

Order 243-08/09 Approving Total Budget Summary for Portland Schools for FY2010 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair. First reading.

Order 244-08/09 Reducing Local Option Funds by Unanticipated State School Subsidy for Portland Schools for FY2010 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair. First reading.

Order 245-08/09 Appropriating and Raising Funds for Adult Education as Required by the Maine Revised Statutes, Title 20-A M.R.S.A. §8603-A(1) – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair. First reading.

Order 246-08/09 Appropriating Funds from Non-Tax Revenues for Food Service in the Portland Public Schools – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair. First reading.

IN COUNCIL SPECIAL MEETING APRIL 27, 2009 VOL. 125 PAGE 111

COMMUNICATIONS:

RESOLUTIONS:

Resolve 15-08/09 Supporting Enactment of LD 1450 An Act to Establish the Renewable Energy Resources Program – Sponsored by Councilor David A. Marshall

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

Motion was made by Councilor Anton and seconded by Councilor Mavodones to amend the resolve by striking the next to the last paragraph. Passage 8-0.

Passage, as amended, 8-0.

Resolve 16-08/09 Supporting the Passage of LD 1020 An Act to End Discrimination in Civil Marriage and Affirm Religious Freedom - Sponsored by Mayor Jill C. Duson and Co-Sponsored by Councilors Kevin J. Donoghue, John M. Anton, David A. Marshall, Dory Richards Waxman, Nicholas M. Mavodones, Jr., and Daniel S. Skolnik.

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

Resolve 17-08/09 Supporting Public and Private Investment to Create an Inclusive Local Green Economy by Focusing Funds from the American Reinvestment and Recovery Act of 2009 on Green-Collar Job Creation and Training – Sponsored by the Energy and Environmental Sustainability Committee, Councilor David A. Marshall, Chair.

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

UNFINISHED BUSINESS:

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

IN COUNCIL SPECIAL MEETING APRIL 27, 2009 VOL. 125 PAGE 112

Motion was made by Councilor Waxman and seconded by Councilor Anton to postpone this item to 5/4/09. Passage 8-0.

Order 215-08/09 Transferring Surplus Project Funds to Unallotted Capital Improvement Program Account – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair. Given first reading on 4/6/09.

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

Order 216-08/09 Appropriating Funds from Unallotted Capital Improvement Program Account – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair. Given first reading on 4/6/09.

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

Order 217-08/09 Reallocating and Appropriating Unallotted Project Funds to Fund Emergency Sewer Repairs in the Capital Improvement Program – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair. Given first reading on 4/6/09.

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

Order 218-08/09 Reallocating and Appropriating Unallotted Project Funds to Fund Various Street Projects in the Capital Improvement Program – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair. Given first reading on 4/6/09.

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

IN COUNCIL SPECIAL MEETING APRIL 27, 2009 VOL. 125 PAGE 113

Order 219-08/09 Reallocating and Appropriating Unallotted Project Funds to Fund Emergency Repairs in the Capital Improvement Program – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair. Given first reading on 4/6/09.

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

ORDERS:

Order 248-08/09 Approving Revisions to the City's Sidewalk Material Policy – Sponsored by the Public Safety Committee, Councilor Daniel S. Skolnik, Chair.

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

Order 249-08/09 Amending Traffic Schedule – Sponsored by the Transportation Committee, Councilor Kevin J. Donoghue, Chair.

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

Order 251-08/09 Approving Relocation of Carole Hanson Dragon Sculpture – Sponsored by the Public Art Committee, Jack Soley, Chair and Councilor David A. Marshall.

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

Order 252-08/09 Approving Substantial Amendment to the Consolidated Housing and Community Development (HCD) 2008 Action Plan Re: The Homelessness Prevention and Rapid Rehousing Program and Accepting Funds in the Amount of \$876,120 to Implement the Amended Plan - Sponsored by Joseph E. Gray, Jr., City Manager. First reading.

AMENDMENTS:

LICENSE RENEWALS:

IN COUNCIL SPECIAL MEETING APRIL 27, 2009 VOL. 125 PAGE 114

Motion was made by Councilor Donoghue and seconded by Councilor Coyne to adjourn. Passage 7-0 (Leeman gone), 9:06 P.M.

A TRUE COPY.

ATTEST _____
Linda C. Cohen, MMC, City Clerk