

IN COUNCIL REGULAR MEETING APRIL 6, 2009 VOL. 125 PAGE 98

ROLL CALL: Mayor Duson called the meeting to order at 7:00 P.M. All Councilors were present.

SPECIAL MEETING:

Motion was made by Councilor Mavodones and seconded by Councilor Anton to recess the City Council meeting and convene a Special Meeting of the Corporator of the Portland Fish Exchange – Sponsored by Mayor Jill C. Duson. Passage 9-0, 7:03 P.M.

Order 192-08/09 Approving Amendment to Bylaws of the Portland Fish Exchange - Sponsored by Mayor Jill C. Duson.

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

Order 193-08/09 Appointing Directors of the Portland Fish Exchange – Sponsored by the Appointments and Non-Union Personnel Committee, Councilor John R. Coyne, Chair.

This order appoints the following as Directors of the Portland Fish Exchange for a term expiring October 31, 2010.

Class A	Avis Leavitt
Class B	Raymond Swenton

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

Motion was made by Councilor Mavodones and seconded by Councilor Donoghue to adjourn the Special Meeting of the Corporator and reconvene the City Council meeting. Passage 9-0, 7:10 P.M.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Coyne and seconded by Councilor Mavodones to approve the minutes of the Regular Meeting of 3/16/09 and the Special Meetings of 3/23/09 and 3/30/09. Passage 9-0.

ANNOUNCEMENTS:

RECOGNITIONS:

PROCLAMATIONS:

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Orders 175-08/09, 208-08/09 and 209/08/09 were taken out of order.

Order 175-08/09 Amendment to Zoning Map Re: Rezoning from R-5 Residential Zone to B-2 Community Business Zone Vicinity of 1840-1886 Forest Avenue and Rezoning from B-2 Community Business Zone to R-5 Residential Zone Vicinity of 1838 Forest Avenue – Sponsored by the Planning Board, David Silk, Chair. Given first reading on 3/3/09 and postponed on 3/16/09.

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

BUDGET ITEMS:

Order 208-08/09 Receiving and Referring City Manager's Fiscal Year 2010 Municipal Budget to the Finance Committee and Setting Date of Public Hearing on the FY 2010 Municipal Budget and FY 2010 Appropriation Resolve – Sponsored by Joseph E. Gray, Jr., City Manager.

The Public Hearing on all municipal budget orders and the Appropriation Resolve will be held by the City Council on May 4, 2009, at 7:00 P.M. in City Council Chambers. A City Council workshop to discuss the municipal budget will be held on Monday, May 11, 2009, at 5:00 P.M. at City Hall, in Council Chambers. Council action on the municipal budget will take place at the Council meeting on May 18, 2009.

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

Order 209-08/09 Receiving and Referring to the Finance Committee FY 2010 Budget Estimates of the School Committee and Setting a Public Hearing Thereon – Sponsored by Joseph E. Gray, Jr., City Manager.

The Public Hearing on the school budget orders will take place at a Special City Council meeting on April 27, 2009 at 7:00 P.M. That Council meeting will take the place of the Council meeting scheduled for April 22, 2009. The Council will deliberate and act on the school budget on May 4, 2009. The school budget will be submitted to the voters on May 12, 2009.

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

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APPOINTMENTS:

Order 194-08/09 Making Appointments to Various Boards – Sponsored by the Appointments and Non-Union Personnel Committee, Councilor John R. Coyne, Chair.

This order appoints the following to the Boards indicated for the state term.

Sara Moppin	Board of Appeals	12/31/09
Perry St. Louis	Friends of the Parks	06/30/11

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

CONSENT ITEMS:

Order 195-08/09 Accepting Gift of \$500 from South Portland Memorial Middle School – Sponsored by Joseph E. Gray, Jr., City Manager.

Order 196-08/09 Declaring Portland Sea Dogs Mother's Day Race – Sponsored by Joseph E. Gray, Jr., City Manager.

Order 197-08/09 Declaring Tower of Song Festival – Sponsored by Joseph E. Gray, Jr., City Manager.

Order 198-08/09 Declaring Memorial Day Parade and Festival – Sponsored by Joseph E. Gray, Jr., City Manager.

Order 199-08/09 Declaring "Blissful Revolution Arts & Crafts Bazaar" in Lincoln Park – Sponsored by Joseph E. Gray, Jr., City Manager.

Order 200-08/09 Declaring Portland Sea Dogs Father's Day Race – Sponsored by Joseph E. Gray, Jr., City Manager.

Order 201-08/09 Declaring "International Festival Family Fun Day" on Baxter Boulevard – Sponsored by Joseph E. Gray, Jr., City Manager.

Order 202-08/09 Declaring "PICNIC Music & Arts Festival" in Lincoln Park – Sponsored by Joseph E. Gray, Jr., City Manager.

Order 203-08/09 Setting Time for Opening of Polls for Election on May 12, 2009 and June 9, 2009 - Sponsored by Linda C. Cohen, City Clerk.

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Order 204-08/09 Approving Purchase and Sale Agreements Regarding the Purchase of a Portion of Edgewood Avenue and Accepting Said Portion of Edgewood Avenue as a City Way – Sponsored by Joseph E. Gray, Jr., City Manager.

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

LICENSES:

Order 205-08/09 Granting Municipal Officer's Approval of Silver Oak, Inc., d/b/a The Danforth Inn, 163 Danforth Street. Application for Class I-A Hotel with Less than 15 Rooms and Entertainment with Dance License. Entertainment Inside Only – Sponsored by Linda C. Cohen, City Clerk.

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

Order 206-08/09 Granting Municipal Officer's Approval of C & S Restaurant, LLC, d/b/a The Salt Exchange, 245 Commercial Street. Application for Class XI Restaurant/Lounge and Outdoor Dining – Sponsored by Linda C. Cohen, City Clerk.

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

Order 207-08/09 Granting Municipal Officer's Approval of LLP, Corp., d/b/a Verrillo's Catering, at Portland Exposition Building, at 239 Park Avenue. Application to Serve in Beer Garden at Special Event (Roller Derby) on April 11, May 2, May 23, and June 13, 2009, from 6:00 P.M. to 9:00 P.M. – Sponsored by Linda C. Cohen, City Clerk.

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

Orders 212-08/09 and 188-08/09 were taken out of order.

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Order 212-08/09 Approving Lease with Maine Youth Golf Foundation Re: First Tee Golf Course
- Sponsored by the Health and Recreational Committee, Councilor Dory
Richards Waxman, Chair.

Motion was made by Councilor Waxman and seconded by Councilor Donoghue
to refer this item to the Finance Committee. Passage 9-0.

Order 188-08/09 Amendment to Portland City Code Chapter 30 (Vehicles for Hire) Re: Peaks
Island Service – Sponsored by Councilor Kevin J. Donoghue. Given first
reading on 3/16/09.

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

PUBLIC HEARINGS:

COMMUNICATIONS:

Com 11-08/09 Re: Peaks Island Council Resolution on PEAT Wind Testing Initiative –
Sponsored by Councilor Kevin J. Donoghue.

RESOLUTIONS:

Resolve 13-08/09 Declaring the Month of April, 2009 “Youth Alcohol Prevention Month” in the
City of Portland, Maine – Sponsored by Mayor Jill C. Duson.

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

Resolve 14-08/09 Supporting Green Buildings – Sponsored by the Energy and Sustainability
Committee, Councilor David A. Marshall, Chair.

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

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UNFINISHED BUSINESS:

Order 187-08/09 was taken out of order.

Order 187-08/09 Amendment to Portland City Code Chapter 6, Article VII Green Building Code – Sponsored by the Energy & Environmental Sustainability Committee, Councilor David A. Marshall, Chair. Given first reading and referred to the Energy and Environmental Sustainability Committee on 3/16/09.

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

Motion was made by Councilor Marshall and seconded by Councilor Donoghue to amend the order as outlined in the Council packet, adding definitions and clarifications regarding funding and renovations and basically replacing the original order with a new one. Passage 9-0.

Passage, as amended, 9-0.

Order 186-08/09 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 the Planning Board, David Silk, Chair. Given first reading on 3/16/09.

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

ORDERS:

Order 210-08/09 Instructing Business Diversity Task Force to Report Its Findings and Recommendations – Sponsored by Councilor Daniel S. Skolnik.

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

Motion was made by Councilor Skolnik and seconded by Councilor Mavodones to amend the order by changing the report date to June 1, 2009. Passage 7-2 (Leeman, Donoghue).

Passage, as amended, 5-4 (Leeman, Marshall, Donoghue, Anton).

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Order 211-08/09 Accepting Neighborhood Stabilization Funds from the Maine Department of Economic and Community Development – Sponsored by the Housing Committee, Councilor David A. Marshall, Chair.

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

Order 213-08/09 Instructing City Manager to Present a Bond Order for Council Action in an Amount Sufficient to Pay the Trust for Public Land for Property on Riverside Street – Sponsored by Joseph E. Gray, Jr., City Manager.

Motion was made by Councilor Anton and seconded by Councilor Mavodones to refer this item to the Finance Committee to have a report back to Council by April 27, 2009. Withdrawn.

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

Order 214-08/09 Vacating Rock Hill Street and a Portion of Magnolia Street – Sponsored by the Planning Board, David Silk, Chair.

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

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. First reading.

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

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. First reading.

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- 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. First reading.
- 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. First reading.

AMENDMENTS:

LICENSE RENEWALS:

Motion was made by Councilor Coyne and seconded by Councilor Waxman to adjourn. Passage 7-0 (Anton gone), 10:52 P.M.

A TRUE COPY.

ATTEST _____
Linda C. Cohen, MMC, City Clerk