

IN COUNCIL REGULAR MEETING AUG. 4, 2008 VOL. 125 PAGE 11

ROLL CALL: Mayor Suslovic called the meeting to order at 7:05 P.M.
Councilor Cohen was absent.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Anton and seconded by Councilor Marshall to approve the minutes of the Special and Regular meetings of 7/21/08.
Passage 8-0.

ANNOUNCEMENTS:

RECOGNITIONS:

PROCLAMATIONS:

APPOINTMENTS:

Order 33-08/09 Appointing Trevor Nugent as Constable for 2008 Re: Portland Housing Authority – Sponsored by Patricia Finnigan, Acting City Manager.

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

CONSENT ITEMS:

Order 34-08/09 Declaring “PICNIC Music and Arts Festival” in Lincoln Park – Sponsored by Joseph E. Gray, Jr., City Manager.

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

LICENSES:

Order 35-08/09 Granting Municipal Officer’s Approval of GK Food, Inc., d/b/a Ben Kay Restaurant, at 3 India Street. Application for Class I Restaurant with Liquor License – Sponsored by Linda C. Cohen, City Clerk.

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

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Order 36-08/09 Granting Municipal Officer's Approval of Portland Harbor Hotel Associates, LLC, d/b/a Portland Harbor Hotel, 468 Fore Street. Application to Upgrade Class IA 40+ Rooms Hotel with Liquor License to include Entertainment without Dance License – Sponsored by Linda C. Cohen, City Clerk.

Motion was made by Councilor Mavodones and seconded by Councilor Leeman for passage. Passage 5-3 (Anton, Donoghue, Marshall).

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Order 37-08/09 Granting Municipal Officer's Approval of Portland Regency Inc., d/b/a Portland Regency Hotel, at 20 Milk Street. Expanding Class IA 40 + Rooms Hotel with Liquor License to include Outdoor Dining – Sponsored by Linda C. Cohen, City Clerk.

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

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Order 38-08/09 Granting Municipal Officer's Approval of Marco's Border, Inc., d/b/a Mesa Verde, at 618 Congress Street. Expanding Class I Restaurant with Liquor License to include Outdoor Dining – Sponsored by Linda C. Cohen, City Clerk.

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

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Order 39-08/09 Granting Municipal Officer's Approval of Hai X. Pham, d/b/a Veranda Thai, at 9 Veranda Street. Expanding Class III & IV (Beer & Wine) License to Include Outdoor Dining – Sponsored by Linda C. Cohen City Clerk.

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

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Order 40-08/09 Granting Municipal Officer's Approval of Timothy's Sports Bar, Inc., d/b/a Ernie's Pool & Darts, at 815 Forest Avenue. Application for Class III & IV (Beer & Wine) License – Sponsored by Linda C. Cohen, City Clerk.

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

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Order 41-08/09 Granting Municipal Officer's Approval of Bogey's Bar & Grill, Inc., d/b/a CASA, Inc., at 1158 Riverside Street. Application to Serve Beer and Wine on the Golf Course at Special Non-profit Event on August 3, 2008, from 4:00 P.M. to 8:00 P.M. – Sponsored by Linda C. Cohen, City Clerk.

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

Motion was made by Councilor Anton and seconded by Councilor Marshall to amend the date to August 17, 2008. Passage 8-0.

Passage, as amended, 8-0.

PUBLIC HEARINGS:

BUDGET ITEMS:

COMMUNICATIONS:

Com 4-08/09 Re: Justice Assistance Grant – Sponsored by Joseph E. Gray, Jr., City Manager.

Com 5-08/09 Re: Waiver of Street Opening Fees on Moratoria in Emergencies – Sponsored by Joseph E. Gray, Jr., City Manager.

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 22-8/09 Amending Order 133-05/06 Relating to Brownfield Economic Development Initiative Grant – Sponsored by Patricia Finnigan, Acting City Manager. Given first reading on 7/21/08.

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

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Order 23-08/09 Authorizing HUD Section 108 Loan and Issuance of the City's Tax Increment Financing Bonds and Notes in the Amount of \$10,200,000 – Sponsored by Patricia Finnigan, Acting City Manager. Given first reading on 7/21/08.

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

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Order 24-08/09 Appropriating \$10,200,000 for Bayside TIF Projects – Sponsored by Patricia Finnigan, Acting City Manager. Given first reading on 7/21/08.

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

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Order 26-08/09 Amendment to Portland City Code Section 28-92 Re: First Parking Ticket Waiver Program – Sponsored by the Transportation Committee, Councilor Kevin J. Donoghue, Chair. Given first reading on 7/21/08.

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

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Order 27-08/09 Amendment to Portland City Code Chapter 23 Secondhand Goods Article II. Pawnbrokers, Junk Dealers, Secondhand Dealers, and Flea Markets Section 25-18 Chapter 28 Traffic and Motor Vehicles Article IV Licensing of Tow Operators Section 28-123 – Sponsored by the Public Safety Committee, Councilor David A. Marshall, Chair. Given first reading on 7/21/08.

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

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Order 28-08/09 Amendment to Portland City Code Chapter 28 Traffic and Motor Vehicles Article V. Police Traffic Division Section 28-194 – Sponsored by the Public Safety Committee, Councilor David A. Marshall, Chair. Given first reading on 7/21/08.

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

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Order 29-08/09 Amendment to Zoning Map Re: Rezoning from B-1b Neighborhood Business Zone to R-7 Compact Urban Residential Overlay Zone Vicinity of 202 Washington Avenue – Sponsored by the Planning Board, Janice E. Tevianian, Chair. Given first reading on 7/21/08.

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Motion was made by Councilor Donoghue and seconded by Councilor Anton to refer back to the Planning Board. Withdrawn.

Motion was made by Councilor Duson and seconded by Councilor Mavodones to deny. Passage 7-1 (Anton).

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Order 30-08/09 Amendment to Portland City Code Art. V, Section 14-526 Site Plan Standards – Sponsored by Councilor John M. Anton. Given first reading on 7/21/08.

Motion was made by Councilor Anton and seconded by Councilor Marshall to postpone this item to 8/18/08. Passage 8-0.

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Order 31-08/09 Amendment to Portland City Code Chapter 17, Article V (Regulation of Tobacco – Playgrounds, Beaches, and Athletic Facilities) Re: Secondhand Smoke – Sponsored by the Health and Recreation Committee, Councilor Daniel S. Skolnik, Chair. Given first reading on 7/21/08.

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

Motion was made by Councilor Donoghue and seconded by Councilor Marshall to amend the order by eliminating the 20' provision. Passage failed 2-6 (Anton, Suslovic, Leeman, Skolnik, Duson, Mavodones).

Passage 7-1 (Donoghue).

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Order 32-08/09 Amendment to Portland City Code Chapter 17, Article V (Regulation of Tobacco – Outdoor Eating Areas) Re: Secondhand Smoke – Sponsored by the Health and Recreation Committee, Councilor Daniel S. Skolnik, Chair. Given first reading on 7/21/08.

Motion was made by Councilor Skolnik and seconded by Councilor Anton to postpone this item to 9/3/08. Passage 8-0.

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ORDERS:

Order 42-08/09 Establishing Jetport Terminal Expansion Building Committee and Appointing Members – Sponsored by Mayor Edward J. Suslovic.

Motion was made by Councilor Skolnik and seconded by Councilor Mavodones to postpone this item to 8/18/08. Passage 8-0

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Order 43-08/09 Approving Land Transfers By and Between City, W.A. One and Diversified Property – Sponsored by the Landbank Committee, Roger Berle, Chair.

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

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Order 44-08/09 Setting Public Hearing on Proposed Amendments to Article IV (Elections) of the Portland City Charter for Submission to the Voters at the November 4, 2008 Election – Sponsored by Linda C. Cohen, City Clerk.

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

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Order 45-08/09 Placing Amendments to Portland City Charter Article IV (Elections) on November 4, 2008 Municipal Ballot – Sponsored by Linda C. Cohen, City Clerk.

Motion was made by Councilor Mavodones and seconded by Councilor Anton to postpone this item to 8/18/08. Passage 8-0.

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Motion was made by Councilor Mavodones and seconded by Councilor Dusen to waive second reading for Order 46-08/09. Withdrawn.

Order 46-08/09 De-allocating and Appropriating \$75,000 in Community Development Block Grant (CDBG) Funds and Amending the FY 2006/07 Consolidated Annual Action Plan - Sponsored by Councilor Daniel S. Skolnik. First reading.

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AMENDMENTS:

Motion was made by Councilor Marshall and seconded by Councilor Donoghue to waive second reading for Order 47-08/09. Passage 8-0.

Order 47-08/09 Authorizing Amendment to City Code §. 14-49 (Zoning Map Amendment)
Amending Conditional Rezoning Agreement Passed by City Council on 1/3/05
Re: Property at 409 Cumberland Avenue – Sponsored by Councilor John M.
Anton. First reading. Request to waive the second reading.

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

LICENSE RENEWALS:

REQUEST FOR EXECUTIVE SESSION:

Motion was made by Councilor Marshall and seconded by Councilor Skolnik to adjourn. Passage 8-0, 9:24 P.M.

A TRUE COPY.

ATTEST _____
Alexandra Murphy, Assistant City Clerk