

IN COUNCIL REGULAR MEETING JUNE 16, 2008 VOL. 124 PAGE 128

ROLL CALL: Mayor Suslovic called the meeting to order at 7:06 P.M. Councilor Duson arrived after the Minutes were approved. Councilor Leeman arrived after Order 289.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Marshall and seconded by Councilor Cohen to approve the minutes of the 6/2/08 meeting. Passage 7-0.

ANNOUNCEMENTS:

RECOGNITIONS:

PROCLAMATIONS:

Proc 43-07/08 Honoring Joseph Meyers as Employee of the Month for May 2008 – Sponsored by Edward J. Suslovic, Mayor.

Proc 44-07/08 Recognizing July 1-7, 2008 as Independents Week in Portland – Sponsored by Edward J. Suslovic, Mayor.

APPOINTMENTS:

Order 289-07/08 Making Appointments to Various Boards and Committees – Sponsored by the Appointments & Non-Union Personnel Committee, Councilor John Anton, Chair.

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

Order 290-07/08 Appointing Penny Littell as Director of the Planning Department - Sponsored by Joseph E. Gray, Jr., City Manager

Motion was made by Councilor Cohen and seconded by Councilor Anton for passage. Passage 7-2 (Marshall, Duson).

Order 291-07/08 Appointing Ellen Sanborn as Finance Director – Sponsored by Joseph E. Gray, Jr., City Manager.

Motion was made by Councilor Mavodones and seconded by Councilor Cohen for passage. Passage 7-2 (Marshall, Duson).

IN COUNCIL REGULAR MEETING JUNE 16, 2008 VOL. 124 PAGE 129

Motion was made by Councilor Mavodones and seconded by Councilor Cohen to reconsider Order 290-07/08 to amend the title appointing Penny Littell to Director of Planning and Development. Passage 9-0.

Passage, as amended, 7-2 (Marshall, Duson).

Order 291A-07/08 Accepting Tax Collector's Settlement and Recommitment of Taxes – Sponsored by Joseph E. Gray, Jr., City Manager.

Motion was made by Councilor Mavodones and seconded by Councilor Marshall for passage. Passage 8-1 (Duson).

CONSENT ITEMS:

Motion was made by Councilor Skolnik and seconded by Councilor Marshall to remove Order 293-07/08 from the Consent Calendar. Passage 9-0.

Order 292-07/08 Declaring Sundays, July 13-October 12, 2008 as "Summer Sunday Shopping on Moulton Street" – Sponsored by Joseph E. Gray, City Manager.

Order 294-07/08 Declaring "Machigonne" as a Festival and Approving Contract and Permits ` Thereof - Sponsored by Edward J. Suslovic, Mayor.

Order 295-07/08 Approving transfer of funds under 15 M.R.S.A. Secs. 5824(3) and (Tab 11) 5826(6) – Sponsored by Joseph E. Gray, Jr., City Manager.

Motion was made by Councilor Cohen and seconded by Councilor Mavodones for passage of the remaining Consent Calendar. Passage 9-0.

Order 293-07/08 Declaring "Hannaford 125th Anniversary Celebration" as Festival and Approving Contract and Permits Thereof -Sponsored by Edward J. Suslovic, Mayor.

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

Motion was made by Councilor Skolnik and seconded by Councilor Marshall to amend the order by moving the portable toilets to the widest area of Bowling Green Pathway in Deering Oaks Park and for City staff to move the event to the Portland Expo should it rain. Passage 9-0.

Passage, as amended, 9-0.

IN COUNCIL REGULAR MEETING JUNE 16, 2008 VOL. 124 PAGE 130

Motion was made by Councilor Marshall and seconded by Councilor Mavodones to take Order 306-07/08 out of order. Passage 9-0.

Order 306-07/08 Amending Traffic Schedule to Create a Residential Parking Permit Area on Thames Street - Sponsored by Councilor Kevin J. Donoghue and Councilor Nicholas M. Mavodones, Jr.

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

Motion was made by Councilor Cohen and seconded by Councilor Donoghue to amend the order to add 26 spaces this year as outlined in Parking Control Director, John Peverada's letter dated June 11, 2008. Passage 9-0.

Passage, as amended, 9-0.

LICENSES:

Order 296-07/08 Granting Municipal Officer's Approval of Calvin Hoang Ho, d/b/a Viet Bangkok Cuisine, at 249 St. John 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 Marshall for passage. Passage 9-0.

Order 297-07/08 Granting Municipal Officer's Approval of Joe's New York Pizza, LLC, d/b/a Joe's New York Pizza, at 420 Fore Street. Application for Class XI Restaurant/Lounge with Liquor and Entertainment Without Dance License. Entertainment Inside Only – Sponsored by Linda C. Cohen, City Clerk.

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

Motion was made by Councilor Donoghue and seconded by Councilor Skolnik to table Order 298-07/08 until the end of the meeting. Passage 8-0 (Anton out).

Order 299-07/08 Granting Municipal Officer's Approval of Bogey's Bar & Grill, Inc., d/b/a TD Banknorth Greater Portland Open, at 1158 Riverside Street. Application to

IN COUNCIL REGULAR MEETING JUNE 16, 2008 VOL. 124 PAGE 131

Serve Beer and Wine on the Golf Course at Special Event on June 24, 2008, From 10:00 A.M. to 8:00 P.M. – Sponsored by Linda C. Cohen, City Clerk.

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

Order 300-07/08 Granting Municipal Officer's Approval of Verillo's Convention Center, LLP, d/b/a Machigonne Festival. License for Catering to serve Beer and Wine At Special Events in Lincoln Park on August 23, 2008 from 4:30 P.M. to 10:00 P.M. – Sponsored by Linda C. Cohen, City Clerk.

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

Motion was made by Councilor Marshall and seconded by Councilor Donoghue to waive the rules and take up two items not on the agenda. Passage 9-0.

Order 308-07/08 Granting Municipal Officer's Approval of World Ocean, d/b/a World Ocean School, License for Incorporated Civic Organization to Serve Alcohol At Special Event on the Schooner Roseway on July 4, 2008, from 7:30 P.M. to 11:00 P.M. Sponsored by Linda C. Cohen, City Clerk.

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

Order 309-07/08 Granting Municipal Officer's Approval of Local 188, LLC d/b/a Local 188, at 625 Congress Street. Application to amend Class XI Restaurant/Lounge With Liquor License to include Outdoor Dining. Sponsored by Linda C. Cohen, City Clerk.

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

PUBLIC HEARINGS:

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

IN COUNCIL REGULAR MEETING JUNE 16, 2008 VOL. 124 PAGE 132

UNFINISHED BUSINESS:

Com 10-07/08 Re: Amendments to Rule 13 – Sponsored by Joseph E. Gray, Jr., City Manager.

Order 253-07/08 Appointing Judith Harris to Metro Board of Directors - Sponsored by Joseph E. Gray, Jr., City Manager. Postponed on 5/19/08 and 6/2/08.

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

Order 275-07/08 Order of Condemnation Pursuant to 30-A M.R.S.A. 3402 RE: CSO Fall Brook Sewer Easements at 23 Drake Street, 1091 Washington Avenue and Anthony Avenue - Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading on 6/2/08.

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

Order 276-07/08 Adopting Development Program for the Portland Downtown District for Fiscal Year 2008-2009 – Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading on 6/2/08.

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

Order 277-07/08 Assessing Maintenance and Implementation Assessments in the Portland Downtown District for Fiscal Year 2008-2009 – Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading on 6/2/08.

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

Order 278-07/08 Authorizing Master Agreement and Supplemental Services Agreement with Portland's Downtown District – Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading on 6/2/08.

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

IN COUNCIL REGULAR MEETING JUNE 16, 2008 VOL. 124 PAGE 133

Order 280-07/08 Authorizing Borrowing for Portland International Jetport - Jetport Terminal Design in an Amount not to Exceed \$5,000,000 - Sponsored by the Transportation Committee, Councilor Kevin J. Donoghue, Chair, and the Finance Committee, Councilor James I. Cohen, Chair. Given first reading on 6/2/08.

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

Order 281-07/08 .
Appropriating \$5,000,000 for the Portland International Jetport - Jetport Terminal Design in an Amount not to Exceed \$5,000,000 – Sponsored by Transportation Committee, Councilor Kevin J. Donoghue, Chair, and Finance Committee, Councilor James I. Cohen, Chair. Given first reading on 6/2/08.

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

Order 283-07/08 Adopting FY 2008 Capital Improvement Program in the amount of \$10,000,000 - Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading on 6/2/08.

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

Order 284-07/08 Authorizing General Obligation Bonds to Finance a Portion of the Capital Improvement Program for the City of Portland, Maine in an Amount not to Exceed \$9,000,000 – Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading on 6/2/08.

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

Order 285-07/08 Appropriating \$9,000,000 for Various Capital Projects for the Fiscal Year 2008 – Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading on 6/2/08.

IN COUNCIL REGULAR MEETING JUNE 16, 2008 VOL. 124 PAGE 134

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

Councilor Donoghue said he would recuse himself from participation in Order 286-07/08.

Order 286-07/08 Amendment to Taxi Ordinance Chapter 30, Articles I and II - Sponsored by the Transportation Committee, Councilor Kevin J. Donoghue, Chair. Given first reading on 6/2/08.

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

Motion was made by Councilor Mavodones and seconded by Councilor Duson to amend the order by emergency preamble to have the taxi price increases go into effect as of July 1, 2008. Passage 8-0 (Donoghue abstaining).

Passage, as amended, 8-0 (Donoghue abstaining).

Order 287-07/08 Amendment to Portland City Code Chapter 18 Parks, Recreation and Public Buildings and Grounds Article III Public Landings Sections 18-66 through 18-68 – Sponsored by the Pubic Safety Committee, Councilor David A. Marshall, Chair. Given first reading on 6/2/08.

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

Councilor Anton said he would recuse himself from participation in Order 288-07/08.

Order 288-07/08 Order Appropriating Home Funds for Affordable Housing Project at 53 Danforth Street – Sponsored by the Housing Committtee, Councilor Jill Duson , Chair. Given first reading on 6/2/08.

Motion was made by Councilor Duson and seconded by Councilor Mavodones for passage. Passage 7-1 (Anton abstaining, Donoghue opposed).

ORDERS:

IN COUNCIL REGULAR MEETING JUNE 16, 2008 VOL. 124 PAGE 135

Order 301-07/08 Authorizing City Manager to Execute the Cumberland County HOME Consortium Mutual Cooperation Agreement – Sponsored by Councilor Jill Duson, Housing Committee Chair.

Motion was made by Councilor Cohen and seconded by Councilor Duson for passage. Passage 9-0.

Motion was made by Councilor Cohen and seconded by Councilor Marshall to waive the second reading for Order 302-07/08. Passage 8-0 (Duson out).

Order 302-07/08 Reallocating and Appropriating Surplus CIP Project Funds to Ocean Avenue and Stevens Avenue Paving Project – Sponsored by Joseph E. Gray, Jr., City Manager. First reading.

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

Order 303-07/08 Authorizing City-State Agreement with Maine Department of Transportation Re: Proposed Improvements to Stevens Avenue – Sponsored by Joseph E. Gray, Jr., City Manager.

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

Order 304-07/08 Authorizing City-State Agreement with Maine Department of Transportation Re: Proposed Improvements to Ocean Avenue– Sponsored by Joseph E. Gray, Jr., City Manager.

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

Order 305-07/08 Authorizing Agreement with Maine Department of Transportation Re: Sewer Work related to Warren Avenue project (PIN 10544.00) – Sponsored by Joseph E. Gray, Jr., City Manager

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

IN COUNCIL REGULAR MEETING JUNE 16, 2008 VOL. 124 PAGE 136

AMENDMENTS:

Order 307- 07/08 Amendment to Portland City Code Chapter 9 (Elections), Section 9-1 (Council Districts) RE: Revising Map Precinct Lines – Sponsored by Linda C. Cohen, City Clerk. First reading.

LICENSE RENEWALS:

Order 298-07/08 Granting Municipal Officers Approval of Cogee Entertainment and Management, Inc., d/b/a Porthole Restaurant/Comedy Connection, at 16 Custom House Wharf. Application for Class XI Restaurant /Lounge and Entertainment With Dance and Outside Dining License. Entertainment Restricted to Inside Only – Sponsored by Linda C. Cohen, City Clerk.

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

Motion was made by Councilor Marshall and seconded by Councilor Donoghue to adjourn. Passage 9-0, 12:22 A.M.

A TRUE COPY.

ATTEST _____
Alexandra Murphy, Assistant City Clerk