

IN COUNCIL REGULAR MEETING JUNE 2, 2008 VOL. 124 PAGE 121

ROLL CALL: Mayor Suslovic called the meeting to order at 7:02 P.M.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Anton and seconded by Councilor Duson to approve the minutes of the 5/19/08 meeting. Passage 9-0.

ANNOUNCEMENTS:

RECOGNITIONS:

Plaques were given to Julia Finn, Karen Hunter and Robert McAfee for their service on the Police Citizen Review Subcommittee.

PROCLAMATIONS:

Proc 42-07/08 Honoring Dr. Robert McAfee – Sponsored by Mayor Edward J. Suslovic.

APPOINTMENTS:

CONSENT ITEMS:

Order 266-07/08 Designating Center for Assisted Living as Polling Place for 3-2 for June 10, 2008 Election Only – Sponsored by Linda C. Cohen, City Clerk.

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

LICENSES:

Order 267-07/08 Granting Municipal Officer's Approval of Novare Res, LLC, d/b/a Novare Res Bier Café, at 4 Canal Plaza. Application to upgrade from Class XI Restaurant/Lounge With Liquor and Entertainment Without Dance License to Class A Lounge With Liquor and Entertainment Without Dance License. Entertainment Inside Only. Outside Dining – Sponsored by Linda C. Cohen, City Clerk.

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

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Order 268-07/08 Granting Municipal Officer's Approval of RiRa Portland, LLC d/b/a RiRa Irish Pub, at 72 Commercial Street. Application to Expand Class A 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 Mavodones for passage. Passage 9-0.

Order 269-07/08 Granting Municipal Officer's Approval of B'Harbor, Inc., d/b/a Diamond's Edge Restaurant, at 1 Diamond Street. Application to Expand 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 Cohen for passage. Passage 9-0.

Order 270-07/08 Granting Municipal Officer's Approval of Jola Functions, LLC, d/b/a Jones Landing at 6 Welch Street, Peaks Island. Renewal Application for Class XI Restaurant/Lounge With Liquor and Entertainment With Dance License – Sponsored by Linda C. Cohen, City Clerk.

Motion was made by Councilor Donoghue and seconded by Councilor Cohen to indefinitely postpone this item as it is a duplicate of Order 201 later on the agenda. Passage 8-1 (Skolnik).

Order 201-07/08 Granting Municipal Officer's Approval of Jola Functions, LLC, d/b/a Jones Landing, at 6 Welch Street, Peaks Island. Renewal Application for Class XI Restaurant/Lounge with Liquor and Entertainment with Dance License – Sponsored by Linda C. Cohen, City Clerk. Postponed on 4/28/08.

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

PUBLIC HEARINGS:

BUDGET ITEMS:

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COMMUNICATIONS:

Com 9-07/08 Receiving the 2008 Annual Report of the Police Citizen Review Subcommittee
– Sponsored by Joseph E. Gray, Jr., City Manager.

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

Motion was made by Councilor Cohen and seconded by Councilor Anton to
postpone this item to 6/16/08. Passage 9-0.

RESOLUTIONS:

Resolve 14-07/08 Calling for the Closure of the Guantanamo Bay Detention Facility and
Supporting Guantanamo Prison Cell Replica Tour – Sponsored by Councilor Jill
C. Duson and Co-Sponsored by Councilors John M. Anton, Kevin J. Donoghue,
Daniel S. Skolnik and Nicholas M. Mavodones, Jr.

Motion was made by Councilor Donoghue and seconded by Councilor Anton
for passage. Passage 6-3 (Suslovic, Leeman, Cohen).

UNFINISHED BUSINESS:

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.

Motion was made by Councilor Donoghue and seconded by Councilor Duson to
postpone this item to 6/16/08. Passage 9-0.

Order 261-07/08 Accepting and Appropriating EPA Grant and Grant from Trust for Public Lands
Re: Remediation and Construction of Bayside Trail – Sponsored by Joseph E.
Gray, Jr., City Manager. Given first reading on 5-19-08.

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

Order 272-07/08 Approving Memorandum of Understanding and Agreement with Trust for
Public Land Re: Bayside Trail – Sponsored by Joseph E. Gray, Jr., City
Manager.

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

Order 271-07/08 Authorizing the Bayside Trail and Open Space Committee to Recommend a Name for the Bayside Trail – Sponsored by Councilor Kevin J. Donoghue.

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

Motion was made by Councilor Donoghue and seconded by Councilor Marshall to amend the order by substituting Julie Poitras Santos for Deb Locke. Passage 9-0.

Passage, as amended, 9-0.

Order 262-07/08 Authorizing City State Agreement with Maine Department of Transportation Re: Overlay of Portion of Forest Avenue – Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading on 5-19-08.

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

Order 263-07/08 Authorizing City-State Agreement with Maine Department of Transportation Re: Reconstruction of Portion of Warren Avenue - Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading on 5-19-08.

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

Councilor Anton stated that he would recuse himself from participation in Order 264-07/08.

Order 264-07/08 Authorizing Amendment to City Code §. 14-49 (Zoning Map Amendment) Re: Conditional Rezoning for Property in the Vicinity of 53 Danforth Street – Sponsored by the Planning Board, Janice E. Tevanian, Chair. Given first reading on 5-19-08.

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

Motion was made by Councilor Mavodones and seconded by Councilor Dusan to waive Council rules to add Order 288-07/08 as an unagendaed item. Passage 8-0 (Anton out).

Order 288-07/08 Appropriating Home Funds for Affordable Housing Project at 53 Danforth Street - Sponsored by the Housing Committee, Councilor Jill C. Dusan, Chair. First reading.

Order 265-07/08 Authorizing Amendment to Conditional Zone for Property in the Vicinity of 112 -113 Newbury Street – Sponsored by the Planning Board, Janice E. Tevanian, Chair. Given first reading on 5-19-08.

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

Motion was made by Councilor Mavodones and seconded by Councilor Cohen to amend the order by changing sixteen parking spaces to eight and thirty-eight bicycle parking spaces to thirty-three in Number 9. Passage 9-0.

Passage, as amended, 9-0.

ORDERS:

Order 273-07/08 Establishing a Charter Commission – Sponsored by Mayor Edward J. Suslovic and Co-Sponsored by Councilors John M. Anton and Kevin J. Donoghue.

Motion was made by Councilor Anton and seconded by Councilor Donoghue to postpone this item to 7/21/08. Passage 9-0.

Order 274-07/08 Submitting the Question for the Establishment of a Charter Commission to the Voters at the Municipal Election on Tuesday, November 4, 2008 – Sponsored by Mayor Edward J. Suslovic and Co-Sponsored by Councilors John M. Anton and Kevin J. Donoghue.

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Motion was made by Councilor Anton and seconded by Councilor Donoghue to postpone this item to 7/21/08. Passage 9-0.

- 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. First reading.
- 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. First reading.
- 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. First reading.
- Order 278-07/08 Authorizing Master Agreement and Supplemental Services Agreement with Portland's Downtown District – Sponsored by Joseph E. Gray, Jr., City Manager. First reading.
- Order 279-07/08 Setting Public Hearing on Issuance of up to \$5,000,000 Portland International Jetport Revenue Bonds – Sponsored by the Transportation Committee, Councilor Kevin J. Donoghue, Chair, and the Finance Committee, Councilor James I. Cohen, Chair.

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

- 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. First reading.
- 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 the Finance Committee, Councilor James I. Cohen, Chair. First reading.
- Order 282-07/08 Setting Public Hearing On Issuance of General Obligation Bonds to Finance the City's FY 2008 Capital Improvement Program in an Amount not to Exceed \$9,000,000 – Sponsored by Joseph E. Gray, Jr., City Manager.

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

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.

Motion was made by Councilor Mavodones and seconded by Councilor Cohen to postpone this item to 6/16/08. Passage 8-0.

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. First reading.

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. First reading.

AMENDMENTS:

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

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 Public Safety Committee, Councilor David A. Marshall, Chair. First reading.

LICENSE RENEWALS:

Motion was made by Councilor Skolnik and seconded by Councilor Marshall to adjourn. Passage 8-0, 9:15 P.M.

A TRUE COPY.

ATTEST _____
Linda C. Cohen, MMC, City Clerk