

IN COUNCIL REGULAR MEETING MAY 19, 2008 VOL. 124 PAGE 113

ROLL CALL: Mayor Suslovic called the meeting to order at 7:04 P.M. All Councilors were present.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

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

ANNOUNCEMENTS:

RECOGNITIONS:

PROCLAMATIONS:

- | | |
|---------------|---|
| Proc 38-07/08 | Declaring Foster Care Awareness Month – Sponsored by Mayor Edward J. Suslovic. |
| Proc 39-07/08 | Honoring Milton Hammith as Employee of the Month for May, 2008 – Sponsored by Mayor Edward J. Suslovic. |
| Proc 40-07/08 | Honoring Officer Christopher Shinay as Police Officer of the Month for April, 2008 – Sponsored by Mayor Edward J. Suslovic. |
| Proc 41-07/08 | Recognizing Amyotrophic Lateral Sclerosis Awareness Month May, 2008 – Sponsored by Joseph E. Gray, Jr., City Manager. |

APPOINTMENTS:

- | | |
|-----------------|---|
| Order 252-07/08 | Appointing Ward Clerks – Sponsored by Linda C. Cohen, City Clerk.

Motion was made by Councilor Mavodones and seconded by Councilor Cohen for passage. Passage 8-0 (Leeman out). |
| Order 253-07/08 | Order Appointing Judith Harris To METRO Board Of Directors – Sponsored by Joseph E. Gray, Jr., City Manager.

Motion was made by Councilor Cohen and seconded by Councilor Donoghue to postpone this item until 6/2/08. Passage 8-0 (Leeman out). |
| Order 254-07/08 | Appointing CDBG Priority Task Force Members – Sponsored by the Appointments & Non-Union Personnel Committee, Councilor John M. Anton, Chair. |

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

CONSENT ITEMS:

- Order 255-07/08 Declaring 22nd Annual Southern Maine Pride Celebration of Diversity Festival and Approving Contract and Permits Therefor – Sponsored by Joseph E. Gray, Jr., City Manager.
- Order 256-07/08 Declaring 6th Annual Greater Portland Festival of Nations in Deering Oaks Park – Sponsored by Joseph E. Gray, Jr., City Manager.
- Order 257-07/08 Declaring Fenix Theater Company's "Shakespeare's Two Gentlemen of Verona" at Deering Oaks Park as a Festival July 31, 2008 – August 3, 2008, August 7, 2008 – August 10, 2008 – Sponsored by Joseph E. Gray, Jr., City Manager.
- Order 258-07/08 Declaring "Baystock, Featuring John Fogerty" as a Festival and Approving Contract and Permits Therefor – Sponsored by Joseph E. Gray, Jr., City Manager.

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

LICENSES:

- Order 259-07/08 Granting Municipal Officer's Approval of Verrillo's Convention Center, LLP, d/b/a Verrillo's, Catering Southern Maine Pride's Festival Annual Pride Pier Dance at the Maine State Pier on June 21, 2008 from 8:00 P.M. to 1:00 A.M. – Sponsored by Linda C. Cohen, City Clerk.

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

- Order 260-07/08 Granting Municipal Officer's Approval of The Dog Fish Café, Catering Baystock 2008 Festival at the Maine State Pier on August 9, 2008 from 3:00 P.M. to 11:00 P.M. – Sponsored by Linda C. Cohen, City Clerk.

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

PUBLIC HEARINGS:

BUDGET ITEMS:

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COMMUNICATIONS:

Com 8-07/08 **Communication Re: Mayor's Appointments to the Martin Luther King, Jr. Naming Task Force – Sponsored by Mayor Edward J. Suslovic.**

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 143-07/08 Amendment to Portland City Code Chapter 14, Article III, Division 22 §14-368 Regulations (Off-Premise Signs) – Sponsored by Mayor Edward J. Suslovic and Councilor James I. Cohen. Given first reading and referred to the Planning Board on 2/4/08.

Motion was made by Councilor Cohen and seconded by Councilor Duson to suspend the rules in order to halt the roll call vote that was in progress so that an amendment could be offered. Passage 9-0.

Motion was made by Councilor Cohen and seconded by Councilor Anton to amend the wording of the order by "...qualifying for one, two-sided, or two, one-sided off-premise signs ..." Passage 9-0.

Motion was made by Councilor Cohen and seconded by Councilor Donoghue for passage, as amended. Passage 9-0.

Order 226-07/08 Amendment to Portland City Code Chapter 14 Streets, Land Use Article III (Zoning), Division 12 (B-3, B-3b and B-3c Downtown Business Zones) Section 14-217 – Sponsored by Councilor Cheryl A. Leeman. Given first reading and postponed on 4/28/08.

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

Order 232-07/08 Authorizing General Obligations Bonds to Finance the Acquisition and Installation of Capital Equipment in an Amount not to Exceed \$1,780,000 - Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading and public hearing on 5/5/08.

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

Order 233-07/08 Appropriating \$1,780,000 for Various Capital Equipment for the Fiscal Projects for the Fiscal year 2009 – Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading and public hearing on 5/5/08.

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

Order 234-07/08 Authorizing FY 2009 Administrative Charges and Changes in Various Departments – Sponsored by the Finance Committee, Councilor James I. Cohen, Chair. Postponed on 5/5/08.

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

Order 235-07/08 Authorizing Non-Union Wage Adjustment – Sponsored by the Appointments/Non-Union Personnel Committee, Councilor John M. Anton, Chair. Given first reading and public hearing on 5/5/08.

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

Order 236-07/08 Authorizing City Manager to Enter into Certain Agreements to Implement the FY2009 Human Resources and Certain Fringe Benefits Budgets - Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading and public hearing on 5/5/08.

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

Order 237-07/08 Re: Self-Insured Liability Program - Sponsored by Joseph E. Gray, Jr., City Manager. Postponed on 5/5/08.

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

Order 238-07/08 Authorizing City Manager to Enter into Certain Agreements to Implement the FY 2009 Health and Human Services Budget - Sponsored by Joseph E. Gray, Jr. City Manager. Given first reading and public hearing on 5/5/08.

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

Order 239-07/08 Authorizing City Manager to Accept Scholarship Fund Donations and Enter into Trust Agreements – Sponsored by Joseph E. Gray, Jr., City Manager. Postponed on 5/5/08.

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

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Order 240-07/08 Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by the Finance Committee, Councilor James I. Cohen, Chair. Postponed on 5/5/08.

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

Order 241-07/08 Amending 2002 Waterfront Tax Increment Financing Plan and Appropriating Funds – Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading and public hearing on 5/5/08.

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

Order 242-07/08 Amending 2003 Bayside Tax Increment Financing Plan and Appropriating Funds – Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading and public hearing on 5/5/08.

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

BUDGET RELATED ORDINANCE AMENDMENTS:

Order 243-07/08 Amendment to Portland City Code Chapter 25, §. 119 (Streets, Sidewalks and Other Public Places) Re: Excavator's License Fee - Sponsored by the Finance Committee, Councilor James I. Cohen, Chair. Given first reading and public hearing on 5/5/08.

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

Order 244-07/08 Amendment to Portland City Code Section 24-72 (c) Re: Sewer User Charges – Sponsored by the Finance Committee, Councilor James I. Cohen, Chair. Given first reading and public hearing on 5/5/08.

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

Order 245-07/08 Amendment to Portland City Code Section 10-18 (Fire Prevention Code) Re: Amendment to Permit Fees – Sponsored by the Finance Committee, Councilor James I. Cohen, Chair. Given first reading and public hearing on 5/5/08.

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

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Order 246-07/08 Amendment to Portland City Code Section 15-12 Re: Business License Fees – Sponsored by the Finance Committee, Councilor James I. Cohen, Chair. Given first reading and public hearing on 5/5/08.

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

Order 247-07/08 Ratifying Final Fiscal Year 2006-2007 Expenditures and Revenues - Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading and public hearing on 5/5/08.

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

APPROPRIATION RESOLVE:

Order 248-07/08 Fiscal Year 2008-2009 Appropriation Resolve - Sponsored by the Finance Committee, Councilor James I. Cohen, Chair. Given first reading and public hearing on 5/5/08.

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

Motion was made by Councilor Cohen and seconded by Councilor Marshall to amend the order by adding the recommendations of the Finance Committee back into the budget, changing the total to \$185,045,318. Passage 9-0.

Motion was made by Councilor Marshall and seconded by Councilor Donoghue to amend the order by funding Reiche Library up to \$30,000 from the Contingency Fund. Passage 8-1 (Duson).

Motion was made by Councilor Donoghue and seconded by Councilor Anton to keep the polling places open on Great Diamond and Cliff Islands. Failed 2-7 (Anton, Cohen, Duson, Leeman, Suslovic, Mavodones, Skolnik).

Passage, as amended 9-0.

Order 250-07/08 Amendment to Portland City Code Chapter 4 Amusements Division 2 (License) Section 4-51 (Required) – Sponsored by Councilor Daniel S. Skolnik. Given first reading and referred to the Public Safety Committee on 5/5/08.

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

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ORDERS:

- Order 261-07/08 Accepting EPA Grant and Grant from Trust for Public Lands RE: Remediation and Construction of Bayside Trail – Sponsored by Joseph E. Gray, Jr., City Manager. First reading.
- 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. First reading.
- 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. First reading.

AMENDMENTS:

- Order 264-07/08 Authorizing Amendment to Portland 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. First reading.
- Order 265-07/08 Authorizing Amendment to Conditional Zone for Property in the Vicinity of 112 -113 Newbury Street, Portland, Maine – Sponsored by the Planning Board, Janice E. Tevanian, Chair. First reading.
- Order 266-07/08 Granting Municipal Officer's Approval of Family Fun Entertainment, LLC, d/b/a The Stadium, at 504 Congress Street for After Hours Entertainment for Yarmouth High School Project Graduation on June 9, 2008 – Sponsored by Linda C. Cohen, City Clerk.

Motion was made by Councilor Mavodones and seconded by Councilor Skolnik to suspend the rules and add this as an unagended item. Passage 8-0 (Donoghue out).

Motion was made by Councilor Skolnik and seconded by Councilor Anton to amend the order to extend the event hours to 6:30 A.M. Passage 9-0.

LICENSE RENEWALS:

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Motion was made by Councilor Mavodones and seconded by Councilor Cohen to adjourn. Passage 9-0, 10:13 P.M.

A TRUE COPY.

ATTEST _____
Alexandra Murphy, Assistant City Clerk