

IN COUNCIL REGULAR MEETING APRIL 7, 2008 VOL. 124 PAGE 90

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

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Marshall and seconded by Councilor Cohen to approve the minutes of the regular and special meetings of 3/17/08 and 3/24/08. Passage 8-0.

ANNOUNCEMENTS:

RECOGNITIONS:

PROCLAMATIONS:

- | | |
|---------------|---|
| Proc 28-07/08 | Honoring Deering High School Girls' Basketball Team as 2008 State of Maine Champions – Sponsored by Mayor Edward J. Suslovic. |
| Proc 29-07/08 | Honoring Cheverus High School Boys' Basketball Team as 2008 State of Maine Champions – Sponsored by Mayor Edward J. Suslovic. |
| Proc 30-07/08 | Recognizing Northern Ireland Week April 6-11, 2008 - Sponsored by Mayor Edward J. Suslovic. |

APPOINTMENTS:

CONSENT ITEMS:

- | | |
|-----------------|---|
| Order 182-07/08 | Declaring 2008 “Old Port Festival Day” – Sponsored by Joseph E. Gray, Jr., City Manager. |
| Order 183-07/08 | Declaring 2008 “Summer Events/Concert Series Festival” – Sponsored by Joseph E. Gray, Jr., City Manager. |
| Order 184-07/08 | Declaring Memorial Day Parade and Festival – Sponsored by Joseph E. Gray, Jr., City Manager. |
| Order 185-07/08 | Declaring “Pier Revue, Featuring Two Nights with Moe” as a Festival and Approving Contract and Permits Therefor – Sponsored by Joseph E. Gray, Jr., City Manager. |

Motion was made by Councilor Cohen and seconded by Councilor Duson to approve the Consent Calendar. Passage 8-0 (Skolnik out).

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LICENSES:

Order 186-07/08 Granting Municipal Officer's Approval of Preble Street, d/b/a Pier Revue to Serve Beer at Special Events on the Maine State Pier, Commercial Street on July 12 and 13, 2008, from 5:00 P.M. to 11:00 P.M. – Sponsored by Linda C. Cohen, City Clerk.

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

Order 187-07/08 Granting Municipal Officer's Approval of Portland, Maine Baseball, Inc, d/b/a Portland Sea Dogs, 239 Park Avenue. Application for Entertainment without Dance License. Outside Dining. New City and State License – Sponsored by Linda C. Cohen, City Clerk.

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

Councilor Mavodones stated he would recuse himself from the discussion on Order 188.

Order 188-07/08 Granting Municipal Officer's Approval of Casco Bay Island Transit District, d/b/a Casco Bay Lines, 56 Commercial Street. Application Entertainment With Dance License. Outside Dining. New City License – Sponsored by Linda C. Cohen, City Clerk.

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

Order 189-07/08 Granting Municipal Officer's Approval of Portland Downtown District and Lively Arts Foundation, d/b/a Alive at Five Outdoor Concert Series. License for Incorporated Civic Organization to Serve Beer At Special Events at Monument Square on July 10, 17, 24, 31 and August 7, 2008, from 5:00 P.M. to 8:00 P.M. – Sponsored by Linda C. Cohen, City Clerk.

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

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BUDGET ITEMS:

Order 190-07/08 Receiving and Referring City Manager's Fiscal Year 2009 Municipal Budget to Finance Committee and Setting Date of Public Hearing on the FY 2009 Municipal Budget and FY 2009 Appropriation Resolve – Sponsored by Joseph E. Gray, Jr., City Manager.

The Public Hearing on all budget orders and Appropriation Resolve will be held by the City Council on May 5, 2008, at 7:00 P.M. in City Council Chambers. A City Council workshop to discuss the budget will be held on Monday, May 12, 2008, at 5:00 P.M. at City hall, Council Chambers. Council action on the budget will take place at the Council meeting on May 19, 2008.

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

Order 191-07/08 Receiving and Referring to the Finance Committee FY 2009 Budget Estimates of the School Committee and Setting a Public Hearing Thereon - Sponsored by Joseph E. Gray, Jr., City Manager.

The City Council will hold a workshop at 5:00 P.M. and a public hearing on the FY 2009 school budget on Monday, April 28, 2008, in City Council Chambers, 389 Congress Street at 7:00 P.M. The City Council will vote on the school budget on May 5th at 7:00 P.M. The public referendum on the school budget will be held on Tuesday, May 13, 2008.

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

Resolve 12-07/08 Declaring the Month of April 2008, "Youth Alcohol Prevention Month" in the City of Portland, Maine – Sponsored by Mayor Edward J. Suslovic.

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

Resolve 13-07/08 Endorsing Municipal Climate Action Plan – Sponsored by Members of the Energy and Environmental Sustainability Committee, Mayor Edward J. Suslovic, Councilors James I. Cohen, and David A. Marshall.

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

UNFINISHED BUSINESS:

Order 193-07/08 Establishing Dr. Martin Luther King, Jr. Task Force – Sponsored by Councilor Daniel S. Skolnik.

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

Order 175-07/08 Directing City Staff to Work with the Transportation Committee and the Planning Board Re: Transportation Demand Management (TDM) Amendments to the B-7 Zone – Sponsored by Councilor John M. Anton. Postponed on 3/17/08.

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

Motion was made by Councilor Leeman and seconded by Councilor Donoghue to amend the order by changing it to a resolution and changing “City Staff” to “City Manager.” Passage 9-0.

Passage, as amended, 8-1 (Duson).

Order 177-07/08 Authorizing the Design, Construction and Equipping of Ocean Avenue Elementary School with Total Project Costs not to Exceed \$20,164,591 and Authorizing the Issuance of General Obligation Bonds in an Amount not to Exceed \$19,690,417 Therefore - Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading 3/17/08.

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

Motion was made by Councilor Cohen and seconded by Councilor Duson to table this item until later in the meeting. Failed 4-5 (Suslovic, Leeman, Marshall, Donoghue, Skolnik).

Failed 6-3 (Suslovic, Donoghue, Marshall).

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Order 178-07/08 Authorizing Appropriation for the Design, Construction and Equipping of Ocean Avenue Elementary School - Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading 3/17/08.

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

Motion was made by Councilor Leeman and seconded by Councilor Skolnik to amend the order by striking the original language and inserting language directing Staff to ask the State Department of Education to hold the money until a comprehensive plan is developed. Passed 5-4 (Mavodones, Duson, Cohen, Donahue).

Failed 2-7 (Mavodones, Duson, Cohen, Donoghue, Marshall, Skolnik, Anton).

Order 179-07/08 Calling June 10, 2008 Special Municipal Election and Placing Ocean Avenue Elementary School Bond Referendum on the Ballot – Sponsored by Joseph E. Gray, Jr., City Manager. Postponed on 3/17/08.

Motion was made by Councilor Duson and seconded by Councilor Mavodones to indefinitely postpone this item. Passage 8-1 (Cohen).

Order 180-07/08 Approving Interlocal Agreement Re: Forensic Laboratory at the Portland Public Safety Building - Sponsored by the Finance Committee, Councilor James I. Cohen, Chair. Given first reading 3/17/08.

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

Order 181-07/08 Approving License Agreement with American Tower, L.P. Re: Riverside Street Radio Tower - Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading 3/17/08.

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

PUBLIC HEARINGS:

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ORDERS:

Order 192-07/08 Approving Licensing Agreement with National Basketball Association Development League Franchise Re: Use of Portland Exposition Arena – Sponsored by the Finance Committee, Councilor James I. Cohen, Chair.

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

Order 194-07/08 Declaring Building at 86 Commercial Street a Dangerous Structure and Approving Demolition - Joseph E. Gray, Jr., City Manager.

Motion was made by Councilor Donohue and seconded by Councilor Skolnik to postpone this item to 4/28/08. Passage 9-0.

Order 195-07/08 Authorizing Amendment to Contract Zone for Property in the Vicinity of Fore River Parkway – Sponsored by Joseph E. Gray, Jr., City Manager. First reading.

AMENDMENTS:

Order 196-07/08 Amendment to Portland City Code Chapter 21 Public Markets, Chapter 25 Streets, Sidewalks, and other Public Places, Chapter 19 Peddlers and Solicitors, Chapter 15 Licenses and Permits (Re: Farmers Market) – 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 9-0, 12:26 A.M.

A TRUE COPY.

ATTEST _____
Linda C. Cohen, MMC, City Clerk