

IN COUNCIL REGULAR MEETING SEPT. 17, 2007 VOL. 124 PAGE 23

ROLL CALL: Mayor Mavodones called the meeting to order at 7:02 P.M. Councilor Cohen arrived during announcements. Councilor Duson arrived after Proclamation 10.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Suslovic and seconded by Councilor Donoghue to approve the minutes of the 9/5/07 meeting. Passage 7-0.

ANNOUNCEMENTS:

RECOGNITIONS:

State Proclamation Honoring Deering High School Boys' Baseball Team as 2007 Class A State Champions – Presented by State Representative Anne Haskell.

State Proclamation Honoring Longfellow School's Odyssey of the Mind Team – Presented by State Representative Anne Haskell.

PROCLAMATIONS:

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| Proc 10-07/08 | Honoring Longfellow School's Odyssey of the Mind Team – Sponsored by Mayor Nicholas M. Mavodones, Jr. |
| Proc 11-07/08 | Honoring Dr. Kolawole Bankole as Employee of the Month for September 2007 – Sponsored by Mayor Nicholas M. Mavodones, Jr. |
| Proc 12-07/08 | Honoring Officer Robert Bickford as Officer of the Month for August 2007 – Sponsored by Mayor Nicholas M. Mavodones, Jr. |
| Proc 13-07/08 | Recognizing Save Darfur Day of Remembrance September 22, 2007 - Sponsored by Mayor Nicholas M. Mavodones, Jr. |

APPOINTMENTS:

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| Order 51-07/08 | Making Appointments to Various Boards and Committees - Sponsored by the Appointments and Non-Union Personnel Committee, Councilor Cheryl A. Leeman, Chair. |
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Motion was made by Councilor Leeman and seconded by Councilor Cohen for passage. Passage 9-0.

IN COUNCIL REGULAR MEETING SEPT. 17, 2007 VOL. 124 PAGE 24

Order 52-07/08 Appointing Member to Business Diversity Task Force – Sponsored by Councilor David A. Marshall.

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

CONSENT ITEMS:

Order 53-07/08 Accepting Donations to the City's Tree Trust to Replace Trees Destroyed by the Patriots' Day Storm and Recognize Donors - Sponsored by Councilor Cheryl A. Leeman.

Order 54-07/08 Amending Traffic Schedule Re: Installation of Parking Meters: Chestnut Street, Forest Avenue, Hancock Street, Marginal Way, Spring Street, and Thames Street - Sponsored by the Transportation Committee, Councilor Kevin J. Donoghue, Chair.

Order 55-07/08 Accepting Drainage Easement Vicinity: Dorothy Street from W & C Limited Liability Company – Sponsored by Joseph E. Gray, Jr., City Manager.

Order 56-07/08 Accepting Land Vicinity: Dorothy Street from W & C Limited Liability Company – Sponsored by Joseph E. Gray, Jr., City Manager.

Order 57-07/08 Accepting Forrestal Memorial Collection of Artifacts Re: the USS Portland and USS Maine – Sponsored by Joseph E. Gray, Jr., City Manager.

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

LICENSES:

Order 58-07/08 Granting Municipal Officer's Approval of Acropolis I, LLC, d/b/a Acropolis, at 795 Forest Avenue. Application for Class I Restaurant with Liquor and Entertainment without Dance License. Entertainment Restricted to Inside Only. Outside Dining – Sponsored by Linda C. Cohen, City Clerk.

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

IN COUNCIL REGULAR MEETING SEPT. 17, 2007 VOL. 124 PAGE 25

Order 59-07/08 Granting Municipal Officer's Approval of The Meriline Co., Inc., d/b/a Bleachers, 114-118 Preble Street, Catering for Skillful Vending's 30th Anniversary Block Party. Application to Serve Beer at Special Event on Alder Street on September 29, 2007, from 1:00 P.M. to 6:00 P.M. – Sponsored by Linda C. Cohen, City Clerk.

Motion was made by Councilor Cloutier and seconded by Councilor Suslovic to withdraw this item at the applicant's request. Passage 9-0.

BUDGET ITEMS:

COMMUNICATIONS:

Com 1-07/08 Re: Reuse of the Adams School Site Final Draft Report – Sponsored by Councilor Kevin J. Donoghue on Behalf of Dan Haley and Matt Thayer, Co-chairs, Adams School Reuse Committee.

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 50-07/08 was taken out of order.

Order 50-07/08 Amendment to City Code §14-49 (Zoning Map Amendment) Re: Conditional Rezoning for Property in the Vicinity of Valley and St. John Streets – Sponsored by the Planning Board, Michael J. Patterson, Chair. Given first reading on 9/5/07.

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

Councilor Cohen said he would recuse himself from participation in Orders 42 and 42A-07/08.

Order 42-07/08 Authorizing City Manager to Enter into Negotiations with Ocean Properties, LTD. Regarding the Lease and Redevelopment of the Maine State Pier – Sponsored by the Community Development Committee, Councilor James F. Cloutier, Chair. Public hearing held on 8/20/07. Postponed on 9/5/07.

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

IN COUNCIL REGULAR MEETING SEPT. 17, 2007 VOL. 124 PAGE 26

Motion was made by Councilor Cloutier and seconded by Councilor Duson to amend the order by adding “as long as the following condition is met: Upon commencement of negotiations, Ocean Properties shall place \$10 Million in an escrow account to be released to the City if Ocean Properties does not enter into a contract with the City for the development of the pier. Upon signing a contract with the City, the \$10 Million in escrow may be replaced by a performance guarantee for the entire project, including pier repairs, and released to Ocean Properties.” Withdrawn.

Motion was made by Councilor Suslovic and seconded by Councilor Cloutier to postpone this item for 45 days to allow the developer to address issues related to the construction of a megabirth. Failed 1-7 (Mavodones, Cloutier, Leeman, Duson, Carr, Marshall, Donoghue).

4-4 (Leeman, Suslovic, Marshall, Donoghue). Item comes back to the next meeting.

Order 42A-07/08 Authorizing the City Manager to Enter into Negotiations with the Olympia Companies Regarding the Lease and Redevelopment of the Maine State Pier – Sponsored by Councilor David A. Marshall. Postponed on 9/5/07.

Motion was made by Councilor Cloutier and seconded by Councilor Marshall for passage. 4-4 (Mavodones, Cloutier, Duson, Carr). Item comes back to the next meeting.

PUBLIC HEARINGS:

ORDERS:

AMENDMENTS:

Order 60-07/08 Amendment to Portland City Code Chapter 28, Traffic and Motor Vehicles (City Traffic Engineer) Re: Regulatory Powers - Sponsored by the Transportation Committee – Councilor Kevin J. Donoghue, Chair. First reading.

Order 61-07/08 Amendment to Portland City Code Chapter 14, Article III, Zoning: Division 23. Nonconforming Use and Nonconforming Buildings §14-385 – Sponsored by Councilor David A. Marshall. First reading.

Motion was made by Councilor Cloutier and seconded by Councilor Suslovic to waive the rules to add an item to the agenda. Passage 8-0 (Cohen gone).

IN COUNCIL REGULAR MEETING SEPT. 17, 2007 VOL. 124 PAGE 27

Councilor Marshall said he would recuse himself from participating in Order 62-07/08.

Order 62-07/08 Supporting Designation of Area in the Vicinity of Cassidy Point for Memorial to P.D. Merrill – Sponsored by Joseph E. Gray, Jr., City Manager.

Motion was made by Councilor Cloutier and seconded by Councilor Suslovic for passage.

Motion was made by Councilor Donoghue and seconded by Councilor Duson to postpone this item to the next meeting. Passage 6-0 (Leeman gone).

LICENSE RENEWALS:

Motion was made by Councilor Donoghue and seconded by Councilor Carr to adjourn. Passage 6-0, 11:46 P.M.

A TRUE COPY.

ATTEST _____
Linda C. Cohen, MMC, City Clerk