

IN COUNCIL REGULAR MEETING AUG. 6, 2007 VOL. 124 PAGE 9

ROLL CALL: Mayor Mavodones called the meeting to order at 7:26 P.M. Councilors Carr and Cohen were absent.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Suslovic and seconded by Councilor Cloutier to approve the minutes of the Special and Regular meetings on 7/16/07. Passage 7-0.

ANNOUNCEMENTS:

RECOGNITIONS:

PROCLAMATIONS:

- Proc 3-07/08 Honoring Detective Paul Nichols as Officer of the Month for June, 2007 – Sponsored by Mayor Nicholas M. Mavodones, Jr.
- Proc 4-07/08 Honoring Jason Tuttle as Employee of the Month for August, 2007 – Sponsored by Mayor Nicholas M. Mavodones, Jr.
- Proc 5-07/08 Honoring Stuart Reed – Sponsored by Mayor Nicholas M. Mavodones, Jr.

APPOINTMENTS:

CONSENT ITEMS:

- Order 24-07/08 Authorizing License for Ocean Gateway Garage Architectural Features Re: Riverwalk Project – Sponsored by Joseph E. Gray, Jr., City Manager.
- Order 25-07/08 Approving Transfer of Funds Under 15 M.R.S.A. Secs 5824(3) and 5836(6) – Sponsored by Joseph E. Gray, Jr., City Manager.
- Order 26-07/08 Approving Gift and Establishment of Alexandar Kouguell Scholarship Trust Re: Music Scholarships for Portland and Deering High School Students – Sponsored by Joseph E. Gray, Jr., City Manager.
- Order 27-07/08 Amending Traffic Schedule Re: Pine and Winter Streets – Sponsored by the Transportation Committee, Councilor Kevin J. Donoghue, Chair.
- Order 28-07/08 Amending Traffic Schedule Re: Cumberland Avenue – Sponsored by the Transportation Committee, Councilor Kevin J. Donoghue, Chair.

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Motion was made by Councilor Marshall and seconded by Councilor Duson to approve the Consent Calendar. Passage 7-0.

LICENSES:

Order 29-07/08 Granting Municipal Officer's Approval of Local 188, LLC, d/b/a Local 188, at 685 Congress Street. Application for Class XI Restaurant/Lounge with Liquor License. Entertainment without Dance. Inside Only – Sponsored by Linda C. Cohen, City Clerk.

Motion was made by Councilor Cloutier and seconded by Councilor Suslovic for passage. Passage 7-0.

PUBLIC HEARINGS:

Orders 274-06/07, 30-07/08, 23-07/08, 31-07/08, 32-07/08 and 22-07/08 were taken out of order.

Order 274-06/07 Authorizing Donation of Property on Peaks Island to Homestart for Construction of Affordable Single-Family Home – Sponsored by the Housing Committee, Jill C. Duson, Chair. Given first reading on 6/18/07 and postponed on 7/16/07.

Motion was made by Councilor Suslovic and seconded by Councilor Cloutier for passage. Passage 7-0.

Order 30-07/08 Approving Street Names and Street Name Changes on Cliff Island and Peaks Island and the Enhanced 911 Addressing Plan for City Islands – Sponsored by Joseph E. Gray, Jr., City Manager.

Motion was made by Councilor Cloutier and seconded by Councilor Donoghue for passage. Passage 7-0.

Order 23-07/08 Amending Portland City Code Re: Conditional Re-Zoning 421 Warren Avenue – Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading on 7/16/07.

Motion was made by Councilor Cloutier and seconded by Councilor Duson to refer this item to the Planning Board. Passage 7-0.

BUDGET ITEMS:

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Order 31-07/08 Approving Extension of the Airline and Cargo Signatory Agreements at the Portland International Jetport – Sponsored by Joseph E. Gray, Jr., City Manager.

Motion was made by Councilor Cloutier and seconded by Councilor Suslovic for passage. Passage 7-0.

Order 32-07/08 Amending the Riverside Recycling Facility Charges Re: Residential Household Hazardous Waste – Sponsored by Joseph E. Gray, Jr., City Manager.

Motion was made by Councilor Cloutier and seconded by Councilor Marshall for passage. Passage 7-0.

Order 22-07/08 Authorizing Amendment to City Code §14-49 (Zoning Map Amendment) Amending Conditional Rezoning Agreement Passed by City Council on 1/3/05 Re: Property at 409 Cumberland Avenue - Sponsored by Councilor James F. Cloutier. Given first reading on 7/16/07.

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

Motion was made by Councilor Cloutier and seconded by Councilor Duson to amend the adding that the order will take effect on the 30th day after 8/6/07 as long as Mr. Cohen has paid his outstanding debt to the City on or before that date. Passage 7-0.

Motion was made by Councilor Cloutier and seconded by Councilor Suslovic to amend the order by changing the date in the last paragraph to 1/27/05. Passage 7-0.

Passage, as amended, 7-0.

COMMUNICATIONS:

RESOLUTIONS:

Resolve 2-07/08 Petitioning the U.S. House of Representatives to Commence the Investigation of and Impeachment Proceedings against President George W. Bush and Vice President Richard B.Cheney – Sponsored by Councilor Jill C. Duson and Co-sponsored by Councilor David A. Marshall.

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

Motion was made by Councilor Donoghue and seconded by Councilor Marshall to amend the order by sending it to a special referendum election on November 6, 2007 and, if passed, but only if passed, the City Clerk will send the results to the Speaker and Clerk of the House. Failed 2-4 (Mavodones, Cloutier, Duson, Suslovic).

Motion was made by Councilor Marshall and seconded by Councilor Donoghue to amend the order to send the item to the ballot in November, with tonight's resolve and those results both being sent by the City Clerk to the Speaker and the Clerk of the House. Failed 2-4 (Mavodones, Cloutier, Duson, Suslovic opposed, Leeman gone).

Failed to pass 4-2 (Suslovic, Donoghue).

Motion was made by Councilor Cloutier and seconded by Councilor Duson to reconsider Order 22-07/08. Passage 6-0.

Motion was made by Councilor Cloutier and seconded by Councilor Suslovic to reconsider the amendment that changed the date to 1/27/05. Passage 6-0.

Councilor Cloutier withdrew the date amendment; Councilor Suslovic withdrew his second.

New Roll Call Vote 6-0.

UNFINISHED BUSINESS:

ORDERS:

Order 33-07/08 Prohibiting Skateboarding on the Sidewalks in the Yellow Zone of the Portland Downtown District – Sponsored by the Public Safety Committee – Councilor David A. Marshall, Chair.

Motion was made by Councilor Cloutier and seconded by Councilor Marshall to postpone this item to 8/20/07. Passage 6-0.

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AMENDMENTS:

Order 34-07/08 Amendment to Portland City Code Chapter 25 (Streets, Sidewalks and Public Places) Section 18 (Playing Prohibited) Re: Skateboarding and Skating on Public Property – Sponsored by the Public Safety Committee, Councilor David A. Marshall, Chair. First reading.

Order 35-07/08 Amendment to Portland City Code Chapter 6 (Buildings and Building Regulations) Sections 6-116.1 and 6-116.2 (Disorderly Houses) Re: Drug Violations in Disorderly Houses – Sponsored by Councilor James F. Cloutier. First reading.

Motion was made by Councilor Cloutier and seconded by Councilor Marshall to refer this item to the Public Safety Committee. Passage 6-0.

LICENSE RENEWALS:

Order 275-06/07 Granting Municipal Officers' Approval of the Orne Brothers, Inc., d/b/a The Ice House, 231 York Street. Application for renewal of Class A Lounge with Liquor License. No Entertainment. Inside Only – Sponsored by Linda C. Cohen, City Clerk. Postponed on 6/18/07 and 7/16/07.

Motion was made by Councilor Marshall and seconded by Councilor Cloutier to postpone this item to a special meeting at 5:00 P.M. on 8/27/07. Passage 6-0.

Motion was made by Councilor Suslovic and seconded by Councilor Marshall to adjourn. Passage 6-0, 10:05 P.M.

A TRUE COPY.

ATTEST _____
Linda C. Cohen, MMC, City Clerk