

IN COUNCIL REGULAR MEETING JUNE 4, 2006 VOL. 123 PAGE 123

ROLL CALL: Mayor Pro Tem Cohen called the meeting to order at 7:21 P.M. Mayor Mavodones and Councilor Leeman were absent.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Suslovic and seconded by Councilor Duson to approve the minutes of the two special meetings and regular meeting of 5/21/07. Passage 7-0.

ANNOUNCEMENTS:

RECOGNITIONS:

PROCLAMATIONS:

Proc 52-06/07 Honoring USM President Richard Pattenau – Sponsored by Mayor Nicholas M. Mavodones, Jr. Mayor.

Proc 53-06/07 Honoring Martin Steingesser as Portland's First Poet Laureate – Sponsored by Mayor Nicholas M. Mavodones, Jr., Mayor.

APPOINTMENTS:

Order 244-06/07 Appointing Ward Clerk Pro Tempore at Precinct 4-1 for June 12, 2007 Special Election - Sponsored by Linda C. Cohen, City Clerk.

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

Order 245-06/07 Appointing Parks & Cemeteries Constable for 2007 – Sponsored by Joseph E. Gray, Jr., City Manager.

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

CONSENT ITEMS:

Order 246-06/07 Declaring 21st Annual Southern Maine Pride Celebration of Diversity Festival and Approving Contract and Permits Therefor – Sponsored by Joseph E. Gray, Jr., City Manager.

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- Order 247-06/07 Declaring June 23 & 24, 2007 as Maine Reads “Festival of the Book” at Monument Square – Sponsored by Joseph E. Gray, Jr., City Manager.
- Order 248-06/07 Declaring 2007 “Fourth of July” Festival – Sponsored by Joseph E. Gray, Jr., City Manager.
- Order 249-06/07 Declaring “Portland Peace” Festival on Eastern Prom Park - Sponsored by Joseph E. Gray, Jr., City Manager.
- Order 250-06/07 Declaring Compass Project’s 4th Annual “Family Boat Building Event” Festival July 14 – July 17, 2007 – Sponsored by Joseph E. Gray, Jr., City Manager.
- Order 251-06/07 Declaring 5th Annual Greater Portland Festival of Nations in Deering Oaks Park - Sponsored by Joseph E. Gray, Jr., City Manager.
- Order 252-06/07 Declaring the American Legion’s “Maine State Healing Field” in Deering Oaks Park – Sponsored by Joseph E. Gray, Jr., City Manager.
- Order 253-06/07 Approving Transfer of Funds Under 15 M.R.S.A. Secs. 5824(3) and 5836(6) – Sponsored by Joseph E. Gray, Jr., City Manager.

Motion was made by Councilor Carr and seconded by Councilor Duson to pull Order 253 off the Calendar. Passage 7-0.

Motion was made by Councilor Donoghue and seconded by Councilor Marshall for passage of the Consent Calendar. Passage 7-0.

Motion was made by Councilor Cloutier and seconded by Councilor Suslovic for passage of Order 253.

Motion was made by Councilor Cloutier and seconded by Councilor Suslovic to amend the order by changing the amount of \$550 to \$555. Passage 7-0.

Passage, as amended, 7-0.

Order 261 was taken out of order.

Motion was made by Councilor Cloutier and seconded by Councilor Donoghue to waive the second reading. Passage 7-0.

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Order 261-06/07 Approving Collective Bargaining Agreement with City Employee Benevolent Association - Sponsored by Joseph E. Gray, Jr., City Manager. First reading. Emergency passage requested.

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

LICENSES:

Order 254-06/07 Granting Municipal Officer's Approval of Duc N. Ho, d/b/a Viet Bangkok Cuisine, 249 St. John Street. Application for Class I Restaurant with Liquor and Entertainment with Dance License. Inside Only. New City and State License – Sponsored by Linda C. Cohen, City Clerk.

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

Order 255-06/07 Granting Municipal Officer's Approval of Bogey's Bar & Grill, Inc., d/b/a TD Banknorth Greater Portland Open, at 1158 Riverside Street. Application to Serve Beer and Wine on the Golf Course at Special Event on June 26, 2007 from 9:00 A.M. to 6:00 P.M. – Sponsored by Linda C. Cohen, City Clerk.

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

Order 256-06/07 Granting Municipal Officer's Approval of Vault Enterprises, LLC, d/b/a Flirts Grille, at 865 Forest Avenue. Application to Expand Licensed Area for Class XI Restaurant/Lounge with Liquor to Include the Outdoor Deck. Entertainment Restricted to Inside Only – Sponsored by Linda C. Cohen, City Clerk.

Motion was made by Councilor Carr and seconded by Councilor Marshall for passage. Passage 6-0 (Cloutier out).

Order 257-06/07 Granting Municipal Officer's Approval of Acropolis I, LLC, d/b/a Acropolis, at 795 Forest Avenue. Application to Expand Licensed Area for a Class III & IV (Beer & Wine) to include the Outdoor Patio. Entertainment Restricted to Inside Only – Sponsored by Linda C. Cohen, City Clerk.

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Motion was made by Councilor Carr and seconded by Councilor Duson for passage. Passage 7-0.

Order 258-06/07 Granting Municipal Officer's Approval of Maine Brewer's Festival at Portland Exposition Building, 239 Park Avenue. Maine Brewers Serving Beer at Special Event on November 3, 2007 from 2:30 P.M. to 11:30 P.M. – Sponsored by Linda C. Cohen, City Clerk.

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

Order 259-06/07 Granting Municipal Officer's Approval of RB Shack, Inc., d/b/a Shack's Pub, 1192 Forest Avenue. Application for Class XI Restaurant/Lounge and Entertainment with Dance License. Entertainment Restricted to Inside Only. Outside Dining. New City and State License – Sponsored by Linda C. Cohen, City Clerk.

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

Order 260-06/07 Granting Municipal Officer's Approval of Harper Hotels, Inc., d/b/a Holiday Inn by the Bay, Catering Southern Maine Pride Festival's Pier Dance at the Maine State Pier on June 16, 2007 from 8:00 P.M. to 1:00 A.M. – Sponsored by Linda C. Cohen, City Clerk.

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

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

UNFINISHED BUSINESS:

Motion was made by Councilor Duson and seconded by Councilor Dongohue to table Order 195 to the end of the agenda. Passage 7-0.

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Mayor Pro Tem Cohen and Councilor Donoghue announced they would recuse themselves from participation in Order 204.

Order 204-06/07 Amendment to Portland City Code Chapter 28 (Traffic and Motor Vehicles) Re: Trucks and Buses Prohibited on Certain Streets – Sponsored by the Public Safety Committee, Councilor David A. Marshall, Chair. Given first reading and postponed on 4/30/07.

Motion was made by Councilor Suslovic and seconded by Councilor Cloutier for passage. Passage 5-0.

Order 205-06/07 Amendment to Portland City Code Chapter 14, Article III, Zoning: Division 12.B-3, B-3b and B-3c Downtown Business Zones §§14-217, 218, 220 – Sponsored by the Planning Board, Michael J. Patterson, Chair. Given first reading and postponed on 4/30/07.

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

Motion was made by Councilor Cloutier and seconded by Councilor Donoghue to amend the order in Section 2 to apply to all applications received by the City on or after 2/13/07. Passage 7-0.

Passage, as amended, 7-0.

Order 207-06/07 Amendment to Portland City Code Chapter 15 (Licenses and Permits) Re: Applications – Sponsored by the Public Safety Committee, Councilor David A. Marshall Chair. Given first reading and postponed on 4/30/07.

Councilor Cloutier said he would recuse himself from participation on this item.

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

Motion was made by Councilor Marshall and seconded by Councilor Duson to postpone this item to the next meeting. Passage 6-0.

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Order 243-06/07 Authorizing Second Addendum to Credit Enhancement Agreement with Atlantic Bayside Trust LLC (Formerly Capital LLC) Re: Bayside Redevelopment Tax Increment Financing District – Sponsored by the Community Development Committee – Councilor James F. Cloutier, Chair. Given first reading and postponed on 5/7/07.

Motion was made by Councilor Duson and seconded by Councilor Cloutier for passage. Passage 5-2 (Donoghue, Marshall).

PUBLIC HEARINGS:

ORDERS:

Order 262-06/07 Setting Public Hearing on Borrowing \$36,100,000 through the Issuance of Revenue Bonds or Other Non-General Obligation Credit Facilities of the City Re: Portland International Jetport - Sponsored by the Transportation Committee, Councilor Kevin J. Donoghue, Chair; and the Finance Committee, Councilor James I. Cohen, Chair.

Motion was made by Councilor Suslovic and seconded by Councilor Carr for passage. Passage 6-0 (Duson out).

Order 263-06/07 Authorizing Borrowing for Airport Expansion in an Amount not to Exceed \$36,100,000 – Sponsored by Transportation Committee, Councilor Kevin J. Donoghue, Chair; and the Finance Committee, Councilor James I. Cohen, Chair. First reading.

Order 264-06/07 Appropriating \$36,100,000 for the Portland International Jetport – Sponsored by the Transportation Committee, Councilor Kevin J. Donoghue, Chair; and the Finance Committee, Councilor James I. Cohen, Chair. First reading.

Order 265-06/07 Adopting Development Program for the Portland Downtown District for Fiscal Year 2007-2008 – Sponsored by Joseph E. Gray, Jr., City Manager. First reading.

Order 266-06/07 Assessing Maintenance and Implementation Assessments in the Portland Downtown District for Fiscal Year 2007-2008 – Sponsored by Joseph E. Gray, Jr., City Manager. First reading.

Order 267-06/07 Authorizing Master Agreement and Supplemental Services Agreement with Portland's Downtown District – Sponsored by Joseph E. Gray, Jr., City Manager. First reading.

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Order 268-06/07 Establishing Charter Commission – Sponsored by Councilor David A. Marshall.
First reading.

Order 195-06/07 Granting Municipal Officer's Approval of International Business Group, d/b/a
Digger's/Liquid Blue, 440-446 Fore Street. Renewal of Class A Lounge,
Entertainment with Dance and After Hours Entertainment License. Inside Only.
Old Port Overlay Zone – Sponsored by Linda C. Cohen, City Clerk. Postponed
on 4/30/07.

Motion was made by Councilor Carr and seconded by Councilor Marshall to
postpone this item to 6/18/07. Failed 0-6 (Cloutier gone).

Motion was made by Councilor Suslovic and seconded by Councilor Marshall to
deny the renewal of the liquor and entertainment with dance licenses. (Clerk's
note: After Hours Entertainment is not granted by the Council). Passage 6-0.

AMENDMENTS:

LICENSE RENEWALS:

Motion was made by Councilor Donoghue and seconded by Councilor Duson to
adjourn. Passage 5-0 (Suslovic out), 10:48 P.M.

A TRUE COPY.

ATTEST _____
Linda C. Cohen, MMC, City Clerk