

IN COUNCIL SPECIAL MEETING APRIL 4, 2007 VOL. 123 PAGE 92

ROLL CALL: Mayor Mavodones called the meeting to order at 7:05 P.M. All Councilors were present.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Cloutier and seconded by Councilor Suslovic to approve the minutes of the regular meeting of 3/19/07 and the special meeting of 3/26/07. Passage 9-0.

ANNOUNCEMENTS:

RECOGNITIONS:

PROCLAMATIONS:

- Proc 39-06/07 Honoring Catherine McAuley High School Basketball Team as Western Maine Champions – Sponsored by Mayor Nicholas M. Mavodones, Jr.
- Proc 40-06/07 Honoring Portland High School Boys' Basketball Team as Western Maine Champions – Sponsored by Mayor Nicholas M. Mavodones, Jr.
- Proc 41-06/07 Recognizing Establishment of "Portland North" Land Trust Collaborative - Sponsored by Mayor Nicholas M. Mavodones, Jr. and Co-Sponsored by Councilors Jill C. Duson and Kevin J. Donoghue.
- Proc 42-06/07 Declaring April 4, 2007, as League of Young Voters Day - Sponsored by Mayor Nicholas M. Mavodones, Jr. and Co-Sponsored by Councilors David A. Marshall, Kevin J. Donoghue, James I. Cohen, Jill C. Duson, James F. Cloutier.

APPOINTMENTS:

- Order 177-06/07 Appointing Business Diversity Task Force – Sponsored by Mayor Nicholas M. Mavodones, Jr.

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

IN COUNCIL SPECIAL MEETING APRIL 4, 2007 VOL. 123 PAGE 93

Order 178-06/07 Appointing Wardens and Ward Clerks – Sponsored by Linda C. Cohen, City Clerk.

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

Order 179-06/07 Appointing Members to Various Boards and Committees – Sponsored by the Appointments and Non-Union Personnel Committee, Councilor Cheryl A. Leeman Chair.

Name	Committee	Term Expires
Jill Hunter	Board of Appeals	12/31/07 and 12/31/10
Gordon Smith	Board of Appeals	12/31/09
Loren Peters	Friends of the Parks	6/30/08
Mary Zwolinski	James Rackleff Trust	2/28/10

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

CONSENT ITEMS:

Order 180-06/07 Declaring MENSKE Presents Earth Day 2007 Festival - Sponsored by Joseph E. Gray, Jr., City Manager.

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

LICENSES:

BUDGET ITEMS:

Order 181-06/07 Receiving and Referring City Manager's Fiscal 2008 Municipal Budget to Finance Committee and Setting Date of Public Hearing on the FY 2008 Municipal and School Budgets and FY 2008 Appropriation Resolve – Sponsored by Joseph E. Gray, Jr., City Manager.

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

IN COUNCIL SPECIAL MEETING APRIL 4, 2007 VOL. 123 PAGE 94

COMMUNICATIONS:

RESOLUTIONS:

Resolve 12-06/07 Declaring the Month of April, 2007, "Youth Alcohol Prevention Month" in the City of Portland, Maine – Sponsored by the Health and Recreation Committee, Councilor Donna J. Carr, Chair and Councilors James I. Cohen and Edward J. Suslovic.

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

Resolve 13-06/07 Supporting the Principle of Consolidation of School Administrations – Co-Sponsored by Councilors Edward J. Suslovic, James I. Cohen and David A. Marshall.

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

UNFINISHED BUSINESS:

Motion was made by Councilor Cloutier and seconded by Councilor Duson to table Order 144 until after action on Order 163. Passage 9-0.

Order 165-06/07 Amendment to Portland City Code Chapter 4 (Amusements) Sections 4-1, 4-28, 4-41, 4-42, 4-51, 4-55, and 4-56 – Sponsored by the Public Safety Committee, Councilor David A. Marshall, Chair. Given first reading and postponed on 3/5/07.

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

Motion was made by Councilor Marshall and seconded by Councilor Leeman to amend the order by keeping 4-51(b) as it was and requiring patrons in after hours facilities with liquor licenses to be at least 21 years of age and 18 years of age in facilities without a liquor license. Passage 7-2 (Suslovic, Cloutier).

Passage, as amended, 7-2 (Cloutier, Suslovic).

IN COUNCIL SPECIAL MEETING APRIL 4, 2007 VOL. 123 PAGE 95

Order 164-06/07 Amendment to Portland City Code Chapter 14 (Land Use), Division 12, Repealing Section 14-217.5. (Old Port Overlay Zone) and Enacting Chapter 14, Division 19.8, Sections 14-330.11-14-330. (Downtown Entertainment Overlay Zone) and Amendment to Portland City Code Dates – Sponsored by the Public Safety Committee, Councilor David A. Marshall, Chair. Given first reading and postponed on 3/5/07.

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

Motion was made by Councilor Leeman and seconded by Councilor Marshall to split the vote on the dispersal and the fees. Passage 9-0.

Motion was made by Councilor Cloutier and seconded by Councilor Cohen for passage of the dispersal requirement in the overlay. Motion was made by Councilor Cohen and seconded by Councilor Suslovic to amend by making the measurement along or across public ways. Passage 8-1 (Marshall). Motion was made by Councilor Suslovic and seconded by Councilor Donoghue to amend by including all liquor licenses City wide in the dispersal requirement. Failed 4-5 (Cloutier, Duson, Cohen, Carr, Mavodones). Passage, as amended, 6-3 (Leeman, Marshall, Donoghue).

Motion was made by Councilor Leeman and seconded by Councilor Cloutier for passage of the fees. Motion was made by Councilor Suslovic and seconded by Councilor Marshall to amend to have the fees apply to all liquor licenses and the Finance Committee would set the fees to be brought back to Council. Motion was made by Councilor Cloutier and seconded by Councilor Suslovic to amend the amendment by applying the same fee structure to all retail stores selling alcoholic beverages. Passage 9-0. Motion was made by Councilor Cloutier and seconded by Councilor Duson to amend to link the entertainment licenses to liquor licenses. Passage 9-0. Passage, as amended, 7-2 (Cohen, Leeman).

Passage, as amended, 6-3 (Leeman, Marshall, Donoghue).

Order 163-06/07 Approving Recommendations of the Mayor's Old Port Nightlife Task Force as Amended by the Public Safety Committee – Sponsored by the Public Safety Committee, Councilor David A. Marshall, Chair.

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

IN COUNCIL SPECIAL MEETING APRIL 4, 2007 VOL. 123 PAGE 96

Motion was made by Councilor Marshall and seconded by Councilor Donoghue to amend the order to delete the language in 3(d)2 regarding surveillance cameras.

Motion was made by Councilor Marshall and seconded by Councilor Donoghue to withdraw this item, as it needs no action. Passage 9-0.

Order 144-06/07 Amendment to Portland City Code §14-217.5 (j) (2) Fees - Sponsored by the Public Safety Committee, Councilor David A. Marshall, Chair. Given first reading on 2/5/07. Postponed on 2/21/07 and 3/19/07.

Motion was made by Councilor Cohen and seconded by Councilor Duson to indefinitely postpone this item. Passage 9-0.

Motion was made by Councilor Cohen and seconded by Councilor Duson to table Order 175 until after action on Order 176. Passage 9-0.

Order 176-06/07 Amendment to the Portland City Charter Re: Full-Time Elected Mayor – Sponsored by Councilors David A. Marshall and Kevin J. Donoghue. Given first reading on 3/19/07.

Motion was made by Councilor Carr and seconded by Councilor Cloutier for postpone to 4/30/07. Passage 9-0.

Order 175-06/07 Placing Charter Amendments on the Ballot on November 6, 2007 Re: Full-Time Elected Mayor – Sponsored by Councilors David A. Marshall and Kevin J. Donoghue. Postponed on 3/19/07.

Motion was made by Councilor Cloutier and seconded by Councilor Marshall to postpone this item to 4/30/07. Passage 9-0.

PUBLIC HEARINGS:

ORDERS:

Order 182-06/07 Approving Purchase and Sale Agreement Re: Sale of Property Located on Anderson Street to William Simpson – Sponsored by the Community Development Committee, Councilor James F. Cloutier.

IN COUNCIL SPECIAL MEETING APRIL 4, 2007 VOL. 123 PAGE 97

Motion was made by Councilor Cloutier and seconded by Councilor Donoghue to postpone this item to 4/30/07. Passage 9-0.

Order 183-06/07 Approving Amendments to Scrap Metal Recycling Facilities Rules – Sponsored by Joseph E. Gray, Jr., City Manager.

Motion was made by Councilor Donoghue and seconded by Councilor Marshall to postpone this item to 4/30/07. Passage 9-0.

AMENDMENTS:

LICENSE RENEWALS:

Motion was made by Councilor Donoghue and seconded by Councilor Cloutier to adjourn. Passage 9-0, 11:40 P.M.

A TRUE COPY.

ATTEST _____
Linda C. Cohen, MMC, City Clerk