

IN COUNCIL REGULAR MEETING NOV. 19, 2007 VOL. 124 PAGE 47

ROLL CALL: Mayor Mavodones called the meeting to order at 7:04 P.M. Councilor Duson arrived after the approval of the minutes.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Cohen and seconded by Councilor Carr to approve the minutes of the 11/5/07 meeting. Passage 8-0.

ANNOUNCEMENTS:

RECOGNITIONS:

Tom Valteau was recognized for his service on the Fish Exchange, and Todd Alexander for service on the Downtown Portland Corporation.

PROCLAMATIONS:

Proc 18-07/08 Honoring Christopher Kull as Employee of the Month - Sponsored by Mayor Nicholas M. Mavodones, Jr.

APPOINTMENTS:

Order 95-07/08 Appointing Member to Board of Appeals – Sponsored by the Appointments and Non-Union Personnel Committee, Councilor Cheryl A. Leeman, Chair.

Deborah Rutter Board of Appeals Term to expire on 12/31/07 and 12/31/10.

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

CONSENT ITEMS:

Order 96-07/08 Approving Transfer of Funds Under 15 M.R.S.A. Secs. 5824(3) and 5836(6) – Sponsored by Joseph E. Gray, Jr., City Manager.

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

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LICENSES:

Order 97-07/08 Granting Municipal Officer's Approval of MPK Corporation, d/b/a Crab Louie, at 127 Commercial Street. Application for Class III & IV (Beer and Wine) Restaurant and Entertainment without Dance License. Outside Seating. Entertainment Inside Only. New City and State License – Sponsored by Linda C. Cohen, City Clerk.

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

Motion was made by Councilor Suslovic and seconded by Councilor Duson to amend the order by deleting the Entertainment license at the applicant's request. Passage 9-0.

Passage, as amended, 9-0.

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

Resolve 5-07/08 Relating to the ICMA 457 Deferred Compensation Plan No. 300592 Re: Appointment of Vantage Trust Company as Successor Trustee – Sponsored by Joseph E. Gray, Jr., City Manager.

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

UNFINISHED BUSINESS:

Councilor Cohen said he would be recusing himself from participating 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. Given public hearing and postponed on 8/20/07. Failed to pass with 5 votes on 9/17. Amended and failed to pass with 5 votes needed on 10/15/07. Postponed on 11/5/07.

Motion was made by Councilor Carr and seconded by Councilor Suslovic to postpone this item to 12/3/07. Passage 8-0.

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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. Given public hearing and postponed on 8/20/07. Failed to pass with 5 votes needed on 9/17. Failed to pass with 5 votes needed on 10/15/07. Postponed on 11/5/07.

Motion was made by Councilor Carr and seconded by Councilor Suslovic to postpone this item to 12/3/07. Passage 8-0.

Order 91-07/08 Appropriating \$1.2 Million Plus Interest for Payment of Arbitrator's Award in *Scotia Prince, LTD V. City of Portland* – Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading on 11/5/07.

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

Order 92- 07/08 Amendment to Portland City Code Chapter 25 Streets, Sidewalks and Other Public Places Article VIII. Removal of Snow and Ice Sections 25-171 Through 25-179 – Sponsored by the Public Safety Committee, Councilor David A. Marshall, Chair. Given first reading on 11/5/07.

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

Motion was made by Councilor Donoghue and seconded by Councilor Duson to amend the order by adding an emergency preamble. Passage 8-0 (Cloutier gone)
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Passage, as amended, 8-0.

Order 93-07/08 Amendment to Portland City Code Article II. Obstructions, Encumbrances, and Authorized Events Sections 25-26 Through 25-30; Chapter 18 Parks, Recreation and Public Buildings and Grounds Article II. Regulations for Parks and Public Grounds Section 18-50 – Sponsored by the Public Safety Committee, Councilor David A. Marshall, Chair. Given first reading on 11/5/07.

Motion was made by Councilor Marshall and seconded by Councilor Duson to refer this item back to the Public Safety Committee. Passage 8-0.

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Order 94-07-08 Amendment to City Code Chapter 14, Article III, Zoning. Division 6 R-5 Residential Zone Section 14-118 Conditional Uses - Sponsored by the Planning Board, Michael Patterson, Chair. Given first reading on 11/5/07.

Motion was made by Councilor Suslovic and seconded by Councilor Cohen for passage. Passage 8-0.

PUBLIC HEARINGS:

ORDERS:

Order 74-07/08 Granting Municipal Officer's Approval of Threeways, LLC, d/b/a Threeways, 42 Wharf Street. Renewal of Class A Lounge and Entertainment with Dance License. Outside Entertainment and Dining. Downtown Entertainment Overlay Zone – Sponsored by Linda C. Cohen, City Clerk. Postponed on 10/1/07.

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

Motion was made by Councilor Suslovic and seconded by Councilor Cohen to amend the order by removing all entertainment licenses, inside and outside.

Motion was made by Councilor Leeman and seconded by Councilor Cohen to divide the question: liquor license from entertainment licenses. Passage 8-0.

Motion was made by Councilor Leeman and seconded by Councilor Duson for passage of the liquor license. Passage 8-0.

Motion was made by Councilor Marshall and seconded by Councilor Duson for passage of the entertainment license.

Motion was made by Councilor Marshall and seconded by Councilor Duson to amend the motion by granting the entertainment license for only three months to be brought back to the City Council at that time.

Motion was made by Councilor Cohen and seconded by Councilor Leeman to amend the amendment by requiring recommended conditions from Corporation Counsel to come back at the end of the three months or before. Passage 6-2. (Mavodones, Marshall).

Passage of amendment, as amended, 6-2 (Mavodones, Marshall).

Passage of Entertainment License, as amended, 8-0.

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AMENDMENTS:

Order 98-07/08 Amendment to Zoning Map Re: Rezoning from Industrial-Light to Industrial-Moderate Vicinity of Read Street and Canco Road – Sponsored by the Planning Board, Michael Patterson, Chair. First reading.

LICENSE RENEWALS:

Motion was made by Councilor Marshall and seconded by Councilor Carr to adjourn. Passage 8-0, 10:15 P.M.

A TRUE COPY.

ATTEST _____
Linda C. Cohen, MMC, City Clerk