IN COUNCIL REGULAR MEETING MAY 21, 2007 VOL. 123 PAGE 115

PLEDGE OF ALLEGIANCE:

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 Carr and seconded by Councilor Duson to approve the minutes of the 05/07/2007 meeting. Passage 9-0.

ANNOUNCEMENTS:

RECOGNITIONS:

PROCLAMATIONS:

Proc 47-06/07 Proclamation Honoring Randy W. Emmons as Employee of the Month for May, 2007 – Sponsored by Mayor Nicholas M. Mavodones, Jr.

Proc 48-06/07 Proclamation Honoring Officer Christopher Coyne and Canine Tai as Police Officers of the Month for April, 2007 – Sponsored by Mayor Nicholas M. Mavodones, Jr.

Proc 49-06/07 Proclamation Recognizing Healthy Home and Garden Season – Sponsored by Mayor Nicholas M. Mavodones, Jr.

APPOINTMENTS:

Order 239-06/07 Order Appointing Member to Business Diversity Task Force – Sponsored by Mayor Nicholas M. Mavodones, Jr.

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

CONSENT ITEMS:

Order 240-06/07 Order Amending Traffic Schedule Re: Somerset Street between Chestnut and Pearl Streets – Sponsored by the Transportation Committee, Councilor Kevin J. Donoghue, Chair.

Order 241-06/07 Order Accepting Ruby Lane as a City Way – Sponsored by Joseph E. Gray, Jr., City Manager.

Order 242-06/07 Order 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 Donoghue and seconded by Councilor Marshall to approve the Consent Calendar. Passage 9-0.

LICENSES:

COMMUNICATIONS:

RESOLUTIONS:

Resolve 15-06/07 Resolution Supporting Opportunity Maine: A Citizen's Initiative to Make College More Affordable, Create More High-Paying Jobs, and Strengthen Maine's Economy – Sponsored by Mayor Nicholas M. Mavodones, Jr. and Co-Sponsored by Councilors Jill C. Duson, James F. Cloutier, and Kevin J. Donoghue.

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

UNFINISHED BUSINESS:

BUDGET ITEMS:

BOND ORDERS:

Order 213-06/07 Order Authorizing General Obligation Bonds to Finance the Acquisition and Installation of Capital Equipment in an Amount not to Exceed $990,000 – Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading on 05/07/2007.

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

Order 214-06/07 Order Appropriating $990,000 for Various Capital Equipment Projects for the Fiscal Year 2008 – Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading on 05/07/2007.

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

Order 215-06/07 Order Authorizing FY 2008 Administrative Fees in Various Departments – Sponsored by the Finance Committee, Councilor James I. Cohen, Chair. Postponed on 05/07/2007.

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

Order 216-06/07 Order Revising Commercial Fee at Riverside Recycling Facility – Sponsored by Joseph E. Gray, Jr., City Manager. Postponed on 05/07/2007.

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

Order 217-06/07 Order Setting Parking Violation Waiver Fees – Sponsored by the Finance Committee, Councilor James I. Cohen, Chair. Postponed on 05/07/2007.

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

Order 218-06/07 Order Authorizing Non-Union Wage Adjustment – Sponsored by the Appointments and Non-Union Personnel Committee – Councilor Cheryl A. Leeman, Chair. Given a first reading on 05/07/2007.

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

Order 219-06/07 Order Authorizing City Manager to Enter into Certain Agreements to Implement the FY 2008 Human Resources and Certain Fringe Benefits Budgets – Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading on 05/07/2007.

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

Order 220-06/07 Order Re: Self-Insured Liability Program – Sponsored by Joseph E. Gray, Jr., City Manager. Postponed on 05/07/2007.

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

Order 221-06/07 Order Authorizing City Manager to Enter into Certain Agreements to Implement the FY 2008 Health and Human Services Budget – Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading on 05/07/2007.

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

Order 222-06/07 Order Authorizing Corporation Counsel to Undertake Civil Actions to Collect Personal Property Taxes - Sponsored by the Finance Committee, Councilor James I. Cohen, Chair. Postponed on 05/07/2007.

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

Order 223-06/07 Order Amending 2002 Waterfront Tax Increment Financing Plan and Appropriating Funds – Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading on 05/07/2007.

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

Order 224-06/07 Order Amending 2003 Bayside Tax Increment Financing Plan and Appropriating Funds – Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading on 05/07/2007.

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

BUDGET RELATED ORDINANCE AMENDMENTS:

Order 225-06/07 Amendment to Portland City Code Section 28-86 Re: Parking Meter Rates – Sponsored by the Finance Committee, Councilor James I. Cohen, Chair. Given first reading on 05/07/2007.

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

Order 226-06/07 Amendment to Portland City Code Chapter 25, Sec. 119 (Streets, Sidewalks and Other Public Places) Re: Excavator's License – Sponsored by the Finance Committee, Councilor James I. Cohen, Chair. Given first reading on 05/07/2007.

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

Order 227-06/07 Order Amending Chapter 15 (Licenses and Permits) Sec. 15-12 (Fees and Expiration Dates) – Sponsored by the Finance Committee, Councilor James I. Cohen, Chair. Given first reading on 05/07/2007.

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

Motion was made by Councilor Leeman and seconded by Councilor Marshall to amend license fees and accept those fees described in Scenario 3, (as shown in Exhibit A). With follow up to be administered by the Public Safety Committee. Passage 8-1 (Suslovic).

Motion was made by Councilor Marshall and seconded by Councilor Donoghue to reduce the After Hours Entertainment license fee from $800 to $500. Passage 7-2 (Cohen, Suslovic).

Passage, as amended 9-0.

Order 228-06/07 Amendment to Portland City Code Section 10-16 (Fire Prevention Code) Re: Amendment to Permit Fees – Sponsored by the Finance Committee, Councilor James I. Cohen, Chair. Given first reading on 05/07/207.

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

Order 229-06/07 Order Ratifying Final Fiscal Year 2005-2006 Expenditures and Revenues - Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading on 05/07/2007.

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

Order 232 was taken out of order.

Order 232-06/07 Order Approving Additional Local Funds for Portland Schools for FY 2008 – Sponsored by the Finance Committee, Councilor James I. Cohen, Chair. Given first reading on 05/07/2007.

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

Motion was made by Councilor Cohen and seconded by Councilor Suslovic to amend Order 232 to implement the Finance Committee's recommendation to reduce the school budget by $710,000 and appropriate $9,405,472 in additional and local funds, which exceeds the State's EPS allocation model by $5,256,902. Passage 9-0.

Motion was made by Councilor Donoghue and seconded by Councilor Marshall to reduce the school budget by $500,000 instead of the Finance Committee's recommendation of $710,000. Failed 2-7 (Cloutier, Duson, Cohen, Suslovic, Leeman, Carr, Mavodones).

Passage, as amended 9-0.

Order 230-06/07 Order Approving State/Local EPS Funding Allocation for Portland Schools for FY 2008 – Sponsored by the Finance Committee, Councilor James I. Cohen, Chair. Given first reading on 05/07/2007.

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

Order 231-06/07 Order Approving Non-State Funded Debt Service Allocation for Portland Schools for FY 2008 – Sponsored by the Finance Committee, Councilor James I. Cohen, Chair. Given first reading on 05/07/2007.

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

Order 233-06/07 Order Approving Total Budget Summary for Portland Schools for FY 2008 – Sponsored by the Finance Committee, Councilor James I. Cohen, Chair. Given first reading on 05/07/2007.

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

Motion was made by Councilor Cohen and seconded by Councilor Cloutier to amend Order 233 to reflect the amount recommended by the Finance Committee and authorize the School Committee to expend $85,661,057 for educational services. Passage 9-0.

Passage, as amended 9-0.

Order 234-06/07 Order Reducing Local Option Funds by Unanticipated State School Subsidy for Portland Schools for FY 2008 – Sponsored by the Finance Committee, Councilor James I. Cohen, Chair. Given first reading on 05/07/2007.

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

Order 235-06/07 Fiscal Year 2007-2008 Appropriation Resolve – Sponsored by the Finance Committee, Councilor James I. Cohen, Chair. Given first reading on 05/07/2007.

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

Motion was made by Councilor Cohen and seconded by Councilor Cloutier to amend Order 235 to substitute the Finance Committee's recommendation and appropriate: $182,668,779 for General Municipal purposes; $85,661,057 for School purposes; and to assess a tax levy of $126,210,333. Passage 9-0.

Passage, as amended 9-0.

PUBLIC HEARINGS:

ORDERS:

Order 243-06/07 Order 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. First reading.

AMENDMENTS:

LICENSE RENEWALS:

Motion was made by Councilor Suslovic and seconded by Councilor Marshall to adjourn. Passage 9-0, 10:32 P.M.

A TRUE COPY.

ATTEST_____
Amanda L. Berube, Assistant City Clerk