

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR. (A/L)

**AGENDA**  
**REGULAR CITY COUNCIL MEETING**  
**MAY 21, 2018**

The Portland City Council will hold a regular City Council Meeting at 5:30 p.m. in City Council Chambers, City Hall. The Honorable Ethan K. Strimling, Mayor, will preside.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**ANNOUNCEMENTS:**

**RECOGNITIONS:**

**APPROVAL OF MINUTES OF PREVIOUS MEETING:**

(Tab 1) May 14, 2018 Draft Special City Council Meeting Minutes

**PROCLAMATIONS:**

**APPOINTMENTS:**

**CONSENT ITEMS:**

**LICENSES:**

**BUDGET ITEMS:**

**SCHOOL DEPARTMENT BUDGET ORDERS POSTPONED FROM  
THE MAY 14, 2018 CITY COUNCIL MEETING.**

**Order 200-17/18 (Tab 2) Order Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Public Schools for Fiscal Year 2019 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

Order 200-17/18 to Order 204-17/18 are orders required by 20-A M.R.S.A. §15690 in order to comply with what is known as LD1, a set of state laws passed to control increases in property taxes.

Order 203-17/18 was passed as amended at the May 14, 2018 City Council meeting.

This order provides \$87,525,230 as the amount determined by state law to be the minimum amount the city must appropriate in order to receive the full amount of state funding under the Essential Programs and Services Funding Act.

This requires the city to raise \$70,198,565 as the city's contribution to the total cost of funding public education from K-12 as described in the EPS law. The City's Tax levy based on the budget submitted by the Portland Board of Public Education for the total for school budget programs of \$111,797,612 will be \$89,222,327.

This item must be read on two separate days. At the May 14 Council meeting this item was given a second reading, public comment was taken, and this item was postponed to this meeting. Five affirmative votes are required for passage.

**Order 201-17/18  
(Tab 3)**

**Order Approving Non-State Funded School Construction Debt Service for Portland Schools for Fiscal Year 2019 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.**

Non-state funded debt service is the amount of money needed for the annual payments on the City's long-term debt for major capital school construction projects and portions of school construction projects that are not approved for state funding. The bonding of this long-term debt was previously approved by the voters or the City Council.

This order appropriates \$597,496 for the annual payments on debt service previously approved by the voters or the City Council for non-state (local-only) funded school construction projects. The state no longer includes minor capital projects in this calculation.

The \$597,496 is in addition to the funds appropriated as the EPS required local share (amount of the city's contribution to the total cost of funding public education from kindergarten to grade 12).

This item must be read on two separate days. At the May 14 Council meeting this item was given a second reading, public comment was taken, and this item was postponed to this meeting. Five affirmative votes are required for passage.

**Order 202-17/18  
(Tab 4)**

**Order Raising and Appropriating Additional Local Funds for Portland Schools for Fiscal Year 2019 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

This order appropriates \$16,729,169 in additional city funds over and above regional EPS amount and the non-state funded debt service amount.

This exceeds the EPS funding model by \$20,120,139 and funds the cost of city schools, Kindergarten-12, which are not covered by the state funding model established by the Essential Programs and Services Funding Act.

This item must be read on two separate days. At the May 14 Council meeting this item was given a second reading, public comment was taken, and this item was postponed to this meeting. Five affirmative votes are required for passage.

**Order 204-17/18  
(Tab 5)**

**Order Appropriating and sing Funds for Adult Education for Fiscal Year 2019 as Required by the Maine Revised Statutes, Title 20-A M.R.S. §8603-A(1) – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

This order raises \$1,697,097 to support the Adult Education program and for the Food Service Program and appropriates a budget for that program of \$2,391,137. The budgets for the Adult Education Programs submitted by the Portland Board of Public Education are in addition to the \$105,843,472 proposed for the General Fund School Budget that must be submitted to the voters.

Under the City Charter, the Council must act on this school funding order, which is not part of the General Fund budget.

When the amounts for the Adult Education Program and the Food Service Program as submitted by the Portland Board of Public Education are added to the proposed General Fund School Budget, it leads to a total for FY2019 school budget programs of \$111,797,612.

The total school budget will come before the Council for approval as part of the annual Appropriation Resolve on May 21<sup>st</sup>.

This item must be read on two separate days. At the May 14 Council meeting this item was given a second reading, public comment was taken, and this item was postponed to this meeting. Five affirmative votes are required for passage.

**6:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:**

**SECOND READING AND PUBLIC COMMENT OF MUNICIPAL BUDGET ORDERS.**

**Order 206-17/18  
(Tab 6)**

**Order Approving Fiscal Year 2019 Administrative – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

This order authorizes certain administrative charges and changes in the City Clerk (Marriage Ceremony Package) a \$7,500 revenue increase (“+”), Executive (Passports), +\$30,000, Parking (Elm & Spring Garage, +\$473,000, and for parking tickets for expired and prolonged parking, +\$163,000), Fire (MEDCU), +\$100,000, Planning (Conditional Use), +\$1,800, Public Works (Hauler Licenses, +\$11,400 & Street Opening Fees, +\$22,000) and Parks Recreation and Facilities (PAF Administrative & Permit Fees), +\$17,500.

<b>Department</b>	<b>Fee Description</b>	<b>Current Fee</b>	<b>Proposed Fee</b>	<b>Revenue Increase</b>
<b>City Clerk</b>	<b>Wedding Ceremony Package</b>	None Offered	\$300	\$7,500
<b>Executive</b>	<b>Passport processing, photos</b>	Not offered	\$35.00; photos \$20	\$30,000
<b>Parking</b>	<b>Spring and Elm Street Garages, hourly; monthly</b>	\$2.00; \$120.00	\$3.00; \$130.00	\$380,000; \$93,000; total \$473,000
<b>Parking</b>	<b>Expired and prolonged parking tickets</b>	\$15.00; \$20.00	\$20.00; \$25.00	\$163,000
<b>Fire Dept.</b>	<b>MEDCU, various; see back- up material</b>	<b>various</b>	Increase of 7%	\$100,000
<b>Planning and Urban Dev.</b>	<b>Application for Conditional Use, Planning Board Review</b>	\$100	\$1,000	\$1,800
<b>Public Works</b>	<b>Hauler licenses, etc.; various, see back- up material</b>	<b>various</b>		\$11,400
<b>Public Works</b>	<b>Street opening; various, see back- up material</b>	<b>various</b>		\$23,000
<b>Parks, Rec. &amp; Facilities</b>	<b>Public Assembly Facilities administrative and permit fees, see back- up material</b>	<b>various</b>		\$17,500

This item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 207-17/18  
(Tab 7)**

**Order Authorizing City Manager to Enter into Certain Agreements to Implement the Fiscal Year 2019 Human Resources and Certain Fringe Benefits Budgets – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

This order authorizes the City Manager to enter into standard agreements and amendments to standard agreements with providers of services for the fiscal year 2019 in order to implement portions of human resources, medical, workers' compensation, and liability budgets.

This item must be read on two separate days. It was given a first reading on May 14, 2018. Five affirmative votes are required for passage after public comment.

**Order 208-17/18  
(Tab 8)**

**Order Re: Fiscal Year 2019 Self-Insured Liability Program – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

This order establishes the limit of the city's liability as \$400,000 as required by the Maine Tort Claims Act and states the city's commitment to "self-insure" for such liability by approving funds for this purpose.

This item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 209-17/18  
(Tab 9)**

**Order Authorizing the Director of Parks, Recreation and Facilities to Set Fees and Enter Rental Agreements for City Facilities – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

Staff has historically set fees and signed rental agreements for City facilities such as Merrill Auditorium, the Portland Exposition Building and Ocean Gateway. These facilities host 100s of events on an annual basis and while many events are similar in nature, all are also somewhat unique and require different staffing levels and services, and are therefore priced accordingly.

The City's legal department has created a standard rental agreement. Any changes to the terms of standard agreement, other than pricing are reviewed by legal prior to being changed.

This order would authorize the Director or her/his designee to continue to sign such agreements and reaffirm this long-standing practice.

Venues/programs such as the Public Assembly, Recreation Division before and afterschool, Riverside Golf Course, Riverside Grill and Troubh Ice Arena are run in a business-like manner and need the flexibility to be able to offer specials and adjust pricing based on market conditions. This order will further reaffirm the practice of these fees being set administratively.

<b>Department</b>	<b>Fee Description</b>	<b>Current Fee</b>	<b>Proposed Fee</b>	<b>Revenue Increase</b>
<b>Parks, Rec. and Facilities</b>	<b>Before and After School Care</b>	<b>Afterschool, \$74.00/week Both Before and After: \$99.00/week</b>	<b>Afterschool, \$84.00/week Both Before and After: \$109.00/week</b>	<b>\$100,000</b>

This item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 210-17/18  
(Tab 10)**

**Order Authorizing the City Manager to Enter into Certain Agreements to Implement Fiscal Year 2019 Health and Human Services Budget – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

This order authorizes the City Manager to enter into standard agreements and amendments to those standard agreements to receive reimbursement for services by the Health and Human Services Department.

In addition, the City enters into agreements with service providers and landlords to provide services for department programs.

This item must be read on two separate days. It was given a first reading on May 14, 2018. Five affirmative votes are required for passage after public comment.

**Order 211-17/18  
(Tab 11)**

**Order Authorizing the City Manager to Accept Scholarship and Trust Donations and Bequests and Enter into Trust Agreements - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

This order authorizes the City Manager to accept and appropriate donations up to \$50,000 for existing and new scholarship trusts and enter into standard form trust agreements as approved by Corporation Counsel.

This item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 212-17/18  
(Tab 12)**

**Order Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

This item will give Corporation Counsel a standing authorization to undertake civil actions to collect any delinquent personal property taxes that arise during the course of the fiscal year.

Otherwise it would be necessary for the City Council to specifically authorize each individual legal action. This general authorization will take the place of the case by case approach.

This item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 213-17/18  
(Tab 13)**

**Order Authorizing Non-Union Wage Adjustment - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

This Order authorizes the City Manager to utilize a 2% COLA for pay adjustments for non-union employees and approves the new pay plan.

This item must be read on two separate days. It was given a first reading on May 14, 2018, Five affirmative votes are required for passage after public comment.

**Order 214-17/18  
(Tab 14)**

**Order Designating Fiscal Year 2019 Funds for Specific Island Services - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

The municipal budget includes \$40,000 for use on Peaks Island in addition to the funds used to pay for direct and indirect city services. Pursuant to a request from the Peaks Island Council these funds will be used as follows in FY19:

<b>Ferry Tickets, Passes, Vouchers, Loading Control</b>		
<b>Item A:</b>	Middle & High School Passes	\$5,208
<b>Item B:</b>	College Students	\$500
<b>Item C:</b>	Private School Tickets	\$450
<b>Item D:</b>	Needs-Based Tickets	\$3,000
<b>Item E:</b>	Bicycle Tickets	\$500
<b>On-Island Transportation</b>		
<b>Item F:</b>	ITS ("The Taxi")	\$16,000

<b>Item G:</b>	Cadet Funding	\$2,067
<b>Islanders in Need</b>		
<b>Item H:</b>	PITEA (for PIC, Heating Assistance Only)	\$4,000
<b>Parks, Recreation, Open Space</b>		
<b>Item I:</b>	PEAT Brochure	\$400
<b>Island Services</b>		
<b>Item J:</b>	Peaks Library, A/V Equipment	\$2,500
<b>Item k:</b>	Peaks Assisted Living Facility	\$2,000
<b>PIC Administrative</b>		
<b>Item L:</b>	Administrative	\$3,375
<b>TOTAL (04/25/18):</b>		<b>\$40,000</b>

This item must be read on two separate days. It was given a first reading on May 14 2018. Five affirmative votes are required for passage after public comment.

**Order 215-17/18  
(Tab 15)**

**Order for Fiscal Year 2019 Appropriating \$350,000 from Excess Fund - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

Appropriating \$350,000 from the Casco Bay Island Transit District (CBITD) Excess Fund. Pursuant to the lease agreement between the City and CBITD, the Excess Fund, as defined in the agreement, is accumulated and held until such time as the Council may appropriate amounts for purposes outlined in the agreement. CBITD has requested \$350,000 to be used in support of the \$862,500 local match needed for the construction and design of replacement vessels.

This item must be read on two separate days. It was given a first reading on May 14, 2018. Five affirmative votes are required for passage after public comment.

**Order 216-17/18  
(Tab 16)**

**Order Appropriating \$500,000 from Assigned Fund Balance for Workers Compensation and Self Insurance – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

The sum of Five-Hundred Thousand Dollars (\$500,000) of Assigned Fund Balance is hereby appropriated for use within the City’s Workers Compensation and Self Insurance program. This funding is in lieu of an FY19 operating budget request and will be used to pay one-time expenses related to workers compensation claims.

This item must be read on two separate days. It was given a first reading on May 14, 2018. Five affirmative votes are required for passage after public comment.

**RELATED ORDINANCE AMENDMENT:**

**Order 217-17/18 (Tab 17) Amendment to Portland City Code Re: Various Fee Increases for Fiscal Year 2019 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

**Part 1 amends the following fees in Chapter 10 in §10-18:**

<b>Chapter 10</b>	<b>Description</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
<i>Sec. 10-18</i>	<b>Amendments</b>		
<b>10-18 (c)</b>	<b>Fire Alarm Inspections Sticker</b>	\$20	\$25
<b>Total revenue increase for FY19: \$5,000</b>			

**Part 2 amends the following fees in Chapter 14 in §14-54 and §14-530:**

<b>Chapter 14</b>	<b>Description</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
<i>Sec. 14-54</i>	<b>Zone Change / Zone Map Fees</b>		
<b>(a) (1)</b>	<b>Zoning Map Amendments</b>	\$3,000	\$7,500
<b>(a) (2)</b>	<b>Zoning Text Amendments</b>	\$3,000	\$7,500
<b>(a) (3)</b>	<b>Combination Zoning Map &amp; Text Amendments</b>	\$4,000	\$10,000
<b>(a) (4)</b>	<b>Conditional Rezoning</b>	\$5,000	\$10,000
<b>Total revenue increase for FY19: \$31,443</b>			

<b>Chapter 14</b>	<b>Description</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
<i>Sec. 14-530</i>	<b>Development review fees and post approval requirements:</b>		
<b>(a)</b>	<b>Development Review Fees:</b>		
<b>(a) (4)</b>	<b>Site Plan Review Expenses:</b>		
<b>(a) (4) (b)</b>	<b>Level I: Site Alteration</b>	\$200	\$600
<b>(a) (4) (c)</b>	<b>Level II: Site Plan</b>	\$400	\$800
<b>(a) (4) (d)</b>	<b>Level III: Site Plan</b>		
<b>(a) (4) (d) (i)</b>	<b>Under 50,000 sf</b>	\$750	\$2,750
<b>(a) (4) (d) (ii)</b>	<b>50,000-100,000 sf</b>	\$1,000	\$3,000
<b>(a) (4) (d) (iii)</b>	<b>100,000-200,000 sf</b>	\$2,000	\$4,000
<b>(a) (4) (d) (iv)</b>	<b>200,000-300,000 sf</b>	\$3,000	\$5,000
<b>(a) (4) (d) (v)</b>	<b>Over 300,000 sf</b>	\$5,000	\$7,000
<b>(a) (4) (d) (vi)</b>	<b>Parking Lots over 100 spaces</b>	\$1,000	\$1,600

(a) (4) (f)	After the Fact Review *excludes Additional Application Fee	\$1,000	\$2,000
(a) (4) (g)	<b>Amendment to Site Plans</b>		
(a) (4) (g) (i)	Planning Board Review	\$500	\$1,500
(a) (4) (i)	<b>Fee for Development Review Services</b>		
(a) (4) (i) (i)	Planning fee per hour	\$52	\$54
(a) (4) (l) (i)	Inspection Fees, as required in Section 14-530 (b) (5)	\$52	\$54
<b>Total revenue increase for FY19: \$26,900</b>			

The fee changes in Chapter 14 are primarily based on staff analysis of the expenses that are already charged to applicants. In the interest of providing clear, up-front pricing of Chapter 14 reviews, staff analyzed the average costs that are billed to applicants for each type of application and incorporated many of them into the application fee. So while the up-front fee is higher, staff will no longer charge applicants for many items that applicants are currently billed for after the fact.

**Part 3 amends the following fees in Chapter 15 in §15-6:**

Chapter 15	Description	Current Fee	Proposed Fee
<b>Licenses &amp; Permits</b>			
<i>Sec. 15-6(a)</i>	<b>Application Fees</b>		
15-6 (a)	Application for original license administrative fee	\$35	\$45
15-6 (a)	Application for renewal of license	\$25	\$35
<b>Total revenue increase for FY19: \$14,970</b>			

**Part 4 amends the following fees in Chapter 24 in §24-72 and §24-84**

The proposed sewer rate for July 1, 2018 is \$9.95 per hundred cubic feet (hcf), up from the July 1, 2017 rate of \$9.65 hcf. The proposed stormwater fee for July 1, 2018 is \$6.30 per 1,200 square feet of impervious surface area, an increase from the current fee of \$6.00.

Chapter 24	Description	Current Fee	Proposed Fee
<i>Sec. 24-72</i>	<b>Sanitary sewer user charges</b>		
24-72 (c)	Sewer user fees	\$9.65/ hcf	\$9.95/ hcf
24-84(a)	Stormwater fee	\$6.00	\$6.30

Sewer revenue increase: \$755,049  
 Stormwater revenue increase: \$330,149  
**Total revenue increase for FY19: \$1,085,198**

A second amendment in Chapter 24, Section 24-83 exempts all City buildings and real property from the Stormwater fee.

**Part 5** adds the following new fees in **Chapter 25 in §25-27 and §25-119.:**

<b>Chapter 25</b>	<b>Description</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
<b>Streets, Sidewalks, and Other Public Places</b>			
<i>Sec. 25-27</i>	<b>Fees and fines</b>		
<b>25-27 (a) (3)</b>	<b>Vehicles, equipment, or construction materials (per day or any portion thereof)</b>	\$15/day	<b>Rate Tier Changes</b> *see Below
	<b>Parking Space Permit</b>	\$15/day	\$20/day
	<b>Sidewalk Permit</b>	\$15/day	\$20/day
	<b>Single Lane Closure</b>	\$15/day	\$50/day
	<b>Street Closure</b>	\$15/day	\$100/day
<b>25-27 (c) (1)</b>	<b>Failure to obtain...permit</b>	\$75/day	\$125/day
<b>25-27 (c) (2)</b>	<b>Non-compliance: Failure to follow an approved management plan....</b>	revenue increase \$50/day	\$100/day
<b>Total revenue increase for FY19: \$192,500</b>			

<b>Chapter 25</b>	<b>Description</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
<i>Sec. 25-119</i>	<b>Excavator license</b>		
<i>Sec. 25-119</i>	<b>Annual License Fee</b>	\$596	\$600
	<b>Paving License</b>	NA	\$100
<b>Total revenue increase for FY19: \$876</b>			

\*An additional amendment to Chapter 25 in the Sidewalk Snow Removal sections will be brought forward in a later agenda.

**Part 6** amends the following fee in **Chapter 28 in §28-86:**

<b>Chapter 28</b>	<b>Description</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
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<i>Sec. 28-86</i>	<b>Parking Meter Rates</b>	\$1.25/ hr	\$1.50/hr
<b>Total revenue increase for FY19: \$600,000</b>			

All fee increases are effective July 1, 2018.

This item must be read on two separate days. It was given a first reading on May 14, 2018. Five affirmative votes are required for passage after public comment.

**APPROPRIATION RESOLVE:**

**Order 218-17/18 (Tab 18) Fiscal Year 2018-2019 Appropriation Resolve - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.**

This item brings forward the Appropriation Resolve for Fiscal Year (FY) 2019 for action by the City Council.

The Resolve contains the Finance Committee’s recommended budget for FY2019 for general municipal purposes in the amount of **\$247,954,999**. In addition it contains the Portland Board of Education’s recommended budget as amended according to the Finance Committee for FY2019 for school purposes in the amount of **\$110,578,716**

The Finance Committee’s budget recommendations for municipal purposes results in a combined tax levy of **\$177,577,781** for Fiscal Year 2019. The tax rate based on the combined levies would be \$22.48 per \$1,000 of assessed value, a 3.8% increase.

The Appropriation Resolve also directs the Assessor of Taxes to assess a tax upon all real and personal property liable to be taxed as of April 1, 2018 and sets September 14, 2018, as the tax due date, which may be paid in two installments due on September 14, 2018, and March 8, 2019.

The delinquency rate of interest is set at 8.0% per year, and the abatement rate of interest is set at 4.0% per year.

This item must be read on two separate days. It was given a first reading on May 14, 2018. Five affirmative votes are required for passage after public comment.

**ORDER:**

**AMENDMENTS:**

**Order 219-17/18 (Tab 19) Amendment to Portland City Code Chapter 2 Re: Term Limit Removed for Board of Harbor Commissioners - Sponsored by the Legislative/Nominating Committee – Sponsored by Pious Ali, Chair.**

The Legislative /Nominating Committee met on April 23, 2018 and voted unanimously to forward this item to the City Council with a recommendation for passage.

The Harbor Commission consists of five representatives charged with the responsibility of regulating navigation and commerce within Portland Harbor. The Commission's authority results from various private and special laws passed by the Maine Legislature.

Under the statutes, the Harbor Commission issues permits for creating or maintaining any structure or obstruction in any of the navigable waters of Portland Harbor. Therefore, they regulate wharfs and piers, decks, moorings, slips and other similar structures. They also appoint and license the pilots that operate in the harbor and set the fees the pilots may charge for those services. The rules imposed by the Commission are generally enforced by the Harbor Master.

Currently the Commission includes two members appointed by the City of Portland, two members by the City of South Portland and one member appointed by the Governor. Under the statute that created the Commission, Commissioners are to serve for 3-year terms. There is no limit in the statute on the number of terms a particular commissioner may serve. There are no term limits in South Portland nor is the Governor's nominee subject to term limits. By virtue of Section 2-33 of Portland's City Code, the Portland nominee is limited to three years (3) consecutive full terms or nine years whichever comes first.

In order to promote consistency in term eligibility and because the Board's work is highly technical, the Committee concluded that limiting Portland's representatives on the Board to 3 terms is not in the best interests of the safety and viability of the Harbor. It therefore recommended that the Code be amended to remove the Harbor Commission from the list of City boards and commissions subject to the limitation contained in Section 2-33.

This item must be read on two separate days. This is its first reading.

**Order 220-17/18  
(Tab 20)**

**Amendment to Portland City Code Chapters 2 and 15 RE: Ending Collection of Past Due Personal Property Tax from Subsequent Property Owners – Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.**

This action seeks to amend the Portland City Code in order to rectify situations wherein an applicant is unable to obtain a permit or license from the City as a result of overdue personal and/or real property taxes owed by someone other than the applicant.

Without this amendment, leaseholders and property owners have discovered that unless the past due debts/amounts owed by other individuals are paid, they will not be able to receive a permit or license from the City. While this

has allowed the City to collect on past due amounts, the payments have often come as a surprise to property owners or lease holders who have vocally objected to paying the debts of others as unfair.

The City Manager and his staff agree that requiring such payments is not in the best interest of the City and is therefore hereby requesting that the Portland City Code be amended to allow him discretion to address these issues as they arise.

This item must be read on two separate days. This is its first reading.

**Order 221-17/18  
(Tab 21)**

**Amendment to Portland City Code Chapter 14 Adding a New Section 14-140.5 (Munjoy Hill Conservation Overlay District) Replacing the Existing Section 14-140.5 (Munjoy Hill Interim Planning Overlay District) - Sponsored by the Planning Board, Sean Dundon, Chair.**

The Planning Board met on May 8, 2018 and voted unanimously (7-0) to forward this item to the City Council with a recommendation for passage.

Following six months of stakeholder meetings, including two public listening sessions, the Planning Board is recommending creation of a new overlay district to regulate development in the R-6 zone on Munjoy Hill. These amendments would create additional dimensional standards for development; add requirements regulating design of items such as roof lines and parking location; and add a demolition review process that would temporarily stay removal of buildings that meet standards for being 'preferably preserved.' These ordinance changes are designed to ensure that new development and redevelopment on Munjoy Hill is compatible with the existing built form in the area.

This item must be read on two separate days. This is its first reading.

**Order 222-17/18  
(Tab 22)**

**Amendment to Portland City Code Chapter 14 Re: Additions to Existing Buildings - Sponsored by the Planning Board, Sean Dundon, Chair.**

The Planning Board met on May 8, 2018 and voted unanimously (7-0) to forward this item to the City Council with a recommendation for passage.

These amendments would simplify and modernize the requirements for additions to non-conforming structures in the City in order to better accommodate owners' desire to put limited additions on these structures. A non-conforming structure would be allowed to add a one-time, one-story addition onto a non-conforming section, provided that any addition does not otherwise increase the non-conformity of the building.

These amendments came out of the Munjoy Hill outreach process based on the concern that the existing language made it difficult to add on to existing homes, and therefore encouraged demolition over renovation.

This item must be read on two separate days. This is its first reading.

**Order 223-17/18  
(Tab 23)**

**Amendment to Zoning Map Re: Munjoy Hill Neighborhood  
Conservation Overlay District – Sponsored by the Planning Board,  
Sean Dundon, Chair.**

The Planning Board met on May 8, 2018 and voted unanimously (7-0) to forward this item to the City Council with a recommendation for passage. This item must be read on two separate days. This is its first reading.

This is a companion order to Order 221-17/18 and Order 222-17/18 above. It would replace the Munjoy Hill Interim Planning Overlay District with a new Overlay Zone.

This item must be read on two separate days. This is its first reading.