

AGENDA

SPECIAL CITY COUNCIL MEETING

MAY 14, 2018

1. Special City Council Meeting Agenda Only

Documents:

[SPECIAL CITY COUNCIL MEETING AGENDA 2018-05-14.PDF](#)

2. Special City Council Meeting Agenda And Packet

Documents:

[SPECIAL CITY COUNCIL MEETING AGENDA AND PACKET 2018-05-14.PDF](#)

3. Addendum - FY19 FC Yellow Book

Documents:

[FY19 FC YELLOW BOOK \(05-11-18\).PDF](#)

The Planning Board met on April 17, 2018 and voted unanimously 6-0 (Silk recused) to forward this item to the City Council with a recommendation for passage.

The R-3 Residential zone is predominantly characterized by single-family neighborhoods, with limited neighborhood-serving institutions such as schools, places of assembly, markets, municipal uses, medical offices or hospitals and care facilities. These institutional uses are permitted on a conditional basis within the R-3. As neighborhood demographics and community needs shift, the need for such institutional uses becomes less apparent, or redundant.

The challenge inherent with these existing non-residential sites is that they are of a scale out of context with their adjoining neighborhoods, with significant available parking, utility infrastructure and building square footage. While these sites are suited for redevelopment to other institutional uses permitted under the R-3, there is limited demand for such uses and thus it is difficult to redevelop. In general, these institutional sites are well-suited to multi-family housing conversion, that use is prohibited within the R-3. Conversion of these facilities for housing is permitted in the R-5, but not in the R-3 zone.

Developers Collaborative Redevelopment, LLC, property owner of the former Reed School site, has requested a text amendment to the R-3 Residential zone to conditionally permit alteration of existing non-residential buildings in existence as of January 1, 1984 for multi-family residential uses. The text is based largely upon the similar conditional use language contained in the R-5 Residential zone and would be subject to both general and zone specific conditional use standards, as well as increased oversight by either the Planning Board or Zoning Board of Appeals. The zone specific conditional use standards being proposed restrict the location of outside stairways and fire escapes, the placement of residential units within a given structure, residential unit density by means of a minimum lot area per dwelling unit requirement, placement and quantity of off-street parking, design, scale and contextuality of new additions, site configuration and screening of site features. Based upon discussions with the Planning Board, the minimum unit size standard found within the comparable R-5 conditional use was not carried over to the R-3 zone and is suggested for removal within the R-5.

This item must be read on two separate days. It was given a first reading on May 7, 2018. Five affirmative votes are required for passage after public comment.

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

ORDERS:

AMENDMENTS:

BUDGET ITEMS: SECOND READING AND PUBLIC COMMENT ON SCHOOL BUDGET ORDERS

Order 200-17/18 (Tab 4) 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.

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.

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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).

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**Order 202-17/18
(Tab 6)**

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.

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Order Approving Total School Operating Budget for Portland Schools for Fiscal Year 2019 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order is required by 20-A M.R.S.A. §15690(4)(A). It sets the School Budget required by state law. The total amount recommended for that budget is \$105,843,472.

That is the amount based on the budget submitted by the Portland Board of Public Education and would be sent to the voters for approval at a citywide Referendum Election on June 12, 2018. \$87,525,230 of the \$105,843,472 would come from property taxes, \$16,339,336 would come from state subsidy, and \$1,478,906 from other revenues. This amount may change as the Finance Committee will be voting on this budget on May 9, 2018.

This order does not provide money unless the other General Fund budget orders are passed.

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**Order 204-17/18
(Tab 8)**

Order Appropriating and Raising 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 Food Service Program 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 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 21st.

This item must be read on two separate days. It was given a first reading on and public hearing on May 7, 2018. Five affirmative votes are required for passage after public comment.

FIRST READING OF MUNICIPAL BUDGET ORDERS. SECOND READING AND PUBLIC COMMENT ON MUNICIPAL ORDERS WILL BE HELD ON MAY 21, 2018 AT 5:30 P.M. IN CITY COUNCIL CHAMBERS.

**Order 206-17/18
(Tab 9)**

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.

Department	Fee Description	Current Fee	Proposed Fee	Revenue Increase
City Clerk	Wedding Ceremony Package	Wedding ceremony is \$125	\$300	\$7,500
Executive	Passport processing, photos	Not offered	\$35.00; photos \$20	\$30,000
Parking	Spring and Elm Street Garages, hourly; monthly	\$2.00; \$120.00	\$3.00; \$130.00	\$380,000; \$93,000; total \$473,000
Parking	Expired and prolonged parking tickets	\$15.00; \$20.00	\$20.00; \$25.00	\$163,000
Fire Dept.	MEDCU, various; see back- up material	various	Increase of 7%	\$100,000
Planning and Urban Dev.	Application for Conditional Use, Planning Board Review	\$100	\$1,000	\$1,800
Public Works	Hauler licenses, etc.; various, see back- up material	various		\$11,400
Public Works	Street opening; various, see back- up material	various		\$23,000
Parks, Rec. & Facilities	Public Assembly Facilities administrative and permit fees, see back- up material	various		\$17,500

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 21 to coincide with consideration of the Appropriation Resolve.

**Order 207-17/18
(Tab 10)**

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. This is its first reading.

**Order 208-17/18
(Tab 11)**

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.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 21 to coincide with consideration of the Appropriation Resolve.

**Order 209-17/18
(Tab 12)**

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.

Five affirmative votes are required for passage after public comment. Staff is recommending that this item be postponed to the City Council meeting of May 21 to coincide with consideration of the Appropriation Resolve.

Order 210-17/18 (Tab 13) 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. This is its first reading.

Order 211-17/18 (Tab 14) 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.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 21 to coincide with consideration of the Appropriation Resolve.

Order 212-17/18 (Tab 15) 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.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 21 to coincide with consideration of the Appropriation Resolve.

**Order 213-17/18
(Tab 16)**

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. This is its first reading.

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

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:

Ferry Tickets, Passes, Vouchers, Loading Control		
Item A:	Middle & High School Passes	\$5,208
Item B:	College Students	\$500
Item C:	Private School Tickets	\$450
Item D:	Needs-Based Tickets	\$3,000
Item E:	Bicycle Tickets	\$500
On-Island Transportation		
Item F:	ITS ("The Taxi")	\$16,000
Item G:	Cadet Funding	\$2,067
Islanders in Need		
Item H:	PI TEA (for PIC, Heating Assistance Only)	\$4,000
Parks, Recreation, Open Space		
Item I:	PEAT Brochure	\$400
Island Services		
Item J:	Peaks Library, A/V Equipment	\$2,500
Item k:	Peaks Assisted Living Facility	\$2,000
PIC Administrative		
Item L:	Administrative	\$3,375
TOTAL (04/25/18):		\$40,000

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

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

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. This is its first reading.

**Order 216-17/18
(Tab 19)**

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. This is its first reading

RELATED ORDINANCE AMENDMENT:

**Order 217-17/18
(Tab 20)**

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:

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

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

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

Chapter 14	Description	Current Fee	Proposed Fee
<i>Sec. 14-530</i>	Development review fees and post approval requirements:		
(a)	Development Review Fees:		
(a) (4)	Site Plan Review Expenses:		
(a) (4) (b)	Level I: Site Alteration	\$200	\$600
(a) (4) (c)	Level II: Site Plan	\$400	\$800
(a) (4) (d)	Level III: Site Plan		
(a) (4) (d) (i)	Under 50,000 sf	\$750	\$2,750
(a) (4) (d) (ii)	50,000-100,000 sf	\$1,000	\$3,000
(a) (4) (d) (iii)	100,000-200,000 sf	\$2,000	\$4,000
(a) (4) (d) (iv)	200,000-300,000 sf	\$3,000	\$5,000
(a) (4) (d) (v)	Over 300,000 sf	\$5,000	\$7,000
(a) (4) (d) (vi)	Parking Lots over 100 spaces	\$1,000	\$1,600
(a) (4) (f)	After the Fact Review *excludes Additional Application Fee	\$1,000	\$2,000
(a) (4) (g)	Amendment to Site Plans		
(a) (4) (g) (i)	Planning Board Review	\$500	\$1,500
(a) (4) (i)	Fee for Development Review Services		
(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

Total revenue increase for FY19: \$26,900

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

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>	Sanitary sewer user charges		
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.:

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

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

*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:

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

All fee increases are effective July 1, 2018. This item must be read on two separate days. This is its first reading.

APPROPRIATION RESOLVE:

Order 218-17/18 (Tab 21) 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 **\$194,362,898**. In addition it contains the Portland Board of Education's recommended budget for FY2019 for school purposes in the amount of **\$110,578,716**

The Portland Board of Education's recommended School Budget and the City Manager'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. This is its first reading.

The Planning Board met on April 17, 2018 and voted unanimously 6-0 (Silk recused) to forward this item to the City Council with a recommendation for passage.

The R-3 Residential zone is predominantly characterized by single-family neighborhoods, with limited neighborhood-serving institutions such as schools, places of assembly, markets, municipal uses, medical offices or hospitals and care facilities. These institutional uses are permitted on a conditional basis within the R-3. As neighborhood demographics and community needs shift, the need for such institutional uses becomes less apparent, or redundant.

The challenge inherent with these existing non-residential sites is that they are of a scale out of context with their adjoining neighborhoods, with significant available parking, utility infrastructure and building square footage. While these sites are suited for redevelopment to other institutional uses permitted under the R-3, there is limited demand for such uses and thus it is difficult to redevelop. In general, these institutional sites are well-suited to multi-family housing conversion, that use is prohibited within the R-3. Conversion of these facilities for housing is permitted in the R-5, but not in the R-3 zone.

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(Tab 8)**

Order Appropriating and Raising 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 Food Service Program 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 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 21st.

This item must be read on two separate days. It was given a first reading on and public hearing on May 7, 2018. Five affirmative votes are required for passage after public comment.

FIRST READING OF MUNICIPAL BUDGET ORDERS. SECOND READING AND PUBLIC COMMENT ON MUNICIPAL ORDERS WILL BE HELD ON MAY 21, 2018 AT 5:30 P.M. IN CITY COUNCIL CHAMBERS.

**Order 206-17/18
(Tab 9)**

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.

Department	Fee Description	Current Fee	Proposed Fee	Revenue Increase
City Clerk	Wedding Ceremony Package	Wedding ceremony is \$125	\$300	\$7,500
Executive	Passport processing, photos	Not offered	\$35.00; photos \$20	\$30,000
Parking	Spring and Elm Street Garages, hourly; monthly	\$2.00; \$120.00	\$3.00; \$130.00	\$380,000; \$93,000; total \$473,000
Parking	Expired and prolonged parking tickets	\$15.00; \$20.00	\$20.00; \$25.00	\$163,000
Fire Dept.	MEDCU, various; see back- up material	various	Increase of 7%	\$100,000
Planning and Urban Dev.	Application for Conditional Use, Planning Board Review	\$100	\$1,000	\$1,800
Public Works	Hauler licenses, etc.; various, see back- up material	various		\$11,400
Public Works	Street opening; various, see back- up material	various		\$23,000
Parks, Rec. & Facilities	Public Assembly Facilities administrative and permit fees, see back- up material	various		\$17,500

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 21 to coincide with consideration of the Appropriation Resolve.

**Order 207-17/18
(Tab 10)**

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. This is its first reading.

**Order 208-17/18
(Tab 11)**

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.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 21 to coincide with consideration of the Appropriation Resolve.

**Order 209-17/18
(Tab 12)**

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.

Five affirmative votes are required for passage after public comment. Staff is recommending that this item be postponed to the City Council meeting of May 21 to coincide with consideration of the Appropriation Resolve.

Order 210-17/18 (Tab 13) 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. This is its first reading.

Order 211-17/18 (Tab 14) 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.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 21 to coincide with consideration of the Appropriation Resolve.

Order 212-17/18 (Tab 15) 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.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 21 to coincide with consideration of the Appropriation Resolve.

**Order 213-17/18
(Tab 16)**

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. This is its first reading.

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

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:

Ferry Tickets, Passes, Vouchers, Loading Control		
Item A:	Middle & High School Passes	\$5,208
Item B:	College Students	\$500
Item C:	Private School Tickets	\$450
Item D:	Needs-Based Tickets	\$3,000
Item E:	Bicycle Tickets	\$500
On-Island Transportation		
Item F:	ITS ("The Taxi")	\$16,000
Item G:	Cadet Funding	\$2,067
Islanders in Need		
Item H:	PI TEA (for PIC, Heating Assistance Only)	\$4,000
Parks, Recreation, Open Space		
Item I:	PEAT Brochure	\$400
Island Services		
Item J:	Peaks Library, A/V Equipment	\$2,500
Item k:	Peaks Assisted Living Facility	\$2,000
PIC Administrative		
Item L:	Administrative	\$3,375
TOTAL (04/25/18):		\$40,000

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

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

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. This is its first reading.

**Order 216-17/18
(Tab 19)**

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. This is its first reading

RELATED ORDINANCE AMENDMENT:

**Order 217-17/18
(Tab 20)**

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:

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

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

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

Chapter 14	Description	Current Fee	Proposed Fee
<i>Sec. 14-530</i>	Development review fees and post approval requirements:		
(a)	Development Review Fees:		
(a) (4)	Site Plan Review Expenses:		
(a) (4) (b)	Level I: Site Alteration	\$200	\$600
(a) (4) (c)	Level II: Site Plan	\$400	\$800
(a) (4) (d)	Level III: Site Plan		
(a) (4) (d) (i)	Under 50,000 sf	\$750	\$2,750
(a) (4) (d) (ii)	50,000-100,000 sf	\$1,000	\$3,000
(a) (4) (d) (iii)	100,000-200,000 sf	\$2,000	\$4,000
(a) (4) (d) (iv)	200,000-300,000 sf	\$3,000	\$5,000
(a) (4) (d) (v)	Over 300,000 sf	\$5,000	\$7,000
(a) (4) (d) (vi)	Parking Lots over 100 spaces	\$1,000	\$1,600
(a) (4) (f)	After the Fact Review *excludes Additional Application Fee	\$1,000	\$2,000
(a) (4) (g)	Amendment to Site Plans		
(a) (4) (g) (i)	Planning Board Review	\$500	\$1,500
(a) (4) (i)	Fee for Development Review Services		
(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

Total revenue increase for FY19: \$26,900

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

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>	Sanitary sewer user charges		
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.:

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

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

*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:

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

All fee increases are effective July 1, 2018. This item must be read on two separate days. This is its first reading.

APPROPRIATION RESOLVE:

Order 218-17/18 (Tab 21) 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 **\$194,362,898**. In addition it contains the Portland Board of Education's recommended budget for FY2019 for school purposes in the amount of **\$110,578,716**

The Portland Board of Education's recommended School Budget and the City Manager'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. This is its first reading.

Tab 1 5-14-18

IN COUNCIL REGULAR MEETING MAY 7, 2018 VOL.133 PAGE 208

ROLL CALL: Mayor Strimling called the meeting to order at 5:30 P.M. (Councilor Duson arrived during Proclamation 31.)

ANNOUNCEMENTS:

RECOGNITIONS:

Arts in the Chamber, Pihcintu Multicultural Choir Group

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Ray and seconded by Councilor Thibodeau to approve the April 18, 2018 Draft Regular City Council Meeting Minutes. Passage 8-0.

PROCLAMATIONS:

Proc 31-17/18 Proclamation Declaring May 19, 2018 Kids to Park Day – Sponsored by Mayor Ethan K. Strimling,

Proc 32-17/18 Proclamation Honoring Ryan Luce, Health and Human Services Department, Barron Center, as Employee of the Month for April 2018 – Sponsored by Mayor Ethan K. Strimling.

Proc 33-17/18 Proclamation Recognizing Pihcintu Multicultural Choir Group – Sponsored by Councilor Pious Ali.

Proc 34-17/18 Proclamation Declaring May 2018 Revive Civility Month – Sponsored by Mayor Ethan Strimling, Councilor Pious Ali, Councilor Jill C. Duson, Councilor Kimberly Cook, Councilor Belinda Ray, Councilor Spencer Thibodeau, Councilor Nicholas M. Mavodones, Jr., and Councilor Justin Costa.

APPOINTMENTS:

CONSENT ITEMS:

LICENSES:

BUDGET ITEMS:

Motion was made by Councilor Mavodones and seconded by Councilor Batson to allow second public comment on the School Budget at the May 14, 2018 City Council meeting. Passage 9-0.

MAYOR STRIMILING WILL MAKE HIS REMARKS ON THE FY19 MUNICIPAL BUDGET.

PUBLIC COMMENT WILL BE TAKEN AT THIS COUNCIL MEETING ON ALL SCHOOL BUDGET ORDERS. ACTION ON THE SCHOOL BUDGET ORDERS WILL TAKE PLACE ON MAY 14, 2018 AT 5:30 P.M.

Order 200-17/18 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.

This is its first reading.

Order 201-17/18 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.

This is its first reading.

Order 202-17/18 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 is its first reading.

Order 203-17/18 Order Approving Total School Operating Budget for Portland Schools for Fiscal Year 2019 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is its first reading.

Order 204-17/18 Order Appropriating and Raising 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 is its first reading.

COMMUNICATIONS:

RESOLUTIONS:

IN COUNCIL REGULAR MEETING MAY 7, 2018 VOL.133 PAGE 210

UNFINISHED BUSINESS:

Order 198-17/18 Traffic Schedule Amendment Re: Section of Fore Street to Two-Hour Parking – Sponsored by Jon P. Jennings, City Manager.

It was given a first reading on April 18, 2018.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau for passage. Passage 8-0 (Ali out).

Order 199-17/18 Order Approving the Collective Bargaining Agreement with the (AFSCME) Local 481-07 Supervisors – Sponsored by Jon P. Jennings, City Manager.

It was given a first reading on April 18, 2018.

Motion was made by Councilor Batson and seconded by Councilor Thibodeau for passage. Passage 9-0.

ORDERS:

AMENDMENTS:

Order 205-17/18 Amendment to Portland City Code Chapter 14 Re: Conditional Uses in the R-3 and R-5 Zones – Sponsored by the Planning Board, Sean Dundon, Chair.

This is its first reading.

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

Motion was made by Councilor Batson and seconded by Councilor Costa to adjourn. Passage 9-0, 8:30 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

Proc 35-1718
Tab 2 5-14-18

PROCLAMATION

HONORING OFFICER SARA CLUKEY

WHEREAS, **Officer Clukey** joined the Portland Police Department in July of 2012. She graduated from Husson University with a Bachelor's in Criminal Justice and is currently pursuing a masters in Justice Studies, and

WHEREAS, **Officer Clukey** is certified as a Drug Recognition Expert and is often viewed as a "go-to" officer for her beat. She is trusted to balance initiative with restraint and executes street-level investigations with thoroughness and tact, and

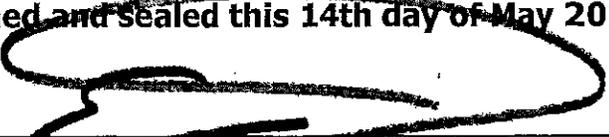
WHEREAS, **Officer Clukey** recently worked on an armed robbery case at a Big Apple. Her diligent written report and follow up, assisted in the ultimate identification, arrest and confession of the suspect, and

WHEREAS, **Officer Clukey** familiarizes herself with the community members in her beat and is proactive in initiating enforcement actions. Officer Clukey recently obtained confessions under Miranda from two car burglaries, and

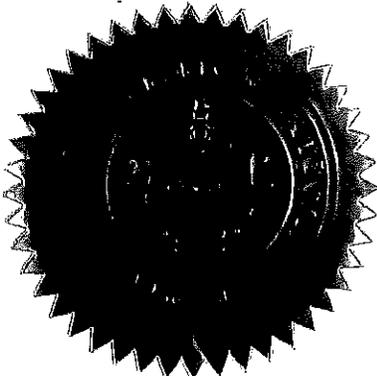
WHEREAS, **Officer Clukey** is commended for her exemplary performance and clear commitment to a higher standard of public service and public safety.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Ethan K. Strimling, Mayor of the City of Portland, Maine, and the members of the Portland City Council do hereby proclaim honor and recognition to **Officer Sara Clukey as **Officer of the Month for March 2018.****

Signed and Sealed this 14th day of May 2018



Ethan K. Strimling, Mayor
City of Portland, Maine



Order 205-17/18
~~Tab 13~~ 5-7-18
Tab 3 5-14-18

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**AMENDMENT TO PORTLAND
CITY CODE CHAPTER 14
Re: Conditional Uses in the R-3 and
R-5 Zones**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
PORTLAND, MAINE IN CITY COUNCIL ASSEMBLED AS
FOLLOWS:**

*That Chapter 14, Section 14-88 and Section
14-118 are hereby amended as follows:*

Sec. 14-88. Conditional Uses.

The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) and any special provisions, standards or requirements specified below:

(a) Residential:

(1) . . .

(3) Alteration of a structure existing and not in residential use as of January 1, 1984, to three (3) or more dwelling units, provided that:

- a. No open outside stairways or fire escapes above the ground floor shall be constructed or have been constructed in the immediately preceding five (5) years;
- b. A lower level dwelling unit shall have a minimum of one-half of its floor-to-ceiling height above the average adjoining ground level;
- c. Three thousand (3,000) square feet of land area per dwelling unit shall be required;

e. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:

1. Any addition or exterior alterations such as façade materials, building form, and roof pitch shall be designed to be compatible with the architectural style of the structure and, subject to the dimensional requirements of this zone, shall be limited to a gross floor area equal to or less than 25% of the total existing floor area as of [insert date of adoption].

2. The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets.

...

Sec. 14-118. Conditional uses.

The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) and any special provisions, standards or requirements specified below:

(a) Residential:

1. Reserved.

...

3. Alteration of a structure existing and not in residential use as of January 1, 1984, to three (3) or more dwelling units, provided that:

a. ~~No dwelling unit shall have less than six-hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;~~

...

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Jeff Levine, Director, Planning and Urban Development

DATE: April 26, 2018

SUBJECT: Text Amendments to Division 4 and 6. R-3 and R-5 Residential Zones

SPONSOR: Sean Dundon, Chair, Portland Planning Board

- Planning Board- 4/17/18 - Unanimous Recommendation to Adopt Amendments, Vote: 6-0. Silk recused.

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading May 7, 2018 Final Action May 14, 2018

Can action be taken at a later date: Yes No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

Sean Dundon, Chair, Planning Board, and Tuck O'Brien, City Planning Director. Summary of Board's recommendation. Combined 5 to 10 minutes.

I. ONE SENTENCE SUMMARY

To promote the adaptive reuse of existing non-residential buildings located within the R-3 and R-5 Residential zones, the Planning Board recommends Division 4 and Division 6 text amendments to permit the alteration of existing non-residential buildings in existence as of January 1, 1984 for multi-family residential uses as a conditional use, subject to the conditional use standards and review oversight by either the Zoning Board of Appeals or Planning Board.

II. AGENDA DESCRIPTION

The R-3 Residential zone is predominantly characterized by single-family neighborhoods, with limited neighborhood-serving institutions such as schools, places of assembly, markets, municipal uses, medical offices or hospitals and care facilities. These institutional uses are permitted on a conditional basis within the R-3. As neighborhood demographics and community needs shift, the need for such institutional uses becomes less apparent, or redundant.

The challenge inherent with these existing non-residential sites is that they are of a scale out of context with their adjoining neighborhoods, with significant available parking, utility infrastructure and building square footage. While these sites are suited for redevelopment to other institutional uses permitted under the R-3, there is limited demand for such uses and

thus it is difficult to redevelop. In general, these institutional sites are well-suited to multi-family housing conversion, that use is prohibited within the R-3. Conversion of these facilities for housing is permitted in the R-5, but not in the R-3 zone.

Developers Collaborative Redevelopment, LLC, property owner of the former Reed School site, has requested a text amendment to the R-3 Residential zone to conditionally permit alteration of existing non-residential buildings in existence as of January 1, 1984 for multi-family residential uses. The text is based largely upon the similar conditional use language contained in the R-5 Residential zone and would be subject to both general and zone specific conditional use standards, as well as increased oversight by either the Planning Board or Zoning Board of Appeals. The zone specific conditional use standards being proposed restrict the location of outside stairways and fire escapes, the placement of residential units within a given structure, residential unit density by means of a minimum lot area per dwelling unit requirement, placement and quantity of off-street parking, design, scale and contextuality of new additions, site configuration and screening of site features. Based upon discussions with the Planning Board, the minimum unit size standard found within the comparable R-5 conditional use was not carried over to the R-3 zone and is suggested for removal within the R-5.

III. BACKGROUND

The Reed School Re-Use Advisory Task Force was created in September, 2014 to make recommendations on process and future uses to insure a sensitive and contextual re-purposing of the Reed School property, located at 19 Libby Street in the Riverton neighborhood. In 2015, the task force recommended that the property should be rezoned from R-3 to R-5, and an RFQ was issued soliciting redevelopment proposals. Responses to this RFQ included two proposals for senior housing at the relatively higher densities of 40 or more units, and public sentiment was opposed to this increase in density.

Following the initial RFQ, an RFP was issued to solicit new proposals, out of which process Developers Collaborative was chosen. In June of 2017, Developers Collaborative entered into an agreement with the City to purchase the Reed School property and are proposing a two-phased project. The first phase involves repurposing the single-story portion of the building for Children's Oddysey Academy, a special needs private school, as well as demolition of a steel shed, expansion of on-site parking, installation of new stormwater infrastructure and construction of a playground. The proposed text amendment is in support of the second phase, in which the original three-story portion of the school would be renovated to accommodate eight (8) residential units, not allowable under the R-3.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

Implement policies to increase the supply of safe, location-efficient, affordable and accessible housing.

V. FINANCIAL IMPACT

The proposed amendments will help facilitate the redevelopment of existing non-residential structures located within the R-3 that at present have limited redevelopment potential. Where applied, these text amendments will draw investment to the city's neighborhoods.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

A. Planning Board Workshop and Public Hearing

The Planning Board held a workshop on February 27th and requested that Planning staff provide additional information on the location and characteristics of other properties eligible for redevelopment under these amendments. At the workshop, the issue of appropriate density was discussed and members of the Board raised the possibility of limiting building additions as a means of managing unit density. The Board also recommended removal of the minimum unit size standard from both the proposed amendment to the R-3 and from the existing standard for the R-5.

Following the workshop, staff compiled a list of eligible properties and prepared a map showing the location of those properties based upon land use. The proposed language was then amended to limit new additions to 25% of the total existing floor area, providing developers with some flexibility while limiting significant new building expansions.

The Planning Board held a public hearing on April 17th on the proposed amendments and unanimously recommended (6-0, Silk recused) the amendments to the Council, expressing their support for the amendments. Clarifying questions regarding the term "addition" were asked, and staff reaffirmed that the conditional use applies only to existing buildings, and that an addition would be limited to an attached expansion of that structure. The building addition standard was also slightly modified by the Board so that an addition would need to be complementary to the existing building, and not compatible as it is written in the R-5 conditional use standard.

B. Comprehensive Plan Analysis

While it is difficult to summarize eligible properties, given their extensive variations in character and location, this text amendment would support the City's goal to encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods. In looking at the list of eligible properties, it is apparent that nearly all such properties are well situated to take advantage of Portland's amenities and services as these sites were largely community serving institutions. The Reed School for example is in many ways an anchor of the Riverton neighborhood, and other eligible properties share similar characteristics. A number of these facilities are underutilized or vacant and are inherently difficult to redevelop given the limited demand for new neighborhood institutional uses. Allowing for the redevelopment of these properties for multi-family residential uses provides higher density housing within neighborhood nodes and corridors in a sustainable and cost-effective manner, cognizant of the benefits of infill development.

And while existing properties eligible for redevelopment are not all considered to be of historic significance, this text amendment provides the impetus to achieve another of the city's goals located within the Historic Resources section, which is to stabilize and enhance historic areas of the City by ensuring quality investment in existing structures and compatible infill development. These buildings, regardless of their status as being historically significant, are an integral part of the city's urban fabric. Current regulatory mechanisms limit the evolution of such structures to adapt to changing community needs, which include quality and affordable multi-family housing. These amendments would provide relief to developers and facilitate the adaptive reuse of currently underutilized sites.

VII. PLANNING BOARD RECOMMENDATION

On April 17, 2018, the Planning Board voted unanimously (6-0, Silk recused) to find the proposed text amendments consistent with the Comprehensive Plan and to recommend the ordinance amendment for adoption by the City Council.

VIII. LIST ATTACHMENTS

Planning Board Report to City Council
Public Comment

Prepared by: Matthew Grooms, Planner

Date: April 26, 2018



PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE

Division 4 and Division 6. R-3 and R-5 Residential Zones Text Amendment
Developers Collaborative Redevelopment, LLC, Applicant

Submitted to: Portland City Council from the Planning Board Public Hearing Date: May 14, 2018	Prepared by: Matthew Grooms, Planner Date: April 26, 2018
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I. INTRODUCTION

Based upon existing conditional use language found within the R-5 Residential Zone, Developers Collaborative Redevelopment, LLC is proposing a text amendment to the R-3 Residential Zone in support of a multi-family housing project being considered for the historic Reed School property located at 19 Libby Street in the Riverton neighborhood. The proposed amendment would permit the alteration of structures existing and not in residential use as of January 1, 1984, to be adaptively reused for residential uses. Zone specific conditional use standards being proposed restrict new building additions and include standards related to site design, screening of site features, allowable locations for residential units, parking standards and residential unit density. The City, in working with the applicant, is also proposing removal of a minimum unit size standard from the comparable R-5 conditional use, based upon Planning Board feedback. In its Public Hearing on April 17th, the Planning Board voted unanimously to recommend to City Council the adoption of the proposed changes to Divisions 4 and 6, the R-3 and R-5 Residential zones.

Applicant: Developers Collaborative Redevelopment, LLC
Consultants: Pinkham and Greer, Archetype Architects, Cito Selinger, Curtis Thaxter

II. BACKGROUND

The Reed School Re-Use Advisory Task Force was created in September of 2014 to make recommendations on process and future uses to insure a sensitive and contextual re-purposing of the property. The Task Force membership consisted of neighborhood representatives and members representing a diversity of professional and organizational perspectives, including District 5 Counselor David Brenerman and former District 5 Counselor John Coyne as co-chairs, representatives from the Planning



Figure 1: Project Site with Zoning Context



Figure 2: 1926 building at right with 1950 portion connected at left

Board, Portland Society for Architecture, GPCOG, Greater Portland Landmarks, Portland Trails, the Parks Commission, the State Representative for District #116, and a Workforce Housing specialist.

The Reed School property has been a distinct presence in the Riverton neighborhood since its inception in 1926, when it served as the area elementary school. In later years it served as the central kitchen and a warehouse for the Portland Public Schools. The property area is approximately 2.5 acres, a substantial portion of which is open space. The building consists of the original, 1926 structure (14,651 square feet), a 1950 addition (16,641 SF) that eventually came to house the commercial kitchen facilities, and a garage/loading area built in 1981 (2,400 SF). On June 24, 2014 the Portland Public Schools voted to authorize closing of the former Reed School and transfer of the school and grounds to the City of Portland, notifying the City Manager in a letter dated July 8, 2014. The building sits largely empty now, though there is serves as residual storage space, and as a space for periodic training space for the Fire Department, and the open space on the property remains a frequently used and valued amenity.

The Task Force met five times between November 2014 and June 2015 before submitting a final report (Attachment 1) to the Housing and Community Development Committee in July 2015. One of the key recommendations, as an outgrowth of the public input and Task Force deliberation, was to rezone the property from R-3 to R-5, as well as a text amendment to allow artist live/work space in the R-5 zone. This proposal went before the Planning Board in September of 2015 as a workshop item, and an RFQ was issued soliciting redevelopment proposals in line with the findings of the Advisory Committee's final report. Both responses to the RFQ included senior housing at the relatively higher densities of 40 or more units. Public comment was generally opposed to the increase in density being considered for this site, and as a result, the city sponsored text amendment did not move forward to a hearing.

Following the initial RFQ, an RFP was issued to solicit new proposals, out of which process Developers Collaborative was chosen. In June of 2017, Developers Collaborative Predevelopment, LLC entered into an agreement with the City to purchase the Reed School property and are proposing a two-phased project to redevelop the site as both a private school to be occupied by Children's Odyssey School, a special needs private school currently located at 110 Davis Farm Road, and multi-family housing with eight market rate apartments.

The first phase of this development, the Children's Odyssey School, was submitted as a Level I Site Alteration in October of 2017, and features redevelopment of the 1950 building addition to accommodate eight classrooms, administrative space, a kitchen, and internal play area. The 1981 addition is being demolished, and off-street parking for 75 vehicles is being provided. Other site improvements include site landscaping, development of an on-site stormwater management system, and construction of a playground. This project was approved administratively with



Figure 3: Project site with building additions identified by year constructed

conditions (tied largely to pedestrian improvements along Homestead Avenue) in January of 2018 (Attachment 2).

The proposed text amendment is in support of Phase II of this project, which features adaptive reuse of the 1926 building to house eight residential units. Parking for these units was accounted for with

the Phase I project, and the Phase II project will include limited site work, confined to the property's frontage along Homestead Avenue. Under the R-3 Residential Zone, multi-family housing is only permitted as a Planned Residential Unit Development (PRUD), which is defined as horizontally attached dwelling units or a series of such dwelling units. As a result, the proposed text amendments are necessary to redevelop this site to include multi-family housing.

III. PLANNING BOARD RECOMMENDATION AND DISCUSSION

A. Recommendation

On April 19, 2018, the Planning Board voted unanimously (6-0, Silk recused) to recommend the proposed Division 4 and 6 amendments to City Council for adoption.

B. Board Discussion

The Planning Board held a workshop and public hearing on the proposed text amendments and expressed support for the concept of adaptively reusing non-residential building for multi-family residential uses. At the workshop, staff and the applicant were directed to provide additional information regarding other impacted properties, the appropriateness of the proposed density standard and the possibility of including a standard to limit new building additions. Additionally, it was determined that the minimum unit size standard should be removed from the proposal, and then struck from the comparable R-5 conditional use. Following the workshop, the staff compiled a list of all eligible properties and prepared a map showing those properties based upon land use. Using this information, it was determined that the proposed lot

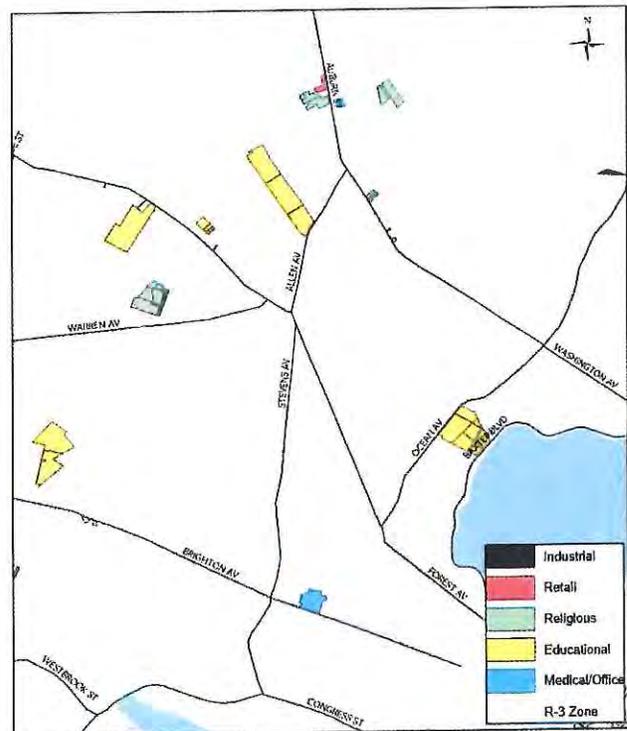


Figure 4: Location of all non-residential properties in R-3 zone

area per dwelling unit requirement of 3,000 square feet, identical to the density restriction for the comparable R-5 conditional use, was appropriate, as eligible R-3 properties shared more in common with non-residential properties found in other zones, including the R-5 zone, than the permitted uses located within the R-3. Finally, the staff revised the building addition standard, to limit the size of new additions to 25% of the total existing floor area, so as to provide developers with some flexibility while significantly restricting new expansions. The revised amendments were then taken back to the Planning Board for a public hearing. In that meeting, members of the Board asked for clarification regarding the term ‘addition’ where the staff reaffirmed that the term applied only to attached new expansions, and that stand alone new structures would not be permitted as the conditional use relates only to re-use of existing buildings. Also in regards to building additions, the Board asked that the phrase “compatible with the existing structure” be changed to “complementary with the existing structure”, which is now being suggested.

IV. PROPOSED TEXT AMENDMENT

As described under Division 4, R-3 Residential Zone, the purpose of the R-3 residential zone is to provide for medium-density residential development characterized by single-family homes on individual lots and planned residential unit developments on substantially sized parcels. In other zoning districts, notably within the R-5 Residential district, there is a conditional use standard which enables existing structures previously used for non-residential purposes to be redeveloped to accommodate residential uses. Across the city, there are a variety of buildings that were initially developed to house commercial, industrial and institutional uses, that are no longer needed to serve those roles. These buildings already exist within Portland’s built environment, and oftentimes feature supporting infrastructure capable of handling higher intensity uses than single-family residential dwellings. For example, these sites may contain substantial off-street parking, driveways built to city standards for two-way access, and existing in-place utility connections suited to larger-scale residential developments. As reflected in the public comment included within the Reed School Re-Use Advisory Task Force Final Report, these buildings are vital to the identity and character of Portland’s neighborhoods and are worth saving through adaptive reuse.

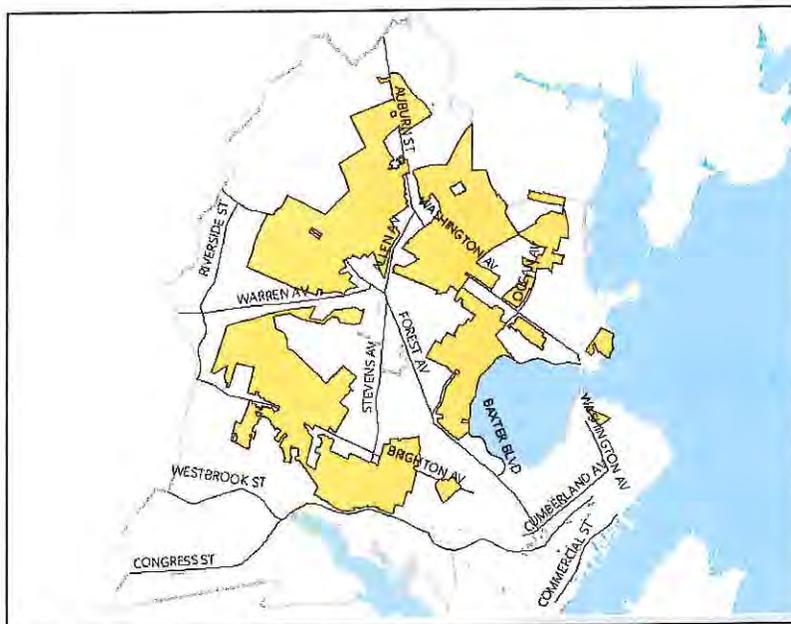


Figure 5: Location of R-3 Zones

The proposed amendment takes existing language from the R-5 Residential Zone, listed under Section 14-118(a).3. and adds this language to the conditional use section for the R-3 under Section 14-88. Under this proposed amendment, the standard related to minimum unit size as contained within the R-5 conditional use, would be removed. Otherwise, these standards limit redevelopment by setting a maximum unit density, delineating unit locations (predominantly above grade), and restricting outward redevelopment of a building to be generally compatible with the existing structure and surrounding neighborhood. This last standard, related to building additions, has been modified based upon Planning Board feedback, to ensure that an addition takes into account neighborhood context, and further limits the size of the addition to 25% of the existing gross total floor area. The rationale for this change, is to prevent a developer from significantly expanding an existing non-residential structure to accommodate additional dwelling units.

The proposed amendment is as follows. Note, the text that has been struck through denotes text to be removed

from both the R-3 and R-5, and the text in red denotes text that is not currently found within the R-5 conditional use standard that has been added to address board and public concerns regarding density and project contextuality. This text is to be added to only the R-3 zone.

3. Alteration of a structure existing and not in residential use as of January 1, 1984, to three (3) or more dwelling units, provided that:

- a. No dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;
- b. No open outside stairways or fire escapes above the ground floor shall be constructed or have been constructed in the immediately preceding five (5) years;
- c. A lower level dwelling unit shall have a minimum of one-half of its floor-to-ceiling height above the average adjoining ground level;
- d. Three thousand (3,000) square feet of land area per dwelling unit shall be required;
- e. On-site parking shall be required as specified in division 20 (off-street parking) of this article, for the combined uses of the site;
- f. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:
 1. Any addition or exterior alterations such as facade materials, building form, and roof pitch shall be designed to be complementary with the architectural style of the structure and shall be limited to a gross floor area equal to or less than 25% of the total existing floor area as of [insert date of adoption];
 2. The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets.

IV. ZONING ANALYSIS

A. Conditional Use Discussion

The 2015 proposal that was brought to the Planning Board involved a map amendment to rezone the Reed School property to R-5 Residential, which would have expanded the list of allowable uses, reduced dimensional restrictions and permitted increased residential density. The approach taken by Developers Collaborative is to amend the R-3 text to allow for adaptive reuse of existing buildings not originally intended for residential use, a simpler more streamlined solution catered to such properties throughout the R-3 zone, which under current zoning, are limited in terms of redevelopment potential. For example, permitted uses within the R-3 consist of single-family residential, PRUD style multi-family residential developments, parks and municipal uses. Conditional uses meanwhile consist of group homes, schools, places of assembly, hospitals, and both long-term and intermediate care facilities.

Within the City of Portland, it is well-recognized that the demand for housing is increasing. The conditional use language being proposed offers an alternative option for redevelopment of vacant or underutilized properties within this zone and furthers the City's goal of increasing housing opportunities within appropriate locations. Perhaps most

importantly, the amendment features greater oversight than would an amendment to permit multi-family housing explicitly.

The challenge inherent with the Reed School property and others like it is that it is entirely surrounded by relatively low-density single-family housing, and that the building itself was designed to accommodate more intense uses serving the neighborhood than permitted elsewhere within the vicinity. For example, Reed School is situated with frontage on two local streets of limited traffic volume. Along Homestead Avenue, sidewalks are in substandard condition and there are no public sidewalks along Libby Street. Institutional uses permitted within the R-3 are designated as conditional uses which are held to a variety of additional standards, listed as either zone specific standards which for the R-3 can be found under 14-88, or as general standards, listed under 14-474. A conditional use is reviewed as a separate application by either the Planning Board or the Zoning Board of Appeals.

The conditional use standards are varied depending upon the proposed use. For example, the proposed text amendment constitutes the zone specific conditional use standards for the alteration of a structure previously not in residential use for multi-family residential use. The general standards for all conditional uses (14-474), are intended to limit negative externalities and ensure contextuality with surrounding permitted uses. Those standards are as follows:

Standards. The Board shall, after review of required materials, authorize issuance of a conditional use permit, upon a showing that the proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. The Board shall find that this standard is satisfied if it finds that:

- a. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and*
- b. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and*
- c. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.*

If adopted, these text changes would enable redevelopment of the Reed School site and other nonresidential sites for residential uses, however they would also provide considerable regulatory mechanisms for thorough review of the project proposal and ample opportunity for public input. Ultimately, property owners are offered increased flexibility in the reuse of their previously institutional, commercial or industrial sites located within this zone, but are required to undergo a more rigorous review process with greater oversight by staff and the designated review body so as to facilitate greater project integration within the surrounding community.

B. Proposed Standards Discussion

As mentioned previously, the proposed standard is based upon the R-5 Residential Zone Conditional Use section; however the Board are proposing a few edits addressing neighborhood compatibility. The amendments are intended to permit redevelopment of existing buildings with very limited redevelopment of a building's exterior. Residential units are required to be of a sufficient size, and must be located predominantly above grade to ensure adequate lighting and minimum requirements for ingress and egress. Off-street parking is required in accordance with Division 20, and is subject to the proposed use.

The proposed text amendments apply a land area per dwelling unit requirement of 3,000 square feet, which is the

same standard that applies to the R-5, a zone which permits relatively greater density when compared with the R-3. For example, the R-5 does permit low-density multi-family developments, with a lot area per dwelling unit requirement of 6,000 square feet and PRUDs at a lot area per dwelling unit requirement of 3,000 square feet, the same requirement as listed for the adaptive reuse standard. The R-3 meanwhile, only permits PRUD style multi-family projects, and only at a density of one unit per 6,500 square feet of lot area. Although the PRUD standards differ between the R-3 and R-5 zones, the Board is suggesting that the lot area per dwelling unit standard remain at 3,000 square feet, given that non-residential structures within the R-3 share little in common with other permitted uses.

In evaluating this question about density, the Council should consider that existing structures appropriate for reuse, such as historic schools, share more common elements with other existing schools, regardless of the zoning district in which they are located. If a building is adequately sized and existing infrastructure is already in place (i.e. ample off-street parking, sufficient on-site circulation and appropriately scaled street connections) then those sites may be unfairly handicapped by an onerous limit on unit density. Reed School for example, would be permitted 16 units under a lot area per dwelling unit requirement of 6,500 square feet and 37 units under a 3,000 square foot requirement. The development site has sufficient parking to accommodate the higher density alternative, and the trip generation of a residential project of that scale is less than that of a school of comparable size. Hence, a 37-unit project may ultimately be contextually appropriate. In this particular instance, it is important to note that the size of the building itself is the limiting factor and that it could not accommodate 37 residential units without a major addition on to the existing building or reuse of the 1950 addition for residential uses. Another recent example of the use of these provisions is the reuse of the Sisters of Mercy Convent on Stevens Avenue. As the Council may recall, the applicant sought a map amendment to the R-5 for that site in order to convert the convent to housing and to further develop the site for new elderly housing. Rather than increasing the overall density, the Board is recommending a new standard which limits the extent of new addition to 25% of the total floor area, so that a project may not significantly expand upon an existing structure for reuse.

V. COMPREHENSIVE PLAN

While it is difficult to summarize eligible properties, given their extensive variations in character and location, this text amendment would support the City's goal to encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods. In looking at the list of eligible properties, it is apparent that nearly all such properties are well situated to take advantage of Portland's amenities and services as these sites were largely community serving institutions. The Reed School for example is in many ways an anchor of the Riverton neighborhood, and other eligible properties share similar characteristics. A number of these facilities are underutilized or vacant and are inherently difficult to redevelop given the limited demand for new neighborhood institutional uses. Allowing for the redevelopment of these properties for multi-family residential uses provides higher density housing within neighborhood nodes and corridors in a sustainable and cost-effective manner, cognizant of the benefits of infill development.

And while existing properties eligible for redevelopment are not all considered to be of historic significance, this text amendment provides the impetus to achieve another of the city's goals located within the Historic Resources section, which is to stabilize and enhance historic areas of the City by ensuring quality investment in existing structures and compatible infill development. These buildings, regardless of their status as being historically significant, are an integral part of the city's urban fabric. Current regulatory mechanisms limit the evolution of such structures to adapt to changing community needs, which include quality and affordable multi-family housing. These amendments would provide relief to developers and facilitate the adaptive reuse of currently underutilized sites.



Figure 6: Brighton Medical Center



Figure 7: First Lutheran Church

There are a variety of goals identified within the Comprehensive Plan that appear to be supportive of and supported by this text amendment.

Under Historic Resources, goals that are being met are as follows:

- Stabilize and enhance historic areas of the City by ensuring quality investment in existing structures and compatible infill development
- Ensure an appropriate balance of continuity and change as Portland grows and evolves

Under Housing, goals being met are as follows:

- Increase, preserve and modify the overall supply of housing City-wide to meet the needs, preferences and financial capabilities of all Portland households
- Pursue policies to enable people who work in Portland to have the option to live in Portland

VI. PUBLIC COMMENT

The City received one public comment from Greater Portland Landmarks in support of the proposed text amendments, particularly in providing flexibility to property owners whose existing non-residential building has outgrown its historic use (Attachment 10).

VII. STAFF RECOMMENDATION

The staff recommends that the Planning Board find the proposed text amendments to be consistent with the Comprehensive Plan and recommend to the City Council adoption of the proposed text amendments.

VIII. PLANNING BOARD RECOMMENDATION

On April 17, 2018, the Planning Board voted unanimously (6-0, Silk Recused) to recommend the proposed Division 4 and Division 6 amendments to City Council for adoption.

VII. ATTACHMENTS

1. Advisory task force final report
2. Reed school level I approval letter
3. Text amendment application
4. Proposed text amendment (R-3)
5. Proposed text amendment (R-5)
6. Proposed site plan for reed school redevelopment
7. Proposed floor plans for residential units

8. List of non-residential properties in the R-3 zone
9. Map of non-residential properties in the R-3 zone
10. Public Comment: Greater Portland Landmarks

Final Recommendations and Report of the Reed School Re-Use Advisory Task Force

Produced by the Planning & Urban Development Department, Planning Division
7/1/2015



Final Recommendations and Report of the Reed School Re-Use Advisory Task Force

Acknowledgements

Taskforce Members

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HCDC Committee Liaison Designee - David Brenerman
Portland Planning Board Designee - Sean Dundon
Portland Trails Designee - Kara Wooldrik
Workforce Housing Designee - Jan McCormick
Portland Society for Architecture Designee - Leslie Burnham
Greater Portland Landmarks Designee - Hilary Bassett
GPCOG Designee - Rebecca Schaffner
Denise Harlow, State Representative, District #116
Parks Commission Designee - Steve Morgenstein
Elise Scala - Neighborhood Resident
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Dyan Albano - Neighborhood Resident
Mark Johnson - Neighborhood Resident
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Final Recommendations and Report of the Reed School Re-Use Advisory Task Force

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Final Recommendations and Report of the Reed School Re-Use Advisory Task Force

I. EXECUTIVE SUMMARY

The Reed School property has been a distinct presence in the Riverton neighborhood since its inception in 1926, when it served as the area elementary school. In later years it served as the central kitchen and a warehouse for the Portland Public Schools. On June 24, 2014 the Portland Board of Public Education voted to authorize closing of the former Reed School and transfer of the school and grounds to the City of Portland, notifying the City on July 8, 2014. The building sits largely empty now, but it remains an integral part of the neighborhood's fabric and history, and in the case of the open space on the site, it remains a frequently used and valued amenity.

The Reed School Re-Use Advisory Task Force was created in September of 2014 with a diverse membership, consisting of neighborhood representatives and members representing a diversity of professional and organizational perspectives, including District 5 Counselor David Brenerman and former District 5 Counselor John Coyne as co-chairs, representatives from Portland Society for Architecture, Greater Portland Landmarks, Portland Trails, the Parks Commission, the State Representative for District #116, and a Workforce Housing specialist to make recommendations on process and future uses to insure a sensitive and contextual re-activation of the property. The Task Force met five times between November 2014 and June 2015, with an additional meeting by a drafting subcommittee to review drafts of the recommendations. The Task Force's charge was to provide recommendations on the future of the Reed School property, including the building and the grounds. Originally an elementary school, the Reed School served for many years as the central kitchen for the Portland Public Schools, until that function was transferred to Waldron Way in 2013. The property is not currently in active use, though it continues to be used for intermittent safety trainings and residual storage; the grounds, though unmaintained, serve as informal and important neighborhood open space. The Task Force held a site visit, 5 meetings, including a public forum, and a drafting subcommittee met to work with Planning staff on earlier iterations of this report. The Reed School Re-Use Advisory Task Force presents these recommendations on uses for the property, criteria for review of proposals, and the review process to the Housing and Community Development Committee for their consideration and fulfillment of their charge as assigned by the City Council.

Below is a summary of the Task Force's key recommendations:

- Rezone the property from R-3 to R-5, and include a text amendment to the R-5 zone allowing artist live/work space.
- Provide preference for proposals generally consistent with the R-5 zone.
- Require that all proposals substantially preserve the existing open space as a publically accessible neighborhood amenity.
- Designate the building as a Portland City Landmark.
- Conduct a two-tier solicitation process consisting of a Request for Qualifications followed by a detailed Request for Proposals from up to five top ranked development teams.
- Give preference to the uses that were identified by the Task Force, including residential uses, combined living/working spaces, educational uses, and wellness-related uses.

Final Recommendations and Report of the Reed School Re-Use Advisory Task Force

These recommendations support the following central themes that arose over the course of a thorough and deliberative planning process:

Historic Preservation. Retention of the original building received support from the Task Force, and in the Public Forum results. The Maine Historic Preservation Commission has found both the original, 1926 structure, and the 1950 addition to be eligible for nomination to the National Register of Historic Places. These were found eligible for their combined architectural significance, as examples of two distinct types of school styles built before and after WWII, and for the way in which the building speaks to the neighborhood's post-War development. Though the retention of the original structure received the most consistent support, both this and the 1950s addition are recommended for designation as a locally designated historic landmark. It was suggested, in feedback received at Task Force meetings, that there might be particular structural challenges with repurposing the 1950 addition; the Task Force is consequently prioritizing re-use of the original structure in their recommendation, and deferring to a determination on feasibility for the 1950 addition.

In addition to recognizing that the Reed School building is architecturally valuable to the community, historic preservation gained support to the extent it would insure a significant amount of design review by the Historic Preservation Board when the site is redeveloped. As a building that has long been part of the fabric and history of the neighborhood, but one that stands in contrast to the predominantly single family neighborhood immediately abutting it, the quality of the redevelopment of the existing building, and any potential modifications or additions, should be held to high design standards.

Open Space. The most consistent feedback received regarding the re-use of the site was the value of the existing open space is to the community, and how important it is to retain as much of this as practicable as a publically accessible amenity. Apart from nearby school grounds, there is no parkland within a ½ mile radius of the property, nothing that provides a comparable service. Even in its unimproved state, it is frequently utilized. A number of specific variations on the future of the open space were discussed, such as ball fields, gardens, playgrounds, passive recreation area, or a combination of one or more of these suggestions.

Neighborhood Compatibility. The Task Force recommendations recognize that the preservation of the building and the preservation of a significant amount of contiguous open space are interrelated goals that require allowing for a greater residential density, and a greater diversity of possible uses, than would have otherwise been supported. The recommendations assume that in order for the redevelopment of the structure to be viable, while also including preservation of open space, a certain amount of flexibility and additional development potential is required. There was discussion over the course of the planning process about allowing certain small scale commercial uses, such as cafes, on the site. However, out of deference to the residential character of the neighborhood, there was most support for the property being made part of the R-5 zone, a somewhat more permissive residential zone than the R-3. There was a great deal of support for allowing for the possibility of a redevelopment that would incorporate community space, artist space, or some creative interpretation of new housing, as well as support for day care, senior care, and varied educational uses. All of these articulations of support were framed by the desire for new activities on the site to be sensitive to the surrounding community in terms of incorporating

Final Recommendations and Report of the Reed School Re-Use Advisory Task Force

excellent design, and introducing improvements that do not unreasonably impact the character and vitality of the area.

Final Recommendations and Report of the Reed School Re-Use Advisory Task Force

II. RECOMMENDATIONS ON USE, CRITERIA, AND PROCESS

INTRODUCTION

The Reed School Re-Use Advisory Task Force was created by the City Council on September 15, 2014 to provide recommendations on the future of the Reed School property, including the building and the grounds, at 19 Libby Street. The Portland Public Schools transferred control of the property to the City in July 2014. Originally an elementary school, the Reed School served for many years as the central kitchen for the Portland Public Schools, until that function was transferred to Waldron Way in 2013. The property is not currently in active use, though it continues to be used for intermittent safety trainings and residual storage; the grounds, though unmaintained, continue to serve as informal and important neighborhood open space. The Task Force held a site visit, 5 meetings, including a public forum, and a drafting subcommittee met to work with Planning staff on draft versions of this report. The Reed School Re-Use Advisory Task Force presents these recommendations on uses for the property, criteria for review of proposals, and the review process to the Housing and Community Development Committee for their consideration and fulfillment of their charge as assigned by the City Council.

The document is structured according to the charge to the Task Force established by the City Council and is organized by:

- A. Use
- B. Criteria
- C. Process

The language is largely framed as might be found in a request for proposals document to ensure that the Task Force's recommendations may be specifically utilized in the request and evaluation of proposals. In drafting an RFP document, the organization will likely require amendment.

RECOMMENDATIONS

A. USES

I. Generally

Re-use of the Reed School building and property is intended to support and enhance the integrity of the surrounding neighborhood. Proposals for re-use of the property will show consistency with this intent by sensitively preserving the building and introducing new uses, occupants, and improvements that do not unreasonably impact the character and vitality of the area.

II. Zoning

The Reed School property is located in the R-3 residential zone, which provides uses, residential density, and dimensional standards consistent with the predominant neighborhood character, but in contrast to the Reed School site. Due to the distinct nature of this property, the Task Force is recommending that this parcel be rezoned to the R-5

Final Recommendations and Report of the Reed School Re-Use Advisory Task Force

Residential Zone, as a zone that better fits the anticipated future redevelopment of this site in regard to permitted uses and dimensional standards. In addition to the zoning map change, in response to public input received, the Task Force is recommending a text amendment to allow for the following residential use: *Combined living/working spaces including, but not limited to, artist residences with studio space.*

Unlike the current R-3 zone, the R-5 allows for repurposing the existing building, including the 1926 original structure, and potentially the mid-century one story addition. As a character defining feature of the neighborhood, and of the City's and Riverton's history, enabling creative repurposing of the original structure, and possibly the 1950 addition, is a central component of these recommendations. Consideration of proposals that require additional zoning changes, or that alternately propose a contract zone for the property, will be reviewed in relation to their consistency with the prioritized uses and criteria below.

III. Uses Encouraged

The following uses are specifically encouraged to compatibly add value, vitality and interest to the Reed School property and surrounding neighborhood.

- a. Publicly accessible, contiguous open space that incorporates community gardens, playground, or a compelling combination of active and passive recreation areas.
- b. Residential uses, including multi-family residential and senior housing, particularly those that help preserve the economic and physical character of the neighborhood.
- c. Combined living/working spaces, including but not limited to artist residences with studio space.
- d. Educational uses such as arts education, early childhood education or care, research and continuing education.
- e. Wellness-related uses such as adult day care or childcare.
- f. Community spaces such as art studios or a community center.
- g. Creative mix of uses that protect and enhance the character and vitality of the neighborhood, provided the mix is a low impact, low traffic combination.

IV. Uses Discouraged

The following uses are strongly discouraged:

- a. High intensity commercial, industrial, and/or institutional uses or those that include a large amount of traffic, parking, and, external impacts;
- b. Residential unit counts that are drastically higher density than allowed under the R-5 zone are discouraged.

B. CRITERIA

The City will accept and rate Developer Team proposals for re-use of the Reed School property using the following criteria:

I. Thresholds for Evaluating Developer Qualifications

Prior to requesting full proposals for re-use and development of the Reed School property, Development Teams shall submit qualifications to the City. This documentation shall include the following information in order to be considered:

Final Recommendations and Report of the Reed School Re-Use Advisory Task Force

a. *Development Team*

Identify the principal members of the development team and their respective roles in the project.

b. *Program and Redevelopment Description*

Provide a conceptual development and re-use narrative including goals, program, business plan and timeline for the development.

c. *Development team experience and financial capacity*

The Qualifications shall include documentation demonstrating that the development team can complete and operate the concept development by supplying:

1. Letters of financial capability from credible financial institutions with experience working with principles of the development team; and,
2. Descriptions and examples of comparable projects or endeavors demonstrating adequate experience and expertise of the development team to successfully complete and operate the proposal.

II. **Criteria for Evaluating Qualifications**

The city will apply the following criteria to rate competing Developer Team qualifications for selection to submit full proposals.

a. *Use*

The uses described in the conceptual development and re-use narrative are consistent with Section A., Uses, above;

b. *Financial Strength and Experience of the Development Team*

The Development Team has the experience, financial capacity and a proven track record to confidently achieve the goals and program(s) described in the conceptual development and re-use narrative.

III. **Requirements for Full Proposals**

All proposals shall include information and documentation of the following in order to be considered:

a. *Development Team*

The proposal shall identify the principal members of the development team and their respective roles in the project.

b. *Restoration of Building*

The proposal shall describe commitments and measures to protect the short-term and long-term integrity of the building that at a minimum:

1. Address the stability and safety of the building by immediately protecting the structure from further deterioration.

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2. Preserve the structural and architectural integrity of the building consistent with established historic preservation standards.

c. ***Publicly Accessible Open Space***

Publicly accessible open space shall be incorporated into all proposals.

Proposals that require the land area included in the open spaces and or play areas for residential density requirements under the R-5 zoning may propose public access easements or other methods to preserve the maximum residential density allowed. Residential projects proposing that the City retain fee ownership of open areas would either lose residential density potential, or would require a zone change to allow higher residential density on the residual project site, which would need to be evaluated for consistency with these recommendations.

d. ***Program and Redevelopment Description***

The proposal shall include a detailed description of the uses and development of the property including sufficient detail for the City to understand the intent of the proposal and a zoning assessment for consistency with the R-5 zone. At a minimum the proposal shall include:

1. A re-use narrative describing the development program for interior and exterior uses of the property;
2. Sketch level or conceptual drawings showing proposed improvements including floor plans, elevations, additions, new structures, publicly accessible areas, landscaping, parking, site lighting, fencing, and other site features; and,
3. A project business plan, market analysis, time line, and development pro forma demonstrating the long-term success and viability of the project.
4. A summary of where the proposal differs with what is permitted in the R-5 zone, if applicable.
5. Indication of intent to preserve solely the original structure or intent to preserve this and the 1950 addition, as well as indication whether there is intent to pursue nomination to the National Register of Historic Places for the same.

e. ***Purchase Offer, Estimated Project Value, and Property Tax Impact to the City***

The proposal shall include:

1. The purchase offer to the City;
2. Description & estimated cost of the proposed improvements;
3. Estimated post-development property value;
4. Estimated net and gross property tax impacts to the City;
5. Any financial support requested from the City for the project.

f. ***Financial and Technical Capability***

The proposal shall include documentation demonstrating that the development team can complete and operate the proposal as described in (b),(c)and (d) above by supplying:

Final Recommendations and Report of the Reed School Re-Use Advisory Task Force

1. Letters of financial capability from credible financial institutions with experience working with principles of the development team; and,
2. Descriptions and examples of comparable projects or endeavors demonstrating adequate experience and expertise of the development team to successfully complete and operate the proposal.

IV. Criteria for Prioritizing Full Proposals:

The city will apply the following criteria to rate competing proposals. Primary criteria are given greater than secondary, but all criteria represent important considerations when evaluating and selecting a preferred proposal. All proposals must demonstrate sufficient strength of financial and technical capability and the project business plan to successfully complete the project in a timely manner in order to be considered.

The Reed School Re-Use Advisory Task Force suggests the following weights be given in evaluation of the proposals to the criteria below:

a. *Primary Criteria*

The Proposal:

1. Promotes a positive impact on the neighborhood as demonstrated by specific commitments within the proposal. The character, vitality and property value of the neighborhood will be protected and enhanced by the proposal. Any new construction shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood. **(25%)**
2. Provides a neighborhood amenity. Proposals including a greater extent and higher quality of publically accessible open space will be given a higher preference. Proposals that include a portion of community oriented space within the building will also be considered favorably. All open space proposals shall include a significant portion of contiguous open space on the Libby Street facing side of the property, retaining the historic site layout of the property to the greatest extent practicable. **(20%)**
3. Contains one or more of the encouraged uses listed in A.III, above in addition to the publically accessible open space indicated in A.III.a. **(25%)**
4. Contains a portion of workforce dwelling units (workforce here refers to housing units that a household earning 100% of the county's median income can afford, assuming they spend no more than 30% of their income for housing. This is currently approximately \$75,000 for a family of four) in the event of a proposal for new housing. **(15%)**

Note: Mixed use proposals that are not consistent with the R-5 zone will be considered, but must demonstrate compatibility with the building, the neighborhood and the City's Comprehensive Plan.

b. *Secondary Criteria:*

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Note: When applying the secondary criteria below, the weight of any single or collective secondary criteria shall not outweigh any single primary criteria above.

1. Purchase price
2. Benefits to the City tax base

Secondary criteria 1 and 2 combine for 15% weight in the evaluation of the proposals.

C. RECOMMENDED PROCESS FOR REQUESTS FOR AND REVIEW OF PROPOSALS

The Reed School Re-Use Advisory Task Force recommends the following process steps to ensure the appropriate re-use and long-term stewardship of the property:

I. Historic Landmark Designation

The Task Force recommends that the original structure, as well as the 1950 addition if found to be practicable, be retained and that the City Council immediately begins the process of designating the building as an individually listed historic landmark. Landmark designation will manage change to the building and potential impacts to the surrounding neighborhood, as well as provide clear assurances that the character defining features of the structure will be preserved.

II. Rezoning of Reed School Property

The Task Force recommends that the City initiate a Zoning map amendment to the Reed School property, from R-3 to R-5, and a Zoning text amendment to allow for *Combined living/working spaces including, but not limited to, artist residences with studio space.*

III. Request for Qualifications

As soon as possible, the City should widely advertise and aggressively promote a request for qualifications (RFQ) from developers and institutions with interest in re-use of the Reed School property. The intent is to generate as much interest as possible from a wide and diverse cross-section of developer and institutional interests by providing a low threshold for entry to the process.

Interested parties would be asked to submit a concept development and re-use narrative, a conceptual business plan, development timeline, and development team qualifications and financial capabilities. The RFQ would not require detailed architectural drawings or development pro formas as the generation of such documents are expensive and may provide a barrier or disincentive for otherwise interested teams to submit.

In publicizing the RFQ, the City should utilize conventional and new media, as well as press releases and direct outreach to the development community. Sufficient time should be allowed between the issuance of the RFQ and the deadline for submittal to encourage diverse teams to collaborate and craft creative development concepts that meet the intent and specifics outlined in A and B above.

IV. Request for Proposals

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From 5 or fewer top ranked development teams identified through the Request for Qualifications, the City should request full proposals for re-use of the Reed School property to be evaluated according to the specifics outlined in A and B above.

V. Review of Proposals

The Task Force recommends that a Proposal Review Committee be appointed to evaluate proposals against the criteria established herein. In addition to City staff members from Purchasing, Finance, and Planning, the Review Committee shall be comprised of community representatives including a neighborhood representative, a design professional, Greater Portland Landmarks, and a real estate professional. The Review Committee shall report their findings and recommendations back to HCDC at an advertised public hearing.

The HCDC's recommendation should be reported to the City Council for adoption and direction to the City Manager's Office to negotiate the final terms of sale of the property.

Public participation and testimony will be encouraged at both the HCDC's meetings the and City Council's public hearings through use of the City's website and use of the interested parties email addresses generated through the Reed School Re-Use Task Force process.

Final Recommendations and Report of the Reed School Re-Use Advisory Task Force

III. REED SCHOOL RE-USE NEXT STEPS AND TENTATIVE TIMELINE

July 8, 2015	HCDC Review of Task Force Recommendations
July 2015	Initiate Rezoning Process with Planning Board Initiate Historic Landmark Designation Process (Historic Preservation Board, Planning Board, City Council, 6 month min.) Submit Application for Municipal Brownfields Site Assessment Funding Draft Request for Qualifications (RFQ) and Request for Proposals and (RFP) Documents Issue RFQ
August 2015	Appointment of Proposal Review Committee RFQ Due
September 2015	Select Limited # of Development Teams to submit full proposals guided by RFP document
Nov./Dec. 2015	Full Proposals Due
January 2016	Review Committee evaluates proposals/interviews Development Teams
February 2016	Review Committee recommends lead proposal to HCDC HCDC votes to recommend lead proposal to City Council
March 2016	City Council reviews HCDC Recommendation and votes to direct the City Manager to negotiate sale of the Reed School property based on the conditions and specifications outlined in the selected proposal.
April 2016	Reed School property ownership transfers to the development team

Final Recommendations and Report of the Reed School Re-Use Advisory Task Force

IV. APPENDICES



The Reed School Re-Use Advisory Task Force will hold a site visit at the former Reed School, 28 Homestead Avenue, on Thursday, November 20th, at 4:00 PM. The site visit will be immediately followed by a meeting at 5:00 PM in the Riverton Elementary School Community Room, 1600 Forest Avenue.

The Reed School Re-Use Advisory Task Force was established to:

- Report potential uses of the property;
- Develop criteria for making final recommendations on the preferred uses of the property;
- Recommend a process to review proposals for re-use of the property; and
- Report findings to the City Council's Housing and Community Development Committee.

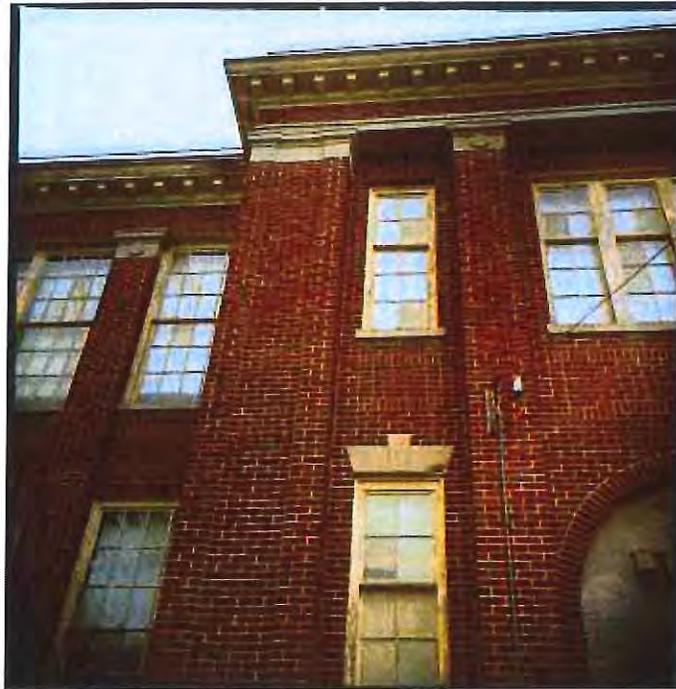
This is a first meeting of the Task Force. The meeting is open to the public. A future forum is planned specifically for public feedback on the future of the property, and invitations for that event will follow. A webpage on the project can be found at:

<http://www.portlandmaine.gov/1348/Reed-School-Reuse-Project>

For more information, please contact Christine Grimando at cdg@portlandmaine.gov or 207-874-8608.



The Reed School Re-Use Advisory Task Force
meeting will be held in the Large Learning
Room, accessed through the school's front
entrance.



What: Reed School Re-Use Advisory Task Force
When: May 21st, 6:30 PM
Where: Riverton Elementary Large Learning Room
1600 Forest Avenue

For More Information

Questions and comments regarding the re-use of the Reed School property can be forwarded to Christine Grimando, Senior Planner at (207) 874-8608 or emailed to cdg@portlandmaine.gov.

<http://www.portlandmaine.gov/1348/Reed-School-Reuse-Project#>



***** NOTICE *****

of
Public Meeting

**Reed School Re-Use:
A Public Meeting on the Future Use of the Building and Grounds**

The City of Portland and the Reed School Re-Use Advisory Task Force invite the public to provide input on the future of the former Reed School, located between Libby Street and Homestead Avenue in the Riverton neighborhood.

The Reed School facility consists of a 33,692 structure on approximately 2.5 acres. Originally a utilized as a school, it was more recently the central kitchen and warehouse for the Portland Public Schools. In June of 2014 the property was transferred from the Portland Public Schools to the City of Portland. The Task Force was created in September to report on preferred uses of the property, and develop criteria for prioritizing future review proposals for redevelopment of the property.

The Task Force and City Planning staff seeks opinions and insights from the Riverton neighborhood, design professionals, real estate professionals, and anyone interested in the future of this important property. At the Public Meeting, City of Portland staff and Task Force members will present information on building and neighborhood context, and a range of ideas that have been discussed for the building to date. The Public will be invited to provide additional ideas, for incorporation into the eventual recommendations on prioritized uses made by the Task Force to the City Council for consideration.

Questions and comments regarding the re-use of the Reed School property can be forwarded to Christine Grimando, Senior Planner at (207) 874-8608 or emailed to cdg@portlandmaine.gov.

Background material for the process and meeting can be found at:

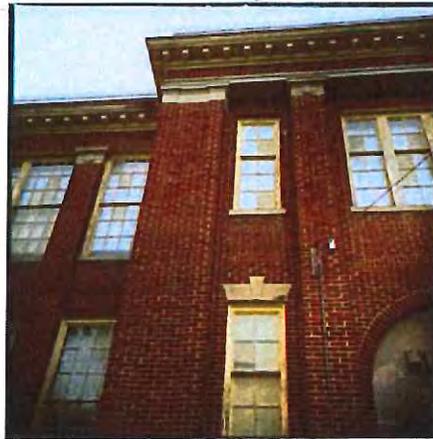
<http://www.portlandmaine.gov/1348/Reed-School-Reuse-Project>

What: Reed School Re-Use Public Meeting

When: January 29th, 6:30 to 8:00 pm

Where: Riverton Elementary School Community Room, 1600 Forest Avenue

Reed School Public Meeting on Options for Re-Use



Welcome and Introductions

www.mainehistory.com/0116
© Maine Historical Society

Reed School Re-Use Task Force Members

- John Coyne/Councillor David Brenerman, Co-Chairs
- HCDC Committee Liaison Designee - David Brenerman
- Portland Planning Board Designee - Sean Dundon
- Riverton Community Association Designees (2)
- Portland Trails Designee - Kara Wooldrik
- Workforce Housing Designee - Jan McCormick
- Portland Society for Architecture Designee - Leslie Burnham
- Greater Portland Landmarks Designee - Hilary Bassett or Designee
- GPCOG Designee - Rebecca Schaffner
- Denise Harlow, State Representative, District #116
- Riverton Elementary PTO Designee - Gina MacVane or Designee
- Parks Commission Designee
- Parks Commission
- Elise Scala - Riverton resident

Agenda

Welcome and Introductions of the Task Force

Charge to the Task Force Review Agenda and Meeting Format

Reed School Context

Potential Re-Use Options for Building and Grounds

Break to distribute keypad voting clickers

Survey of Re-Use Options

Discussion on Re-Use Voting Results

Next Steps

Adjourn

<http://www.portlandmaine.gov/1348/Reed-School-Reuse-Project#>



Meeting Goals and Task Force Charge

The Reed School Re-Use Advisory Task Force was established to:

- ◆ Report potential uses of the property;
- ◆ Develop criteria for making final recommendations on the preferred uses of the property;
- ◆ Recommend a process to review proposals for re-use of the property; and
- ◆ Report findings to the City Council's Housing and Community Development Committee within six months of Task Force inception.



4

grape : raisin :: plum :

A. prune
B. peach
C. fig
D. apricot

Option	Percentage
prune	100%
peach	0%
fig	0%
apricot	0%

5

Recent Precedents

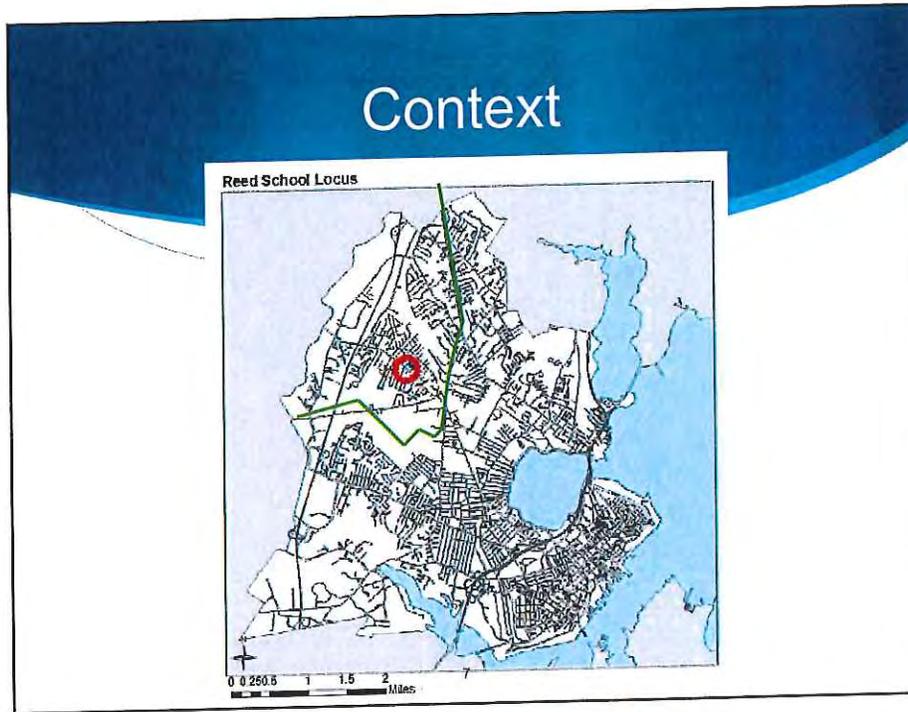
Nathan Clifford School

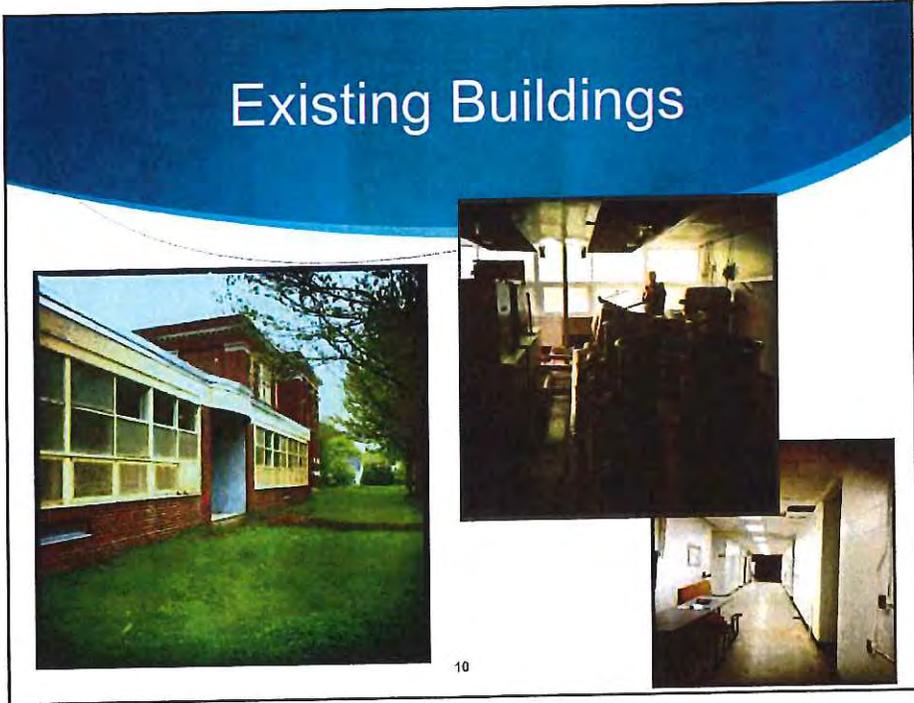
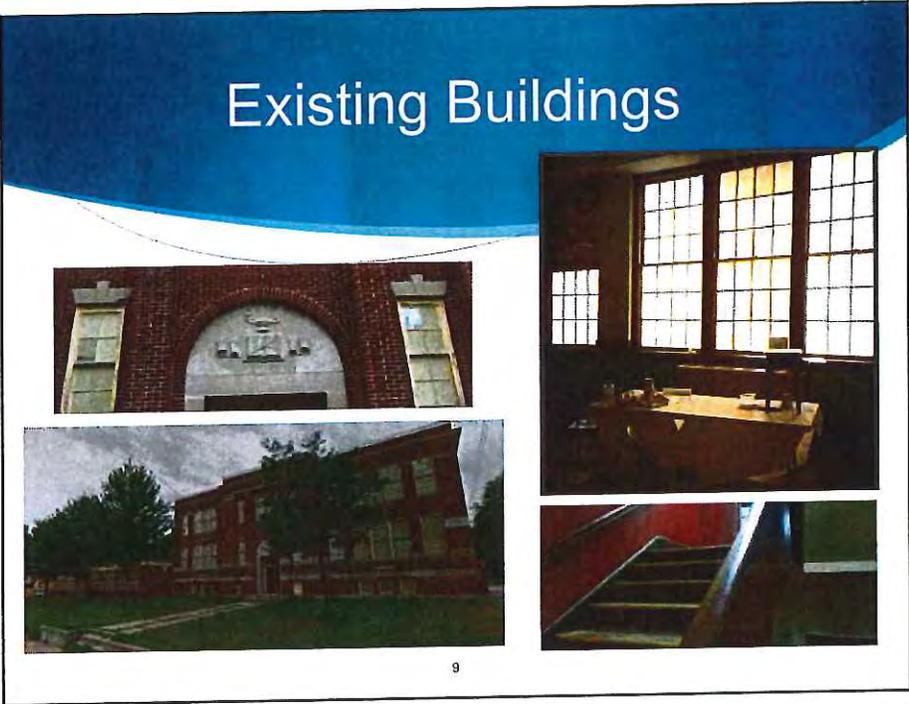
- Being converted to market rate 22 apartments.

Adams School

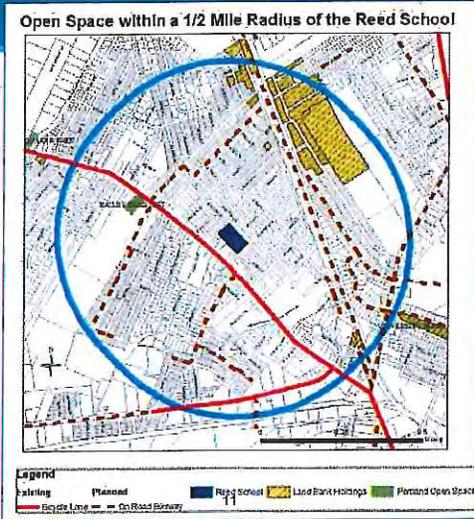
- 16 workforce condominiums (8 2 bedroom/8 3 bedroom)

3





Open Space Context



Open Space Context



Zoning Context

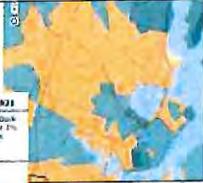
R-3 Permitted and Conditional Uses	
<i>The following uses are permitted in the R-3 residential zone:</i>	
1	Single-family
2	Planned residential unit development (PRUD)
3	Handicapped family unit, for handicapped persons plus staff
2	Parks, and other active and passive noncommercial recreation spaces
3	Accessory uses
4	Home occupations
5	Municipal uses
6	Wind energy systems
<i>The following conditional uses are permitted in the R-3 residential zone:</i>	
<i>Residential:</i>	
1	Sheltered care group homes
2	Accessory Dwelling Units
<i>Institutional:</i>	
1	Elementary, middle, and secondary school
2	a. Long-term and extended care facilities b. Intermediate care facility for thirteen (13) or more persons
3	Places of assembly
4	Hospital

Zoning Context

R-3 Zone Dimensional Standards	
Minimum Lot Size examples:	
<i>Residential</i>	6,500 sf
<i>PRUD</i>	3 acres
<i>School</i>	2 acres
<i>Hospital</i>	10 acres
Minimum Frontage	50 feet
Front Yard Setback	25 feet or avg. depth of adjacent properties
Rear Yard Setback	25 feet
Side Yard Setback	8-16, variable by height of structure
Rear and Side Yard Setbacks - Accessory Structures	5 feet
Maximum Lot Coverage	35%
Minimum Lot Width	65 feet
Maximum Structure Height	35 feet

Riverton Demographics

- ◆ Total Residents 5,578 (8.4% of Portland Total)
- ◆ Total Households: 2,165
- ◆ Riverton Population 18 and under: 24.4%
 ◆ (17.1% for Portland)
- ◆ Riverton Population 65 and over: 8.5%
- ◆ Median Age: 33
- ◆ Total % Owner-Occupied Units: 57.6 (42.7 Portland)
- ◆ Total % Renter-Occupied Units: 42.4 (57.3 Portland)
- ◆ Housing Units in Multi-Units: 29.4% (54% Portland)
- ◆ Average Household Size: 2.5
- ◆ Median Home Value: \$173,394 (2012, Block Group)
- ◆ Homeowner and Rental Vacancy Rates less than 1% (Block Group)



ME Block group 230699021001

The median home value in this block group in 2012 was \$173,394, or 1% above the national average.

Number of Houses by Value

The columns for details.



Number of Households by Income

The columns for details.

15

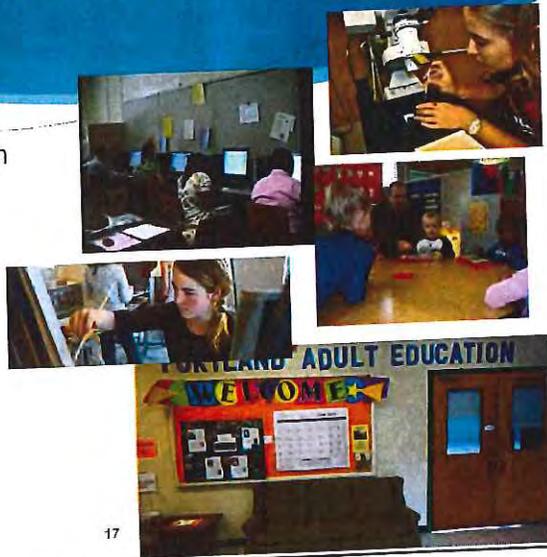
Potential Re-Uses

- ◆ Educational
- ◆ Residential
- ◆ Wellness
- ◆ Community Space
- ◆ Mixed Use

16

Education

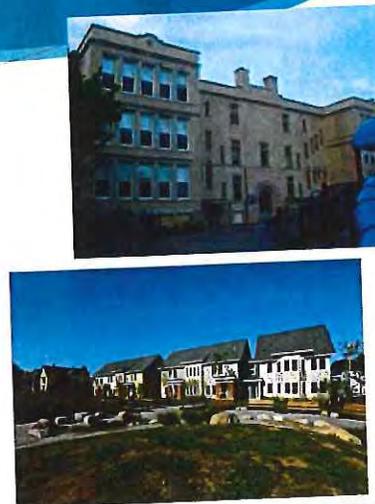
- ◆ Continuing Education
- ◆ Arts Education
- ◆ Private School
- ◆ Pre-K
- ◆ Research



17

Residential

- ◆ Market Rate
 - ◆ Condominiums
 - ◆ Rental Apartments
- ◆ Affordable
- ◆ Workforce
- ◆ Inclusionary
- ◆ Senior housing
- ◆ Live/Work



18

Wellness

- ◆ Health Care
- ◆ Adult Day Care
- ◆ Childcare
- ◆ Respite Care



Community Space

- ◆ Community Center
- ◆ Artist Studios
- ◆ Coworking/Incubator Space
- ◆ Makerspace



Mixed Use

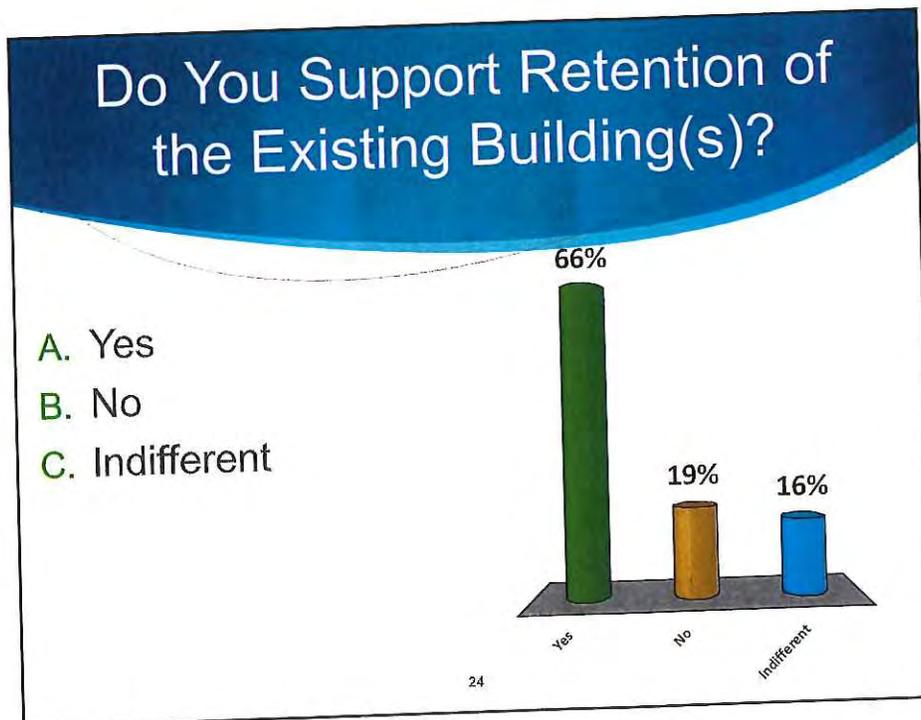
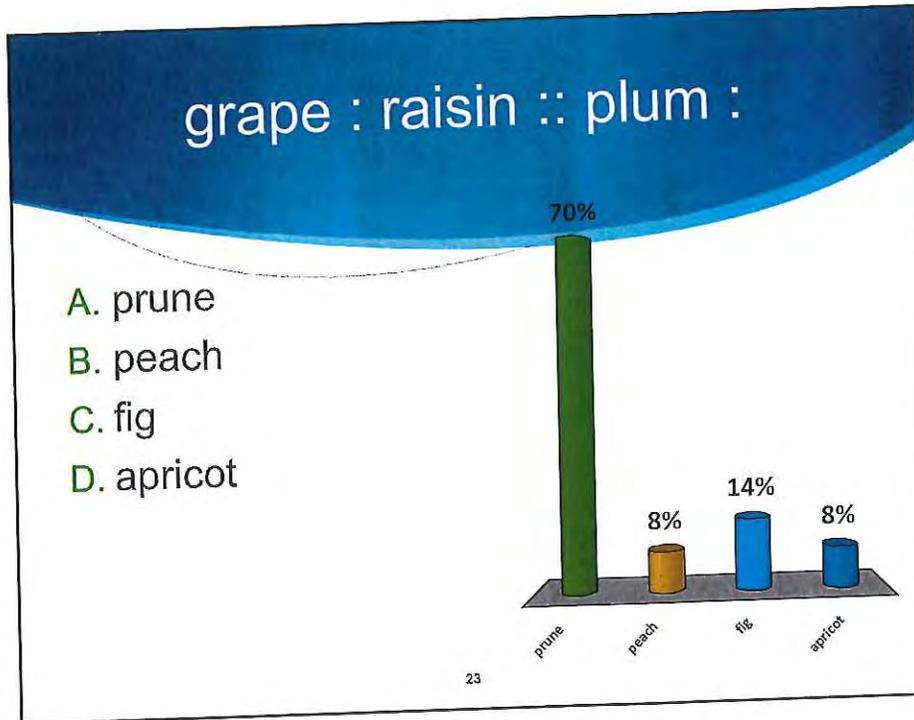
- ◆ Residential/Non-residential mix
- ◆ Artist Studio + Classes + Work for Sale
- ◆ Other combinations possible

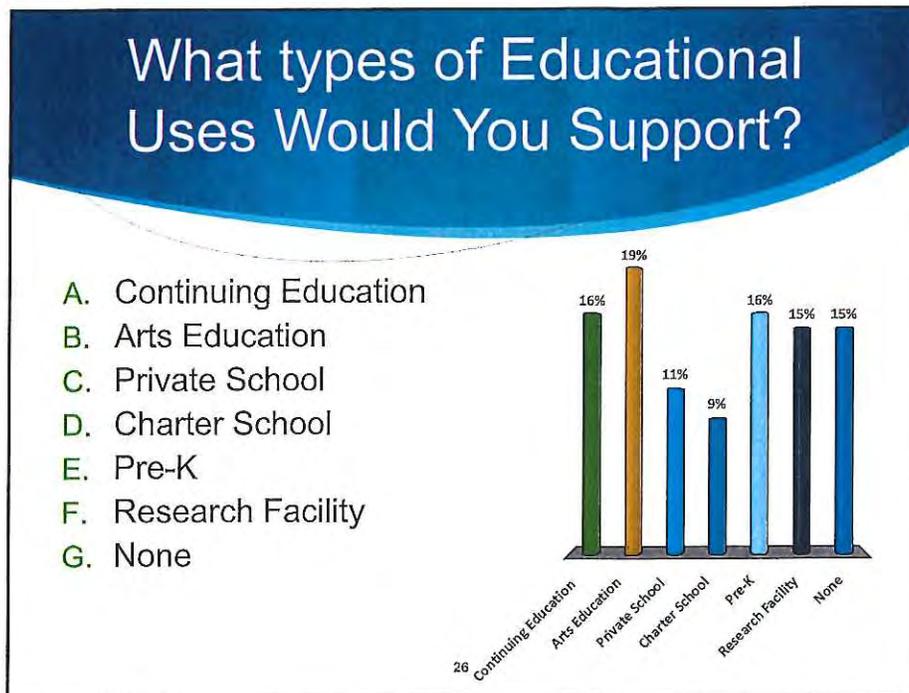
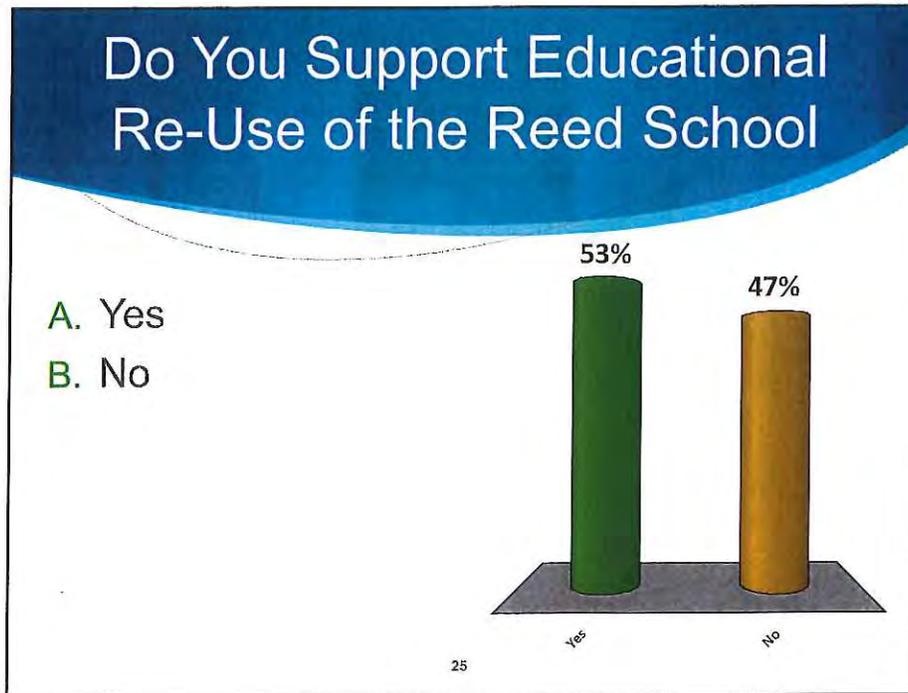


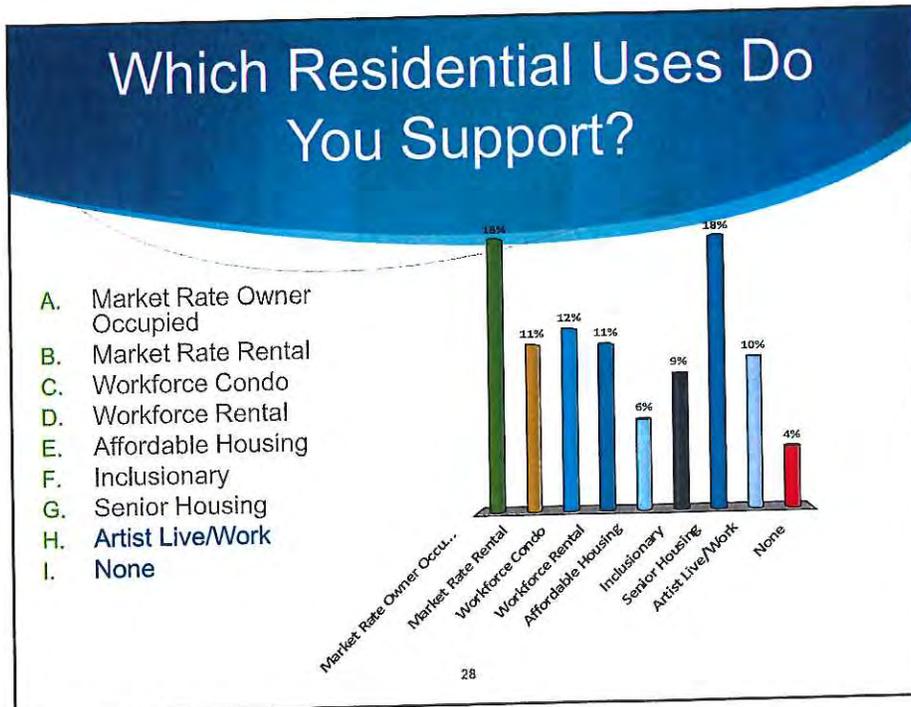
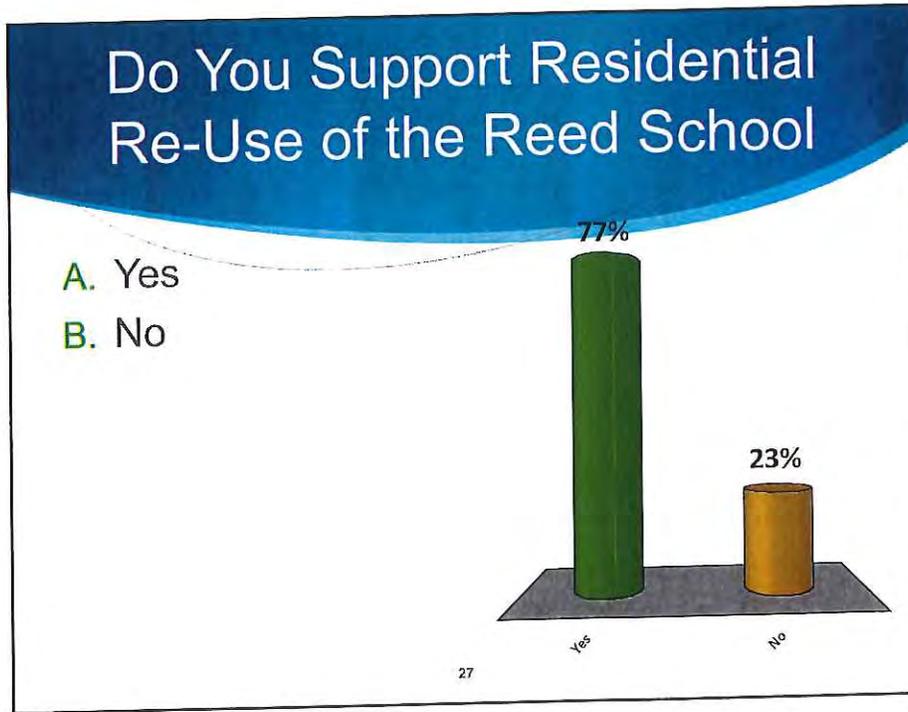
Open Space

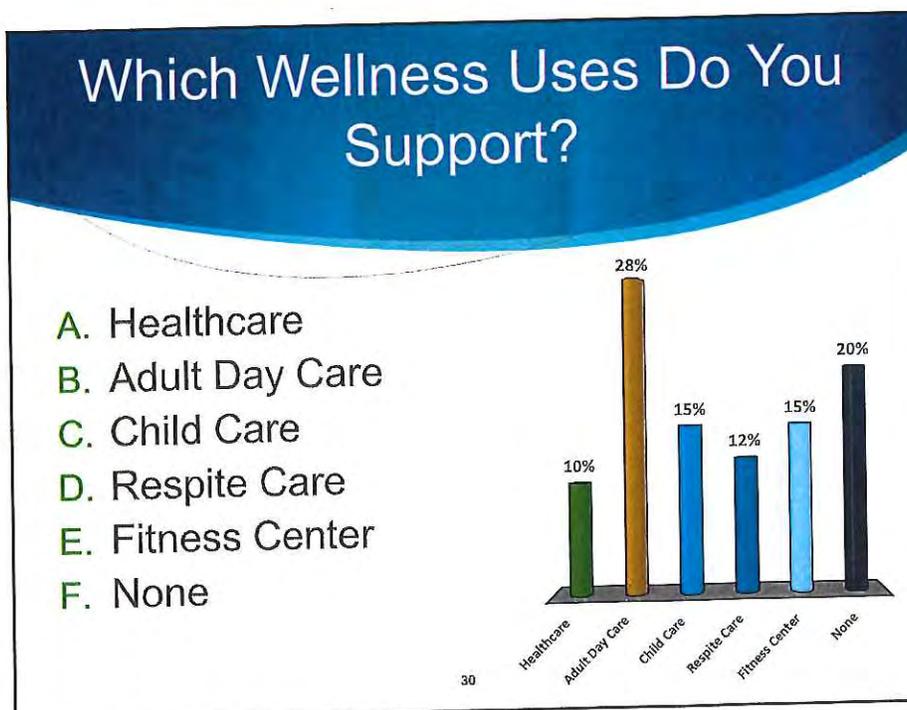
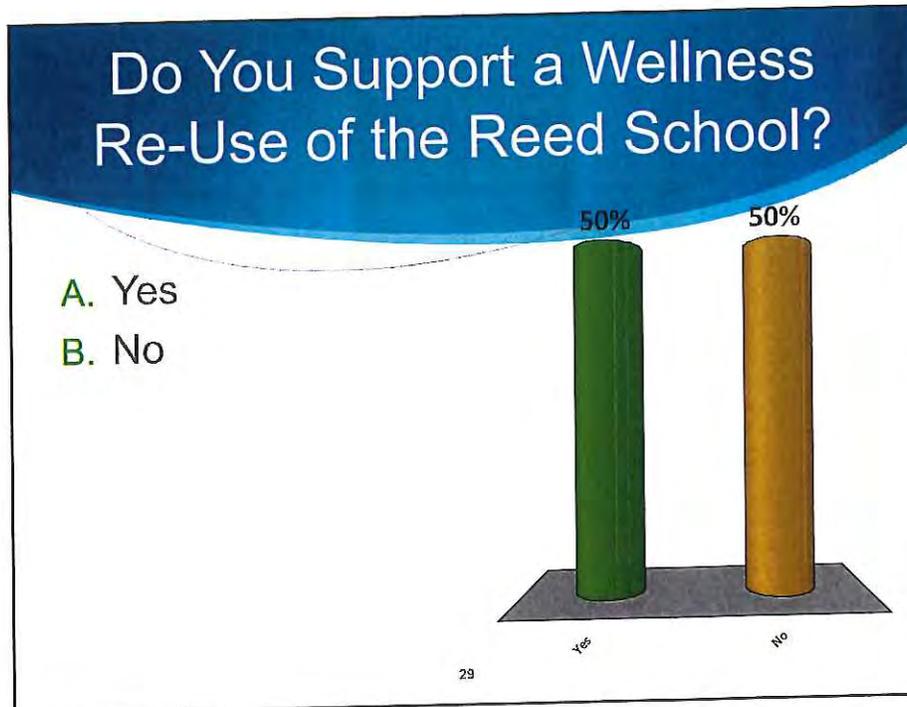
- ◆ Community Garden
- ◆ Athletic Fields
- ◆ Dog Park
- ◆ Passive Recreation
- ◆ Unimproved
- ◆ None

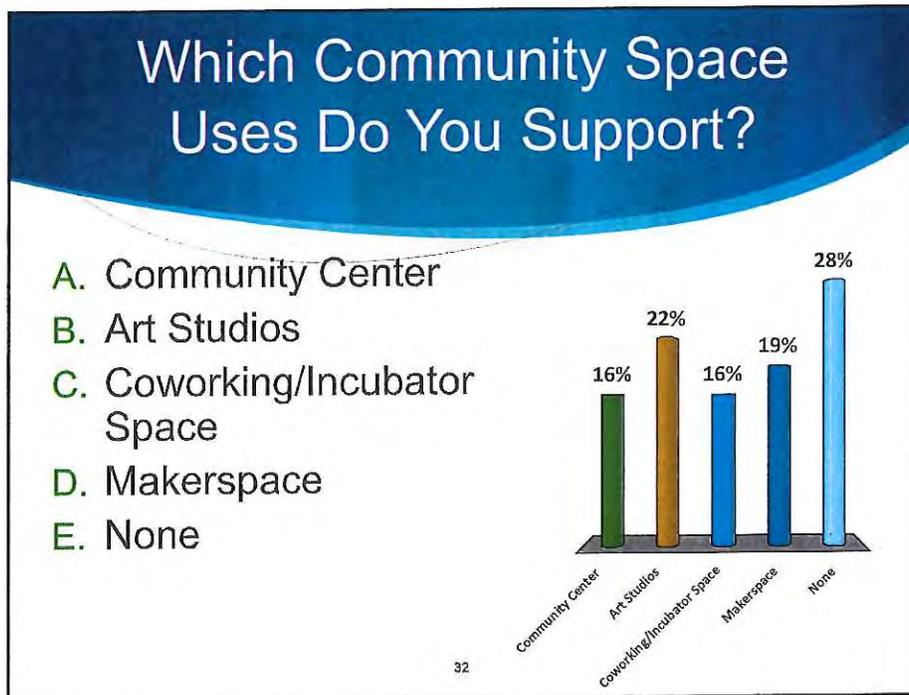
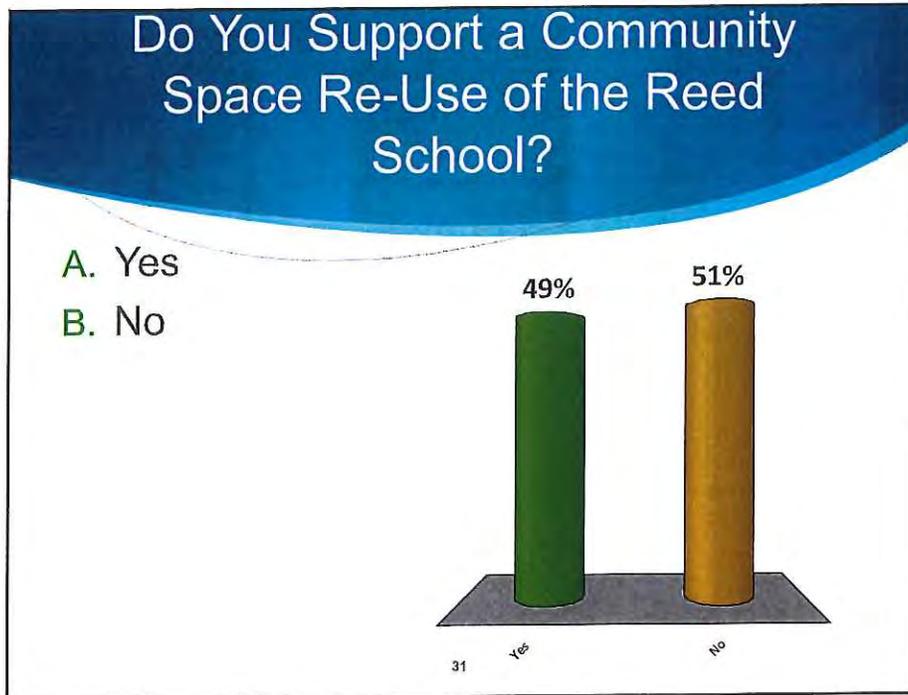


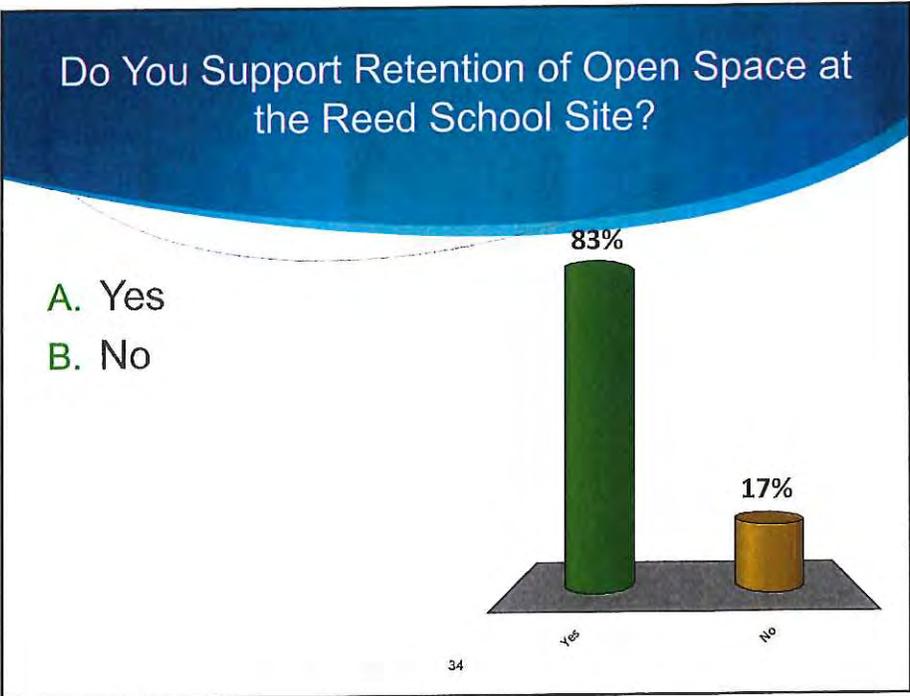
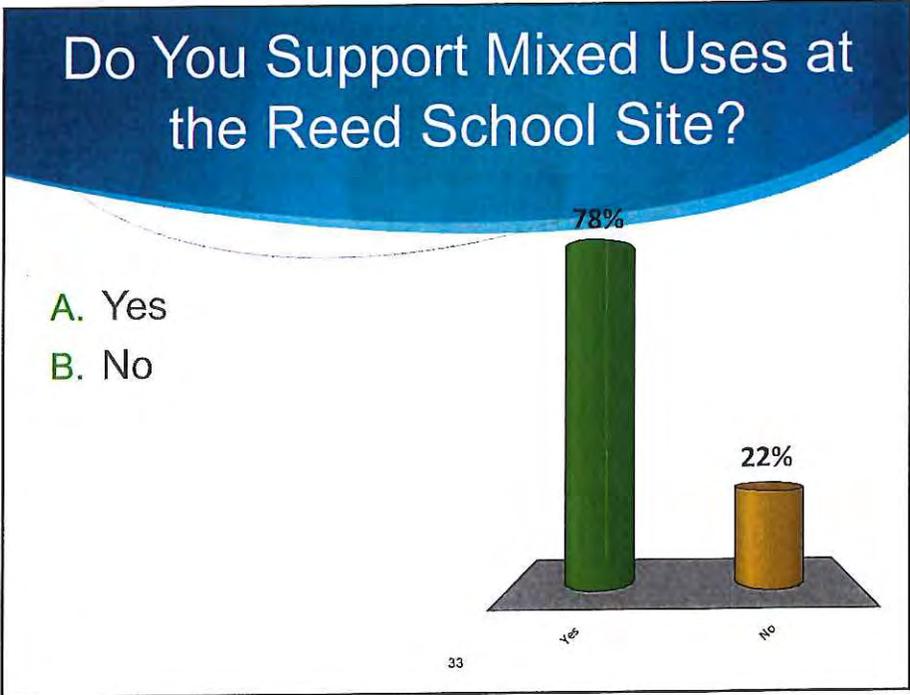


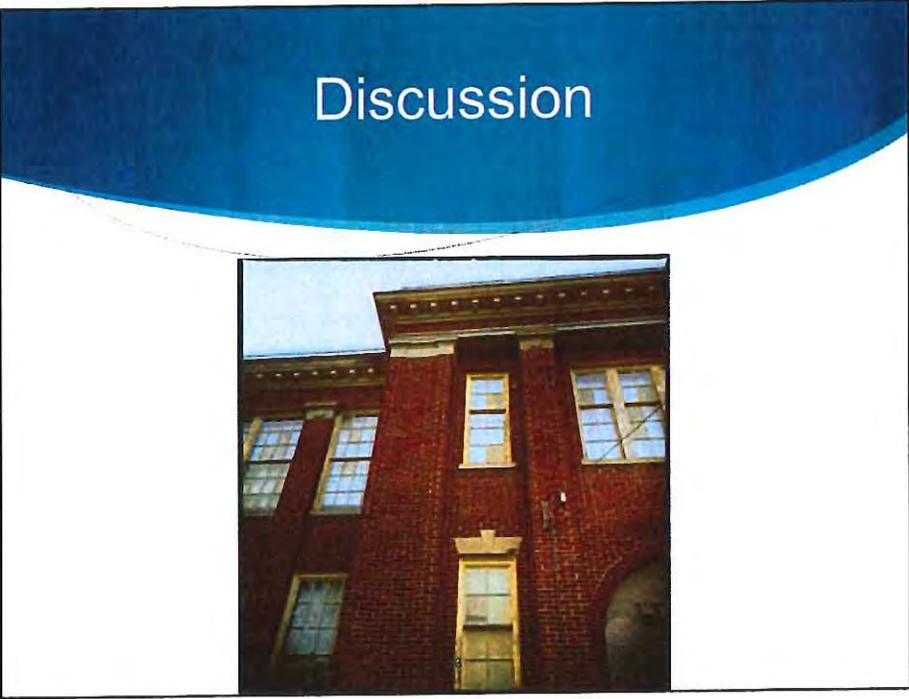
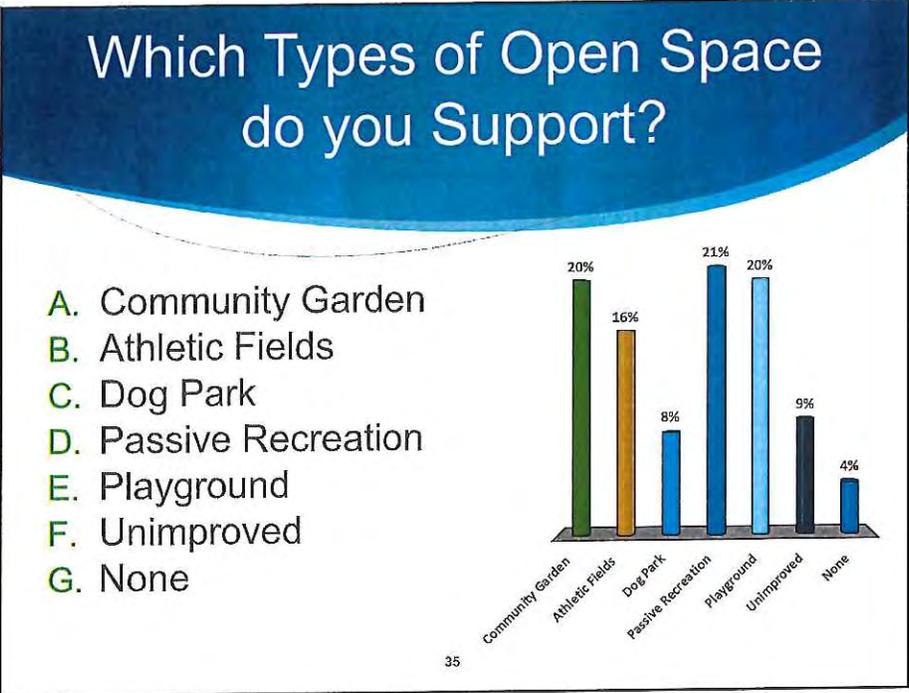












Next Steps

- ◆ Task Force meets to assess input to date, follow-up on Historic Preservation, Comprehensive Plan Policies, etc.
- ◆ Drafting Subcommittee meets to produce 1st draft of recommendations.
- ◆ Task Force meetings to review draft and final report.

For more information contact: Christine Grimando, Senior Planner.
cdg@portlandmaine.gov or 207-874-8608

<http://www.portlandmaine.gov/1348/Reed-School-Reuse-Project#>

37

	R-3	R-5
Min. Lot Size	Residential: 6,500 SF Sing. Fam to 2-Fam: 10,000 SF Long-term, extended, intermediate care: 2 ac. School: 2 ac. Place of assembly: see code Municipal: 6,500 SF Hospital: 10 ac. PRUD: 3 ac. Other: 6,500 SF	Residential: 6,000 SF Long-term, extended, intermediate care: 2 ac. School: 30,000 SF Place of assembly: see code Municipal: 6,000 SF Hospital: 5ac. College, univ.: 2 ac. Multiplex: 9,000 SF PRUD: 2 ac. Lodging house: 9,000 SF Other: 6,000 SF
Min. Lot Area per D.U.	PRUD: 6,500 SF net land area Other: 6,500 SF	PRUD: 3,000 SF Special needs independent living units: , 3,600-4,800 SF Other: 3,000 SF, except as provided for multiplex
Min. Street Frontage	50 ft.	50 ft.
Min. Lot Width	65 ft.	60 ft.; 90 ft. for multiplex
Min. Front Yard	25 ft. (principal or accessory)	20 ft. (principal or accessory)
Min. Rear Yard	Principal or attached accessory > 100 SF: 25 ft. Accessory detached <144 SF: 5 ft.	Principal or attached accessory > 100 SF: 20 ft. Accessory detached <144 SF: 5 ft.
Min. Side Yard	1 story: 8 ft. 1 1/2 stories : 8 ft. 2 stories : 14 ft. 2 1/2 stories: 16 ft. Accessory detached <144 SF: 5 ft. Side yard on side street: 20 ft.	1 story: 8 ft. 1 1/2 stories : 8 ft. 2 stories : 12 ft. 2 1/2 stories: 14 ft. Accessory detached <144 SF: 5 ft. Side yard on side street: 15 ft.
Max. Structure Height	Principal or attached accessory: 35 ft. Accessory detached: 18 ft.	Principal or attached accessory: 35 ft. Accessory detached: 18 ft.
Max. Lot Coverage	35%	40%

			R-3	R-5	
Permitted	Residential	Single-family and two-family dwellings	•	•	
		Handicapped family units	•	•	
		Single-family single- or multiple-component manufactured housing	•	•	
		Combined living/working spaces		X	
		PRUDs	•	•	
		Multiplex development		•	
	Other	Governmental buildings and uses/municipal uses	•	•	
		Accessory uses	•	•	
		Parks	•	•	
		Home occupation	•	•	
		Special needs independent living units		•	
		Wind energy systems	•	•	
	Conditional	Residential	Sheltered care group homes	•	•
			Additional accessory dwelling units	•	•
Alteration of non-residential structure to 3+ dwelling units				•	
Conversion of multi-family structure to lodging house				•	
Institutional		Schools	•	•	
		Long-term and extended care facilities	•	•	
		Intermediate care facility	•	•	
		Places of assembly	•	•	
		Hospitals	•	•	
		Day care facilities	•	•	
Other		College, university, trade schools		•	
		Utility substations	•	•	
		Off-street parking	•	•	
		Temporary wind anemometer towers	•	•	
Wind energy systems	•	•			



Administration

Emmanuel Caulk, Superintendent
David Galin, Chief Academic Officer
Michael Wilson, Chief Financial Officer
Peter Eglinton, Chief Operations Officer

196 Allen Avenue, Portland, Maine 04103
(207) 874-8100

July 8, 2014

Mr. Mark Rees
City Manager
City Hall
389 Congress St
Portland, ME 04101

Dear Mark:

The Portland Board of Public Education voted unanimously on June 24, 2014, to authorize the Superintendent to take all steps necessary to implement the closing of the former Reed School and the transfer of control of the property to the city, including notifying the City Manager and City Council. The facility is a 33,692 square foot structure located on 2.5 acres accessed from Homestead Avenue, and was most recently used as a Central Kitchen and warehouse. Because the building does not currently operate as a school, state approval of the facility closure and transfer is not required.

Accordingly, Portland Public Schools can transfer control of the property to the City of Portland. Please let me know if additional steps are required to complete the transfer. Note that later this summer we plan to sell a few remaining pieces of kitchen equipment and relocate stored district materials to other suitable facilities. We would appreciate continued access to the building until our moves are complete. Otherwise, the city can take control of the property effective immediately.

Sincerely,

Emmanuel Caulk
Superintendent
Portland Public Schools



MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

PAUL R. LEPAGE
GOVERNOR

EARLE G. SHETTLEWORTH, JR.
DIRECTOR

19 March 2015

Deborah Andrews
Historic Preservation Program Manager
City of Portland
389 Congress Street
Portland, Maine 04101

Dear Ms. Andrews:

Thank you for submitting the National Register Eligibility Assessment form, photographs and other information pertaining to the Thomas B. Reed School in Portland, Maine. These have been carefully examined by our staff.

I am pleased to say that in our judgment, based on the information and photographs submitted to date, this property is eligible for nomination to the National Register of Historic Places. The school is eligible for its architectural significance as a good example of two distinct types of school buildings built before and after World War II. We are particularly impressed that the building retains its original windows and interior finishes. The building is also significant under Criterion A for the manner in which it illustrates the associated neighborhood's post War development.

I am writing and researching National Register nominations as my schedule allows, and it is possible that I will have the time in 2016 to write a the nomination for this property, should the City of Portland decide to pursue listing. However, should you wish to proceed immediately with the development of the nomination for this property please consider hiring an architectural historian to research and prepare the nomination documentation. A list of architectural historian known to work in the state is enclosed

All nominations, before being sent to Washington for final approval, must first be presented to our Commission for approval at one of their quarterly meetings. We will schedule this nomination for presentation once a final draft of the nomination has been received and approved by this office. Once you have identified who will prepare your nomination please have them contact me at (207) 287-2132 or christi.mitchell@maine.gov to discuss scheduling and submission requirements.

In the meantime, the property will be included in the Maine Historic Resources Inventory which will provide the same protection as if it were already listed in the National Register. Please do not hesitate to contact me if you have any questions.

Sincerely,

Christi A. Mitchell
Architectural Historian

Enc.

From: Jonah Fertig <jonah.fertig@gmail.com>
To: "cdg@portlandmaine.gov" <cdg@portlandmaine.gov>
Date: 2/2/2015 12:53 PM
Subject: Reed Street School

Hello Christine,

I recently learned about the re-use process for the Reed Street School. I was unable make the meeting last week as I just learned about it today. I am the co-chair of the Urban Agriculture Sub-Committee of the Mayor's Initiative for a Healthy and Sustainable Food System and co-chair of the Machigonne Community Land Trust. In the first role I'm working to secure land for urban agriculture and in the second role I'm working to secure land for affordable housing. So I'd love to provide some input into this process and be kept abreast of future meetings and opportunities for input.

Thanks,
Jonah Fertig

Sent from my iPhone

From: Ashley Bahlkow <bahlkow.a@gmail.com>
To: <cdg@portlandmaine.gov>
Date: 2/2/2015 11:40 AM
Subject: Make Reed School Portland's Urban Farm!

Hi Christine,

I'm a Portland resident and I wanted to express my desire to use the Reed School land as an urban farm to grow food for the city and/or a community garden. Burlington, VT's Intervale is a great example of city land use. The Intervale is huge, but an amazing community resource and tourist attraction. Check it out at <http://www.intervale.org/what-we-do/mission-vision/>. I realize Reed St. doesn't have enough land for a farm incubator program and all that the Intervale encompasses, however, I think similar could be achieved on a smaller scale and that expands Portland's food security.

Thank you for taking the time to read my response.
have a good day
Ashley Bahlkow
79 Congress St. Apt. L Portland

From: <jogero@myfairpoint.net>
To: <cdg@portlandmaine.gov>
Date: 2/2/2015 9:21 AM
Subject: Reed School

Hello Christine,

I live near Homestead Avenue and Libby Street. I drive by the former Reed School everyday and often think how this statuous building could be an asset to the city of Portland. I would like to pass on my thoughts. I feel the building would be bendficial as a secondary site for city offices, such as car registrations, voter registrations, one one floor. On a second floor, my thought would be to relocate the Maine Historical Society.

Best of

Luck on this project,

Geri Rose

From: Judith Southworth <jsouthworth@CCMAINE.ORG>
To: "cdg@portlandmaine.gov" <cdg@portlandmaine.gov>
Date: 1/31/2015 12:30 PM
Subject: Please consider Portland's Urban Farm

Hello,
Please consider using the Reed School land to establish Portland's Urban Farm for growing food for residents.
Sincerely,
Judith Southworth

From: Hazel Onsrud <hazel.onsrud@gmail.com>
To: <cdg@portlandmaine.gov>
Date: 1/30/2015 3:41 PM
Subject: Reed School property

Dear Ms. Grimando,

I think it would be great if the Reed School property could connect with the local food movement, specifically the urban agriculture portion of the Mayor's Initiative in order to facilitate more growing space which is desperately needed in our community.

Thanks!
Best wishes,
Hazel

Hazel Onsrud
hazel.onsrud@gmail.com
207.299.2657

From: Anna Sommo <annasommo@gmail.com>
To: <cdg@portlandmaine.gov>
Date: 1/30/2015 3:19 PM
Subject: Reed School Input

Hello!

I would like to put in my comment to encourage the city to turn the Reed School into an urban farm. Urban agriculture is a great way to accomplish many goals- growing food close to home, providing an outdoor classroom for students of all ages, preserving open space and many more. Agriculture brings together people from many backgrounds, and it is projects such as these that encourage people to move to places like Portland.

Here are some examples of incredible urban farms in New York:
<http://inhabitat.com/nyc/top-5-urban-farms-in-new-york-city/>.

Many thanks for your time and consideration.

Sincerely,
Anna Sommo

MEETING NOTICE: The City Council's Housing and Community Development Committee will meet on Wednesday, July 8th at 5:30 pm in City Hall, Room 209 to review the *Final Recommendations and Report of the Reed School Re-Use Advisory Task Force* and a draft Request for Qualifications regarding the possible sale and development of city-owned property at 19 Libby Street (also fronting on Homestead Avenue). For more information contact Christine Grimando, Senior Planner, 874-8608 or cdg@portlandmaine.gov. Information regarding this item will be available after 4:00 pm on July 2nd on the city website, <http://www.portlandmaine.gov/582/Housing-Community-Development-Committee>, under Most Recent Agenda.

**CITY of PORTLAND, MAINE
Request for Qualifications**

**Expression of Interest
Re-use and Re-Development of the Reed School property
19 Libby Street, Portland Maine**

Portland Planning and Urban Development Department

Sealed responses to provide expression of interest and evidence of qualification to re-develop the Reed School property, situated between Homestead Avenue and Libby Street, will be received by the Purchasing Office, City Hall, Room 103, 389 Congress Street, Portland, Maine 04101 until **3:00 p.m. (DATE), 2015***, at which time they will be publicly opened.

Proposals shall be submitted in envelopes plainly marked on the outside with the RFQ's title and number. No late, faxed, or electronic proposals shall be accepted.

Proposals from proposers not registered with the Purchasing Office may be rejected; receipt of this document directly from the City of Portland indicates registration. Should an interested party receive this Request from a source other than the City, please contact 207-874-8654 to ensure that your firm is listed as a vendor for this RFP.

Respondents are required to have a representative at a pre-submission walk through of the property scheduled for (DATE/TIME).

QUESTIONS

All questions shall be made *in writing* only, can be hand delivered, mailed to the Purchasing Office, faxed to 207-874-8652 or e-mailed to mff@portlandmaine.gov, being received no later than **July X, 2015**. A written response, if provided, will be in the form of an Addendum. Corrections or changes to this document will be made only by written addendum; any oral explanation or interpretation shall not be binding.

GENERAL INFORMATION

The disposal of this real estate shall be on the basis of a negotiated proposal, with the City of Portland reserving the right to refuse any and all proposals. All proposers are advised that the property will be sold "as-is" and "where is," in its existing condition, with no warranties to be expressed or implied. The City disclaims any and all responsibility for injury to proposers, their agents or others while examining the property or at any other time. The property will be conveyed by quitclaim deed.

Any and all improvements made to said property must be done in accordance with existing City Codes and Ordinances.

BACKGROUND

The City requests qualifications from developers and institutions with interest in re-use and re-development of the Reed School property. The City seeks a new owner for the property and re-development of the former central kitchen and school building.

The building is currently under consideration for listing as a locally designated historic landmark, and all potential developers should anticipated that alterations and repairs to the school and grounds will be reviewable under the City's Historic Preservation Ordinance.

Interested parties are asked to submit a concept development and re-use narrative, general project budget with projected funding sources, development timeline, and development team qualifications and financial capabilities. This RFQ does not require detailed architectural drawings or development pro formas.

Based on the relative strength of the development teams and the proposal narratives, the City will select top-tier, financially viable development teams to present full proposal packets through an invitation only Request for Proposals (RFP).

This request for qualifications results from the July 8, 2015 acceptance by the City Council's Housing and Community Development Committee of the recommendations of the Reed Re-Use Advisory Task Force. In preparing responses to this request, respondents are directed to the *Final Recommendations and Report of the Reed School Re-Use Advisory Task Force* and background material at:

<http://www.portlandmaine.gov/1348/Reed-School-Reuse-Project>

USES CONSIDERED

I. Generally

Re-use of the Reed School building and property is intended to support and enhance the integrity of the surrounding neighborhood. Proposals for re-use of the property will show consistency with this intent by sensitively preserving the building, maintaining publicly accessible open space, and introducing new uses, occupants, and improvements that do not unreasonably impact the character and vitality of the area.

II. Existing Zoning

Due to the distinct nature of this property, the City of Portland is pursuing rezoning of the property from R-3 to the R-5 residential zone, as one that better fits the anticipated future redevelopment of this site in regard to permitted uses and dimensional standards. The zoning map change will be accompanied by a text amendment to the R-5 zone to allow for the following residential use: *Combined living/working spaces including, but not limited to, artist residences with studio space.*

Consideration of proposals that require additional zoning changes, or that alternately propose a contract zone for the property, will be reviewed in relation to their consistency with the prioritized uses and criteria below.

Proposals that include residential unit counts that significantly exceed the current maximum R-5 allowances are discouraged.

III. Uses Encouraged

The following uses are specifically encouraged to compatibly add value, vitality and interest to the Reed School property and surrounding neighborhood.

- a. Publicly accessible, contiguous open space that incorporates community gardens, playground, or a compelling combination of active and passive recreation areas.
- b. Residential uses, including multi-family residential and senior housing, particularly those that help preserve the economic and physical character of the neighborhood.
- c. Combined living/working spaces, including but not limited to artist residences with studio space.
- d. Educational uses such as arts education, early childhood education or care, research and continuing education.
- e. Wellness-related uses such as adult day care or childcare.
- f. Community spaces such as art studios or a community center.
- g. Creative mix of uses that protect and enhance the character and vitality of the neighborhood, provided the mix is a low impact, low traffic combination.

IV. Uses Discouraged

The following uses are strongly discouraged:

- a. High intensity commercial, industrial, and/or institutional uses or those that include a large amount of traffic, parking, and, external impacts;
- b. Residential unit counts that are drastically higher density than allowed under the R-5 zone are discouraged.

GENERAL INFORMATION

Location: 19 Libby Street, Portland, Maine 04103

Current use: Uninhabited. Intermittent fire life safety trainings take place on sight on a temporary basis.

Condition of the property at the time of sale: The existing structure is currently unoccupied.

Environmental Conditions: The City of Portland does not have any specifics with regard to environmental conditions and makes no representations or guarantees with respect to the environmental condition of the site.

Note: All respondents should investigate legal and zoning requirements for proposed projects prior to submission of proposal. The City's Zoning Administrator can be contacted at (207) 874-8709. The City's Planning Office can be contacted at (207) 874-8719.

PROCESS OUTLINE

- I. Submissions will be reviewed for completeness.
- II. City Staff and a *Proposal Review Committee* will review the submissions and select a final list of qualified proposers.
- III. Upon completion of the list, an RFP document outlining specific project details and submission requirements will be sent to the pre-qualified interested parties.

Respondents are required to have a representative at a pre-submission walk through of the property scheduled for (DATE/TIME). Development Team representatives will meet in the parking area at the rear/southerly side of the building. The tour, which will be attended by City Planning and Facilities staff, will begin promptly at X:X0 p.m. and take approximately 1 hour.

Please be advised that responding to this inquiry will not ensure that your firm is placed upon the final Proposers List. However failure to respond will eliminate you from the list. The selection of bidders on the final Proposers List will be based upon a detailed evaluation of these responses, and will be chosen in the best interests of the City of Portland, Maine according to the following criteria:

CRITERIA

The city will apply the following criteria to rate competing Developer Team qualifications for selection to submit full proposals.

- I. Use** **50% Weight**
 The uses described in the conceptual development and re-use narrative are consistent with the recommendations of the Reed School Re-Use Advisory Task Force, as summarized in the *Uses Considered* section above; and,
- II. Financial Strength and Experience of the Development Team** **50% Weight**
 The Development Team has the experience, financial capacity and a proven track record to confidently achieve the goals and program(s) described in the *conceptual development and re-use narrative*.

SUBMISSION INFORMATION

- I.** Development Narrative – Provide a concept development and re-use narrative, general project budget with projected funding sources, and development timeline. The proposed uses, unit counts, and nature and extent of occupation of the Reed School building and site must be included. Sketch level drawings may be useful to augment this information but are not required. This RFQ does not require detailed architectural drawings or development pro formas.
- II.** A complete description of the structure of your team, including administration and project management team as well as major shareholders.
- a.** Developer – Name, address, telephone, fax number of the proposed
b. Owner/developer and the name(s) of an alternative contact person(s)
- III.** Developer Capacity – Identify the qualifications and experience of the development team for the project including a list of previously completed projects similar to the proposed project. This may include key staff of the developer, architect, general contractor and future property management. The submission should include indication of experience with similar development projects, and experience with Historic Preservation projects, where applicable.
- IV.** A list of current projects, with a brief description of type, and expected completion dates.
- V.** A list of projects of comparable size and complexity that you have developed in the past five years. Provide photos, demonstrative drawings and project particulars.
- VI.** A list of not less than four recent (within the past five years) client references for similar size or complexity of project, complete with names and contact information (phone and email ideally), and date of project completion.
- VII.** Evidence of financing capability sufficient to undertake a project of this scope, including a letter of reference from a Financial Institution.

VIII. Eight (8) copies, with the original so marked, of each submittal along with a single digital copy.

Reservation of Rights

The City reserves the right to waive any informalities in proposals, to accept any proposal or portions thereof (Proposers are advised to note this and quote accordingly) and to reject any or all responses should it be deemed for the best interest of the City to do so. The City reserves the right to substantiate the Proposer's qualifications, capability to perform, availability, past performance record and to verify that the proposer is current in its obligations to the City, as follows: The successful bidder shall agree to defend, indemnify and save the City harmless from all losses, costs or damages caused by its acts or those of its agents, and, before signing the contract, will produce evidence satisfactory to the City's Corporation Counsel of coverage for General Public and Automobile Liability insurance in amounts not less than \$400,000 per person, for bodily injury, death and property damage, protecting the contractor and the City, and naming the City as an additional insured from such claims, and shall also procure Workers' Compensation insurance.

All materials and equipment used as well as all methods of construction and/or demolition shall comply at a minimum with any and all Federal, OSHA, State and/or local codes, including applicable municipal ordinances and regulations.

Equal Employment Opportunities. Vendor shall comply fully with the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998, as amended (WIA, 29 CFR part 37); the Nontraditional Employment for Women Act of 1991; title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 37.

Pursuant to City procurement policy and ordinance, the City is unable to contract with businesses or individuals who are delinquent in their financial obligations to the City. These obligations may include but are not limited to real estate and personal property taxes and sewer user fees. Proposers who are delinquent in their financial obligations to the City must do one of the following: bring the obligation current, negotiate a payment plan with the City's Treasury office, or agree to an offset which shall be established by the contract which shall be issued to the successful bidder.

It is the custom of the City of Portland, Maine to pay its bills 30 days following equipment delivery and acceptance, and following the receipt of correct invoices for all items covered by the purchase order. In submitting bids under these specifications, bidders should take into account all discounts; both trade and time allowed in accordance with this payment policy and quote a net price. The City is exempt from the State's sales and use tax as well as all Federal excise taxes.

June 25, 2015

Matthew F. Fitzgerald
Purchasing Manager

Attachments: Go to: <http://www.portlandmaine.gov/1348/Reed-School-Reuse-Project>

DRAFT

PROPOSAL

NOTE: THESE PAGES ARE TO BE COMPLETED AND RETURNED

The UNDERSIGNED hereby declares that he/she or they are the only person(s), firm or corporation interested in this proposal as principal, which it is made without any connection with any other person(s), firm or corporation submitting a proposal for the same.

The UNDERSIGNED hereby declares that they have read and understand all conditions as outlined in the Request for Proposals, and that the proposal is made in accordance with same.

The UNDERSIGNED hereby declares that any person(s) employed by the City of Portland, Maine, who has direct or indirect personal or financial interest in this proposal or in any portion of the profits which may be derived therefrom has been identified and the interest disclosed by separate attachment. (Please include in your disclosure any interest which you know of. An example of a direct interest would be a City employee who would be paid to perform services under this proposal. An example of an indirect interest would be a City employee who is related to any officers, employees, principal or shareholders of your firm or to you. If in doubt as to status or interest, please disclose to the extent known).

The proposer acknowledges the receipt of Addenda numbered _____

COMPANY NAME: _____
(Individual, Partnership, Corporation, Joint Venture)

AUTHORIZED SIGNATURE: _____ DATE: _____
(Officer, Authorized Individual or Owner)

PRINT NAME & TITLE: _____

ADDRESS: _____

E-MAIL ADDRESS: _____

TELEPHONE: _____ FAX: _____

FEDERAL TAX I.D. NUMBER: _____

STATE OF INCORPORATION _____

(If incorporated in another State, businesses must be authorized to do business in the State of Maine.)

Portland, Maine



Yes. Life's good here.

Tuck O'Brien
City Planning Director, Planning Division

January 22, 2018

Michael Lyne
Developer's Collaborative
100 Commercial Street, Suite 414
Portland, ME 04101

Tom Greer, P.E.
Pinkham and Greer, Civil Engineers
28annah Avenue
Portland ME, 04103

Project Name:	Reed School Redevelopment	Project ID:	2017-234
Address:	19 Libby Street	CBL:	338-K-004
Applicant:	Michael Lyne		
Planner:	Matthew Grooms		

Dear Mr. Lyne and Mr. Greer:

On January 22, 2018, the Planning Authority approved a Level I Site Alteration application for redevelopment of the Reed School site, including expansion of the existing parking area, installation of a playground, installation of a new stormwater system, and site landscaping. The decision is based upon the application, documents and plans as submitted. The proposal was reviewed for conformance with the standards of Portland's Site Plan Ordinance.

Waivers

The Planning Authority waives the Site Plan Standard, Section 14-526(a)(2)(c)(i), which requires that all proposed developments provide a sidewalk along all frontages, to permit no public sidewalk along the property's Libby Street frontage.

Stormwater Management Permit

Based upon the City of Portland's Delegated Review Authority, the Planning Authority approves the Stormwater Management Permit application, as submitted, subject to the following condition(s):

1. Storm Water Management Condition of Approval
The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan based on City standards and state guidelines.

The owner/operator of the approved stormwater management system, and all assigns. shall comply with the conditions of Chapter 32 Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements.

A maintenance agreement for the stormwater drainage system, as attached, or in substantially the same form, shall be submitted for review by Corporation Counsel. Once approved, the document shall be signed and recorded at the Cumberland County Registry of Deeds prior to the issuance of a building permit. Please submit final copies to both the Department of Planning and Urban Development and the Department of Public Works.

Site Plan Review

The Planning Authority finds that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

1. Applicant shall review entire site for ADA compliance and repair broken asphalt as needed to entire compliance. It is understood that the improvements along Homestead Avenue will be completed during the next phase of this project.
2. The ADA compliant entrance to this building will be the entrance by the parking lot, which serves as the main entrance generally. It is understood that subsequently mentioned conditions are to be completed during the next phase of this project. ADA compliant access to that entrance shall be provided by:
 - a. Repairing the sidewalk on Homestead in front of the building as needed; and
 - b. Providing a dedicated walkway from Homestead to the parking lot by either limiting vehicle access on the driveway to Homestead to emergency access only, or by providing a parallel walkway.
3. The applicant shall work with staff and METRO to resolve the best locations of bus stops along Forest Avenue to serve the site.
4. The applicant shall repair the fence along the property boundary as needed.
5. The City will look at the potential to complete the missing piece of sidewalk along Homestead Avenue just west of the site and asks for the applicant's support as necessary.

The approval is based on the submitted plans and the findings related to site plan review standards as contained in the Planning Report for application 2017-234 which is attached.

Standard Conditions of Approval

Please Note: The following standard conditions of approval and requirements apply to all approved site plans:

1. Develop Site According to Plan The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning

Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

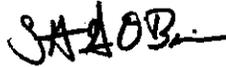
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Permitting and Inspections Department.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning and Urban Development Department and Public Works Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Works representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. **Construction Management Plans** The applicant, contractor and subcontractors are required to conform to the approved Construction Management Plan, and all conditions contained within the project's approval, for the entire duration of the project. Any amendments to the approved Construction Management Plan shall be reviewed and approved by the Department of Public Works prior to the execution. The Planning Authority and the Department of Public Works have the right to seek revisions to an approved Construction Management Plan. The applicant shall coordinate the project's construction schedule with the timing of nearby construction activities to avoid cumulative impacts on a neighborhood and prevent unsafe vehicle and pedestrian movements. Accordingly, nearby construction activities could involve a delay in the commencement of construction.

8. Department of Public Works Permits If work or obstructions will occur within the public right-of-way, such as utilities, curb, sidewalk, driveway construction, site deliveries and equipment siting, a Street Opening and/or Occupancy Permit (s) is required for your site. Please contact the Department of Public Works Permit Clerk at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
9. As-Built Final Plans Final sets of as-built plans shall be submitted digitally to the Planning and Urban Development Department, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning and Urban Development Department at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Matthew Grooms at (207) 874-8725

Sincerely,



Stuart G. O'Brien
City Planning Director

Attachments:

1. Development Review Comments
2. Portland City Code: Chapter 32
3. Sample Stormwater Maintenance Agreement
4. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Stuart G. O'Brien, City Planning Director, Planning and Urban Development
Barbara Barhydt, Development Review Services Manager, Planning and Urban Development
Matthew Grooms, Planner, Planning and Urban Development
Philip DiPierro, DRC, Planning and Urban Development
Mike Russell, Director of Permitting and Inspections
Ann Machado, Zoning Administrator, Permitting and Inspections
Jonathan Rioux, Deputy Director, Permitting and Inspections
Jeanie Bourke, Plan Reviewer/CEO, Permitting and Inspections
Chris Branch, Director of Public Works
Keith Gray, Senior Engineer, Public Works
Doug Roncarati, Stormwater Coordinator, Public Works
Jane Ward, Engineering, Public Works

Rhonda Zazzara, Construction Engineering Coordinator, Public Works
Jeff Tarling, City Arborist, Public Works
Jeremiah Bartlett, Transportation Systems Engineer, Public Works
William Scott, Chief Surveyor, Public Works
Mike Thompson, Fire
Danielle West-Chuhta, Corporation Counsel
Jennifer Thompson, Corporation Counsel
Victoria Volent, Housing Program Manager, Housing and Community Development
Thomas Errico, P.E., TY Lin Associates
Lauren Swett, P.E., Woodard and Curran
Christopher Huff, Assessor



Zoning Map, Text Amendment, Contract or Conditional Rezoning Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the review of requests for zoning map amendments, zoning text amendments and contract or conditional re-zoning. The Division also coordinates site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Zoning Map, Text Amendment or Contract/Conditional Rezoning.

Portland's development review process and requirements are outlined in the [Land Use Code \(Chapter 14\)](#), [Design Manual](#) and [Technical Manual](#).

Planning Division

Fourth Floor, City Hall
389 Congress Street
(207) 874-8719
planning@portlandmaine.gov

Office Hours

Monday thru Friday
8:00 a.m. – 4:30 p.m.

I. Project Information (Please enter n/a on those fields that are not applicable)

Project Name:	Reed School
Proposed Development Address:	19 Libby Street
Project Description:	Adaptive reuse of portion of historic elementary school as rental apartments
Chart/Block/Lot:	338 K004001
Right, Title or Interest (<i>Please identify the status of the applicant's right, title, or interest in the subject property – for example a deed, option or contract to purchase or lease the subject property</i>)	Signed Purchase and Sale Agreement
Existing Use (<i>Describe the existing use of the subject property</i>)	Vacant building
Current Zoning Designation:	R-3
Proposed Use of the Property (<i>Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property</i>)	Adaptive reuse of the original 1910 building (not the 1950s addition) into eight rental residential units. The rehabilitation project will restore the exterior historic features. Historic wood windows will be replaced in kind and historic doors will be restored.
Vicinity Map (<i>Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use</i>)	
Site Plan (<i>On a separate sheet, please provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan – to scale – by the applicant. (Scale to suit, range from 1' = 10' to 1' = 50'.) Contract and conditional rezoning applications may require additional site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood</i>)	

II. Contact Information (Please enter n/a on those fields that are not applicable)

APPLICANT

Name:	Kevin Bunker / Laura Reading
Business Name:	Developers Collaborative Predevelopment LLC
Address:	100 Commercial St, Ste 414
City/State:	Portland, ME
Zip Code:	04101
Work #:	(207) 766-6696
Home #:	
Cell #:	
Fax #:	
E-mail:	reading.lauraj@gmail.com

OWNER

Name:	City of Portland
Address:	389 Congress St
City/State:	Portland, ME
Zip Code:	04101
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

AGENT/REPRESENTATIVE

Name:	n/a
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

BILLING (to whom invoices will be forwarded to)

Name:	Developers Collaborative Predevelopment LLC
Address:	100 Commercial St, Ste 414
City/State:	Portland, ME
Zip Code:	04101
Work #:	(207) 766-6696
Home #:	
Cell #:	
Fax #:	
E-mail:	reading.lauraj@gmail.com

ENGINEER

Name:	Pinkham and Greer
Address:	28 Vannah Ave
City/State:	Portland, ME
Zip Code:	04103
Work #:	(207) 781-5242
Home #:	
Cell #:	
Fax #:	
E-mail:	

SURVEYOR

Name:	n/a
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

ARCHITECT

Name:	Archetype Architects
Address:	48 Union Wharf
City/State:	Portland, ME
Zip Code:	04101
Work #:	(207) 772-6022
Home #:	
Cell #:	
Fax #:	
E-mail:	

ATTORNEY

Name:	Cito Selinger, Curtis Thaxter
Address:	1 Canal Plaza, #1000
City/State:	Portland, ME
Zip Code:	04101
Work #:	(207) 774-9000
Home #:	
Cell #:	
Fax #:	
E-mail:	cselinger@curtisthaxter.com

DESIGNATED PERSON(S) FOR UPLOADING INTO e-PLAN

Name:	Laura Reading
E-mail:	reading.lauraj@gmail.com
Name:	
E-mail:	
Name:	
E-mail:	

III. APPLICATION FEES (check applicable review)

<input type="checkbox"/>	Zoning Map Amendment from () zone to () zone	\$3,000.00
<input checked="" type="checkbox"/>	Zoning Text Amendment to Section 14- (88) (For a zoning text amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example).)	\$3,000.00
<input type="checkbox"/>	Combination Zoning Text Amendment and Zoning Map Amendment	\$4,000.00
<input type="checkbox"/>	Conditional or Contract Zone <i>(A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurance related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Section 14-60-62.)</i>	\$5,000.00

IV. FEES ASSESSED AND INVOICED SEPARATELY

- Notices to abutters (receipt of application, workshop and public hearing meetings) (\$.75 each)
- Legal Ad in the Newspaper (% of total ad)
- Planning Review (\$52.00 hour)
- Legal Review (\$75.00 hour)
- Third Party Review (all outside reviews or analysis, eg. Traffic/Peer Engineer, are the responsibility of the applicant and will be assessed and billed separately)

VI. APPLICANT SIGNATURE

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a *legal signature* per Maine state law.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Map Amendment, Text Amendment, Conditional or Contract Rezoning review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant:	Laura Reading
Date:	10/17/2017

DIVISION 4. R-3 RESIDENTIAL ZONE*

*Editor's note--Ord. No. 534-84, adopted May 7, 1984, repealed Div. 4, §§ 14-87--14-90, and enacted a new Div. 4, §§ 14-86--14-91. Formerly, Div. 4 was derived from Code 1968, § 602.4.A--D, and the following ordinances: Ord. No. 49-74, 372-75, 406-75, 34-76, 145-79, 145-81, 303-81, 90-83, and 499-74.

Sec. 14-86. Purpose.

The purpose of the R-3 residential zone is:

To provide for medium-density residential development characterized by single-family homes on individual lots and also to provide for planned residential unit developments on substantially sized parcels. Such development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.

(Ord. No. 534-84, 5-7-84; Ord. No. 81-88, § 1, 7-19-88)

*Editor's note--Ord. No. 81-88, § 1, adopted July 19, 1988, amended § 14-86 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 81-88.

Sec. 14-87. Permitted uses.

The following uses are permitted in the R-3 residential zone:

(a) Residential:

1. Single-family detached dwellings.
2. Planned residential unit development (PRUD) consisting of horizontally attached dwelling units or a series of such dwelling units. No dimensional requirements contained in section 14-90 shall apply with respect to such development, except for those requirements specifically denoted for PRUD. There shall be no open outside stairways or fire escapes above the ground floor. All land shall be owned and used in common and shall be governed and maintained as set forth in section 14-498(i)(3) of article IV (subdivisions) of this chapter. Such development shall be subject to

review and approval by the Planning Board with respect to the requirements of article V (site plan) and article IV (subdivisions) of this chapter, whether or not such development is a subdivision within the meaning of article IV of this chapter, as now enacted or as hereafter amended.

3. Handicapped family unit, as defined in section 14-47 (definitions) of this article, for handicapped persons plus staff.
4. Single-family, multiple-component manufactured housing, as defined in section 14-47 (definitions) of this article, except in a National Register Historic District.
5. Single-family, single-component manufactured housing, as defined in section 14-47 (definitions) of this article, on individual lots under separate and distinct ownership, except in a National Register Historic District and until May 1, 1985, on the islands, provided that each unit meets the performance standards listed below.
 - a. More than half of the roofed area of each unit shall be a double pitched Class C rated shingled roof with a minimum pitch of 3/12.
 - b. Each unit shall be installed on a full foundation or a concrete frost wall in accordance with all applicable codes and regulations. Any hitch or tow bar shall be removed from the unit after it is placed on its foundation or frost wall. In the case of a frost wall, vermin proof skirting shall be installed on all sides of the unit. The skirting may consist of either (a) concrete or masonry block or (b) manufactured skirting. If concrete or masonry block skirting is installed, either the exterior siding of the unit shall extend within one (1) foot of grade or decorative masonry siding shall be applied. If manufactured skirting material is installed, the color shall be identical to or compatible with the exterior siding of the unit.
 - c. Each unit shall have exterior siding that is

residential in appearance, including but not limited to natural materials such as wood clapboards or shakes, or exterior materials which simulate wood. Clapboards or simulated clapboard shall have less than eight (8) inches of exposure and sheet metal type siding shall not be permitted.

- d. Each unit shall have the long side of the unit parallel to the street line where the required street frontage is met.
 - e. Each unit shall be provided with at least two (2) trees meeting the city's arboricultural specifications and which are clearly visible from the street line and are located so as to visually widen the narrow dimension or proportion of the unit.
 - f. Each unit shall have all fuel oil supply systems constructed and installed within the foundation wall or underground in accordance with all applicable codes and regulations.
 - g. No unit shall be horizontally or vertically attached to any other unit or other structure, provided however, that this provision shall not be deemed to prohibit building additions, such as porches, garages, room additions or solar greenhouses.
- (b) Other:
- 1. Reserved;
 - 2. Parks, and other active and passive noncommercial recreation spaces;
 - 3. Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory uses) of this article;
 - 4. Home occupation, subject to the provisions of section 14-410 (home occupation) of this article;

5. Municipal uses, excluding those specifically set forth in section 14-88 of this division.

6. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 534-84, 5-7-84; Ord. No. 262-84, § 1, 12-17-84; Ord. No. 36-85, § 1, 7-15-85; Ord. No. 81-88, §§ 2, 3, 7-19-88; Ord. No. 86A-89, § 3, 8-21-89; Ord. No. 33-91, § 4, 1-23-91; Ord. No. 165-97, § 1, 12-1-97; Ord. No. 33-11/12, 1-18-12)

*Editor's note--Ord. No. 81-88, §§ 2 and 3, adopted July 19, 1988, amended subsections 14-87(a)2 and (b)5 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 81-88.

Sec. 14-88. Conditional uses.

The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) and any special provisions, standards or requirements specified below:

(a) Residential:

1. Sheltered care group homes, as defined in section 14-47 of this article, for up to twelve (12) individuals, plus staff, and serving a primary population which is not handicapped persons, parolees, persons involved in correctional prerelease programs, or current illegal drug users, provided that:

- a. A sheltered care group home shall not be located within five hundred (500) feet of another, as measured along street lines to the respective property lines;
- b. There shall be no open outside stairways or fire escapes above the ground floor;
- c. The facility shall make provision for adequate on-site staffing in accordance with applicable state licensing requirements. If a facility is not licensed by the state, there shall be a minimum of one (1) staff

person for every ten (10) residents or fraction thereof.

The board of appeals may impose conditions upon a conditional use permit concerning the creation or operation of a sheltered care group home including but not limited to the following: site and building maintenance; lighting, fencing, and other appropriate security measures; screening and buffering of parking areas; compatibility of any additions or alterations with the existing residential structure; compatibility of new structures with the architectural character of the surrounding area; and limitation on the duration of a sheltered care group home permit.

2. Alteration or construction of a detached single-family dwelling to accommodate one (1) additional dwelling unit for the benefit of homeowners or tenants, provided that:
 - a. The accessory unit shall be no more than thirty (30) percent of the gross floor area of principal building and shall have a minimum floor area four hundred (400) square feet; gross floor area shall exclude any floor area that has less than two-thirds of its floor-to-ceiling height above the average adjoining ground level; gross floor area may include attic space if such space shall be included as habitable space within either dwelling unit;
 - b. There shall be no open outside stairways or fire escapes above the ground floor;
 - c. Any building additions or exterior alterations such as facade materials, building form, or roof pitch shall be designed to be compatible with the architectural style and to maintain the single-family appearance of the dwelling;
 - d. A minimum lot size of six thousand five hundred (6,500) square feet of land area shall be required;

- g. No dwelling unit shall be reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and storage in basement or attic;
- h. Parking shall be provided as required by division 20 of this article;
- i. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:
 - i. Any additions or exterior alterations such as facade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the building;
 - ii. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets.
 - j. Either the accessory unit or principal unit shall be occupied by the lot owner, except for bona fide temporary absences.
- 3. Alteration of a structure existing and not in residential use as of January 1, 1984, to three (3) or more dwelling units, provided that:
 - a. No open outside stairways or fire escapes above the ground floor shall be constructed or have been constructed in the immediately preceding five (5) years;
 - b. A lower level dwelling unit shall have a minimum of one-half of its floor-to-ceiling height above the average adjoining ground level;
 - c. Three thousand (3,000) square feet of land

area per dwelling unit shall be required;

- d. On-site parking shall be required as specified in division 20 (off-street parking) of this article, for the combined uses of the site;
- e. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:
 - 1. Any addition or exterior alterations such as façade materials, building form, and roof pitch shall be designed to be both compatible with the architectural style of the structure and to the extent practicable the adjoining neighborhood and shall be limited to a gross floor area equal to or less than 25% of the total existing floor area.
 - 2. The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets.

(b) Commercial:

- 1. Reserved.

(c) Institutional: Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority:

- 1. Elementary, middle, and secondary school;
- 2. a. Long-term and extended care facilities;

- b. Intermediate care facility for thirteen (13) or more persons;
- 3. Places of assembly;
- 4. Hospital.

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- a. In the case of expansion of existing such uses onto land other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and
- b. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- c. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative; and
- d. Article V (site plan) sections 14-522 and 14-523 notwithstanding, in the case of places of assembly the proposed use shall be subject to the requirements of article V (site plan) of this chapter; and
- e. In the case of community halls:
 - i. The structure was in existence as of January 4, 2010.
 - ii. The structure was built for institutional or other non-residential uses;

- iii. The structure is operated by, or operated subject to the control of, a not-for-profit entity in accordance with its not-for-profit purposes; and
- iv. A parking management plan is submitted for review and approval by the planning board; and
- f. In the case of private club or fraternal organizations: any such establishment serving alcoholic beverages or in possession of a license for serving alcoholic beverages shall be located on a large lot, as specified in the minimum lot size provisions of this section.

(d) Other:

1. Off-street parking of passenger cars as provided in section 14-344 (board of appeals may authorize parking in certain residence zones) of this article;
2. Utility substations, including sewage treatment plants, sewage and water pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;
3. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, and nursery schools and kindergartens subject to the following conditions:
 - a. The facility shall be located in a structure in which there is one (1) or more occupied residential units or in an existing accessory structure, unless the facility is located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately

preceding the application for a day care use, home babysitting use, nursery school or kindergarten, or in a nonresidential structure accessory to the principal nonresidential use.

- b. The maximum capacity shall be twelve (12) children for facilities located in residential or existing structures accessory thereto, unless the additional standards in subsection v. are met. There shall be no maximum limit on the number of children in a facility located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use, or in a nonresidential structure accessory thereto, provided that any such structure that serves more than twelve (12) children shall be subject to review under article V of this chapter.
- c. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
- d. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.
- e. Day care facilities, home babysitting uses, nursery schools and kindergartens located either in structures that have been in residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children shall meet the following additional standards:
 - i. The facility shall provide a minimum of seventy-five (75) square feet of outdoor play area per child;
 - ii. The play area shall be located in the

side and rear yards only and shall not be located in front yards;

- iii. Outside play areas shall be separated from abutting properties by a fence at least forty-eight (48) inches in height;
 - iv. A ten-foot wide landscaped buffer shall be required outside of the fenced play area, and shall be established in accordance with the landscaping standards of the City's Technical Standards and Guidelines;
 - v. The minimum lot size for a day care facility, home babysitting services, nursery school, or kindergarten located in a residential or existing accessory structure and serving more than twelve (12) children shall be twenty thousand (20,000) square feet;
 - vi. *Off-street parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article.
 - vii. The maximum number of children in a day care facility, home babysitting service, nursery school or kindergarten located in a residential or existing accessory structure shall be twenty-four (24); and
 - viii. Any additions or exterior alterations such as facade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the residential appearance of the building.
4. Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:
- a. Towers may be installed for the purpose of wind data collection for no more than two

- (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and
- b. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and
 - c. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and
 - d. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and
 - e. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and
 - f. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and
 - g. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose;

and

- h. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

5. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 534-84, 5-7-84; Ord. No. 262-84, § 2, 12-17-84; Ord. No. 76-85, § 4, 7-1-85; Ord. No. 36-85, § 2, 7-15-85; Ord. No. 67-87, § 1, 11-2-87; Ord. No. 81-88, § 4, 7-19-88; Ord. No. 235-91, § 5, 2-4-91; Ord. No. 118-93, § 5, 10-18-93; Ord. No. 133-96, § 3, 11-18-96; Ord. No. 154-96, § 5, 12-16-96; Ord. No. 222-99, §3, 3-01-99; Ord. No. 199-04/05, 4-4-05; Ord. No. 29-09/10, 8-3-09 emergency passage; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 240-09/10, 6-21-10; Ord. No. 9 10/11, 8-2-10; Ord. No. 149-10/11, 3-7-11; Ord. No. 33-11/12, 1-18-12)

Sec. 14-89. Prohibited uses.

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.
(Ord. No. 534-84, 5-7-84)

Sec. 14-90. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-3 zone shall meet the following minimum requirements:

(a) Minimum lot size:

1. Residential: Sixty-five hundred (6,500) square feet except as provided for lots of record is section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article. A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S.A. Section 4807 et seq., or the applicable zoning lot size, whichever is larger.
2. Alteration of a detached single-family dwelling

to a two-family dwelling: Ten thousand (10,000) square feet.

3. Long-term, extended, or intermediate care facilities: Two (2) acres.

4. School: Two (2) acres.

5. Places of assembly:

Large	Two (2) acres
Medium	One (1) acre
Small	Half (1/2) acre

6. Municipal use: Sixty-five hundred (6,500) square feet.

7. Hospital: Ten (10) acres.

8. Planned residential unit development (PRUD): Three (3) acres gross area, as defined in section 14-47 (definitions) of this article, of continuous land.

9. All other uses: Sixty-five hundred (6,500) square feet.

Provided that for uses specified in section 14-90(a)3 through 8 above, no minimum lot area shall be required in the following cases:

- a. Uses existing as of June 1, 1983;
- b. Expansion onto land abutting the lot on which the principal use is located;
- c. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;

- d. Expansion onto land other than the lot on which the principal use is located of no more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.

- (b) Minimum lot area per dwelling unit:

PRUD: Sixty-five hundred (6,500) square feet of net land area as defined in section 14-47 (definitions) of this article. As part of a site plan and subdivision application, the applicant shall provide a calculation of those factors deducted to determine net land area. In addition, such net area factors shall be delineated on a site plan.

Other uses: Sixty-five hundred (6,500) square feet.

- (c) Minimum street frontage: Fifty (50) feet, except that lots located in a subdivision approved after the effective date of Ord. No. 165-97 pursuant to section 14-497.5 shall meet the street frontage requirements approved as part of the subdivision plan under the terms of that section.

- (d) Minimum yard dimensions:

(Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

1. Front yard:

Principal or accessory structures: Twenty-five (25) feet.

A front yard need not exceed the average depth of front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20%) percent of the depth of the lot.

2. Rear yard:

- a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet: Twenty-five (25) feet.
- b. Accessory detached structures with ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

3. Side yard:

- a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet:

<i>Height of Structure</i>	<i>Required Side Yard</i>
1 story	8 feet
1 1/2 stories	8 feet
2 stories	14 feet
2 1/2 stories	16 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than eight (8) feet in width. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than eight (8) feet.

- b. Accessory detached structures with ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

4. Side yard on side street:

- a. Principal or accessory structures: Twenty (20) feet.
 - (e) Maximum lot coverage: Thirty-five (35) percent of lot area.
 - (f) Minimum lot width: Sixty-five (65) feet.
 - (g) Maximum structure height: Principal or accessory attached structure: Thirty-five (35) feet.
- Accessory detached structure:* Eighteen (18) feet.
- (h)
 - 1. *Maximum number of units in a building (PRUD of five (5) acres or more):* Six (6) units.
 - 2. *Maximum number of units in a building (PRUD of less than five (5) acres):* Two (2) units.
 - (i) *Maximum average number of units in a building (PRUD of five (5) acres or more):* Five (5) units.
 - (j) *Maximum length of building (PRUD):* One hundred (100) feet for buildings without garages; one hundred forty (140) feet for buildings with integral garages.
 - (k) *Minimum building setback from external subdivision property lines (PRUD):*
 - 1. *Three (3) or fewer dwelling units in building:* Twenty-five (25) feet.
 - 2. *Four (4) or more dwelling units in building:* Thirty-five (35) feet.
 - (l) *Minimum distance between detached PRUD dwelling unit:* Sixteen (16) feet.
 - (m) Reserved.
 - (n) *Minimum recreation open space area (PRUD):* Three hundred (300) square feet per dwelling unit of common area designated on the site for recreation purposes. Such recreation areas shall be level graded, dry, accessible and properly drained. At a minimum, a

contiguous area of six thousand (6,000) square feet with a minimum dimension of fifty (50) feet shall be provided and shall include one (1) or more of the uses set forth in section 14-526 (d) 9. and the planned residential unit development standards in the City of Portland Design Manual but shall at least provide usable recreation space. Such recreation areas shall be located at least twenty-five (25) feet from dwelling units.

- (o) No habitable space in a PRUD shall be below grade, except basements that are a part of and below ground units.
- (p) Maximum floor area for places of assembly on a collector or arterial road:

Large	Not limited
Medium	9,000 sq. ft.
Small	5,000 sq. ft.

- (q) Maximum floor area for places of assembly not on a collector or arterial road:

Large	9,000 sq. ft.
Medium	4,500 sq. ft.
Small	2,500 sq. ft.

(Ord. No. 534-84, 5-7-84; Ord. No. 81-88, § 5, 7-19-88; Ord. No. 385-89, §§ 1, 2, 4-3-89; Ord. No. 235-91, § 6, 2-4-91; Ord. No. 118-93, § 6, 10-18-93; Ord. No. 154-96, § 6, 12-16-96; Ord. No. 165-97, § 2, 12-1-97; Ord. No. 95-04/05, 11-15-04; Ord. No. 131-08/09, 12-15-08; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 40-12/13, 9-5-12)

*Editor's note--Ord. No. 81-88, § 5, adopted July 19, 1988, amended § 14-90 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 81-88.

Sec. 14-91. Other requirement.

Other requirements are as follows:

- (a) Off-street parking: Off-street parking is required as provided in division 20 (off-street parking) of this article.

(b) Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(c) Storage of vehicles: Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(Ord. No. 534-84, 5-7-84; Ord. No. 15-92, § 7, 6-15-92)

Secs. 14-92. Reserved.

Secs. 14-93. Reserved.

DIVISION 4.5. FH FLEXIBLE HOUSING ZONE

Sec. 14-94. Purpose.

The intention of this division is to establish an overlay zone in which manufactured housing development is permitted in addition to those uses permitted in the underlying residential zone. The purpose of this division is to accommodate additional housing types in appropriate areas of the city, while protecting the value and integrity of established residential neighborhoods and ensuring a balanced and orderly pattern of residential development.

(Ord. No. 610-82, § 2, 7-7-82; Ord. No. 130-82, § 1, 9-20-82; Ord. No. 200-89, § 1, 12-18-89)

Sec. 14-95. Manufactured housing park or subdivision.

Notwithstanding any other provision of this article, no manufactured housing park or subdivision shall be permitted in any zone except as provided in this section.

(a) Manufactured housing park or subdivision, as defined in section 14-47, shall be permitted in the flexible housing zone, the Planning Board shall be the reviewing authority. Such development shall be in accordance with the space and bulk and other requirements applicable to similar uses permitted in the underlying zone, except those standards set forth in section 14-96, and shall also meet the following additional requirement:

1. Reserved.

2. Such development shall be subject to approval by the Planning Board with respect to each and every requirement of article VI of this chapter, including the special requirements of section 14-499.5, whether or not such development is a subdivision within the meaning of article IV of this chapter, as now enacted or as hereafter amended and shall also be subject to article V of this chapter.
3. Whether or not the underlying zone permits planned residential unit development, a manufactured housing park shall be a planned residential unit development, subject to the provisions of this section, section 14-499.5 and section 14-526 9. All land, including but not limited to private streets, private driveways, utility location areas, common parking areas and common recreation open space, shall be owned and used in common. Manufactured housing parks shall not be subject to the net land area calculations set forth in section 14-47.
4. Single-component manufactured housing shall be prohibited from being horizontally or vertically attached to any other unit or structure.
(Provided, however, that this provision shall not be deemed to prohibit building additions, such as porches, garages, room additions or solar greenhouses.)

(Ord. No. 610-82, § 2, 7-7-82; Ord. No. 130-82, § 1, 9-20-82; Ord. No. 263-84, § 1, 12-17-84; Ord. No. 200-89, § 2, 12-18-89; Ord. No. 278-09/10, 7-19-10)

Sec. 14-96. Additional dimensional requirements and performance standards for manufactured housing parks.

Notwithstanding the provisions of section 14-95 and the dimensional requirements for underlying zones, the following dimensional requirements shall apply to manufactured housing parks:

- (a) Minimum manufactured housing park unit space size:
Four thousand five hundred (4,500) square feet. A manufactured housing park unit space in an unsewered residential district shall meet the provisions of 12 M.R.S.A. 4807 et seq., or the applicable zoning lot size, whichever is larger.

- (b) Maximum manufactured housing park unit space coverage:
Fifty (50) percent.
- (c) Minimum street frontage for manufactured housing park:
Fifty (50) feet.
- (d) Minimum open space requirement: Ten (10) percent of
the combined area of the individual unit spaces within
the manufactured housing park.
- (e) Minimum yard dimensions:

(Yard dimensions include setbacks from unit space boundaries and setbacks of structures from one another. No structure shall occupy the yard of another structure.):

- 1. Front yard: Principal or accessory structures:
Twenty (20) feet.
 - 2. Rear yard:
 - a. Principal or accessory structures with
ground coverage greater than one hundred
(100) square feet: Twenty (20) feet.
 - b. Accessory detached structures with ground
coverage of one hundred (100) square feet or
less: Five (5) feet.
 - 3. Side yard: Principal or accessory structures: Ten
(10) feet.
 - 4. Unit spaces located within a shoreland zone shall
meet the lot area and lot width requirements for
the underlying zone and shall also meet all
applicable shoreland zoning standards.
- (f) All manufactured housing park unit spaces within a
manufactured housing park shall be shown on a
manufactured housing plan showing unit space
boundaries, unit space sizes, and unit space
dimensions. Such unit spaces shall be under unified
ownership with all other unit spaces within the
manufactured housing park. The manufactured housing
park plan shall also contain a note that city services

shall not be provided on private streets within the manufactured housing park. Individual leases for unit spaces shall disclose that city services shall not be provided on private streets within the manufactured housing park.

- (g) All single-family single-component manufactured housing units in a manufactured housing park shall meet the following performance standards:
1. More than half of the roof area of each unit shall be a double-pitched Class C rated shingled roof with a minimum pitch of 3/12.
 2. Each unit shall be installed on a full foundation, a concrete frost wall, or a reinforced floating concrete pad which shall be certified by an engineer if it is to be placed on soil with high frost susceptibility, in accordance with all applicable codes and regulations. Any hitch or tow bar shall be removed from the unit after it is placed on its foundation or frost wall. In the case of a frost wall, vermin-proof skirting shall be installed on all sides of the unit. The skirting may consist of either (a) concrete or masonry block or (b) manufactured skirting. If concrete or masonry block skirting is installed, either the exterior siding of the unit shall extend within one (1) foot of grade or decorative masonry siding shall be applied. If manufactured skirting material is installed, the color shall be identical to or compatible with the exterior siding of the unit.
 3. Each unit shall have exterior siding that is residential in appearance, including but not limited to natural materials such as wood clapboards or shakes, or exterior materials which simulate wood. Clapboard or simulated clapboards shall have less than eight (8) inches of exposure, and sheet metal type siding shall not be permitted.
 4. Each unit shall be provided with at least two (2) trees meeting the city's arboricultural specifications and which are clearly visible from

the street line and are located so as to visually widen the narrow dimension or proportion of the unit.

5. Each unit shall have all fuel oil supply systems constructed and installed within the foundation wall or underground in accordance with all applicable codes and regulations.
6. No unit shall be horizontally or vertically attached to any other unit or other structure, provided, however, that this provision shall not be deemed to prohibit building additions, such as porches, garages, room additions or solar greenhouses.

(Ord. No. 200-89, § 3, 12-18-89)

City of Portland
Code of Ordinances
Sec. 14-96

Land Use
Chapter 14
Rev. 12-18-1989

Sec. 14-97 - 14-100. Reserved.

DIVISION 6. R-5 RESIDENTIAL ZONE*

 *Editor's note--Ord. No. 536-84, adopted May 7, 1984, repealed former Div. 6, §§ 14-116--14-119, and enacted in lieu thereof a new Div. 7, §§ 14-116--14-121. However, in order to avoid duplication of subsequent division numbers and in consultation with the city, the provisions have been retained as Div. 6. Sections 14-116--14-119 were formerly derived from Code 1968, § 602.5.A--D, and Ord. Nos. 207-72, 499-74, 193-82, 92-83, 422-83.

Sec. 14-116. Purpose.

The purpose of the R-5 residential zone is:

To provide appropriate areas of the city for medium-density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unit development on substantially sized parcels. Such PRUD development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.

(Ord. No. 536-84, 5-7-84; Ord. No. 83-88, § 1, 7-19-88)

 *Editor's note--Ord. No. 83-88, § 1, adopted July 19, 1988, amended § 14-116 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 83-88.

Sec. 14-117. Permitted uses.

The following uses are permitted in the R-5 residential zone:

(a) Residential:

1. Single- and two-family dwellings; except that development of two (2) or more two-family dwellings on contiguous lots within any two-year period shall be subject to review as specified under the provisions of 14-117(a)2e if such lots were under single ownership at any time within the two-year period immediately prior to development of the first such lot. No building

reviewed as a two-family dwelling in accordance with article V (site plan) of this chapter or not reviewed under article V shall be altered or enlarged to include any additional dwelling unit within five (5) years from the date of issuance of the building permit. Any building reviewed as a two-family dwelling in accordance with article V (site plan) which is altered or enlarged to include any additional dwelling unit after this five-year period shall be reviewed as a level I site plan pursuant to article V of this chapter.

2. Multiplex development with three (3) or more horizontally or vertically attached dwelling units or a series of such attached dwelling units and the construction of at least one (1) building on a parcel of less than two (2) acres, provided that:
 - a. The land area requirement for a multiplex shall be six thousand (6,000) square feet of land area per dwelling unit; except that a multiplex with two hundred fifty (250) feet or more of street frontage needs only forty-five hundred (4,500) square feet of land area per dwelling unit;
 - b. No dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;
 - c. No open outside stairways or fire escapes above the ground floor shall be constructed;
 - d. No habitable space in a dwelling unit shall be below grade, except basements that are a part of and below aboveground units;
 - e. Such development shall be subject to article V (site plan) of this chapter for site plan review approval and shall conform to the R-5 Design Standards.
3. Planned residential unit development (PRUD) consisting of horizontally or vertically attached

dwelling units, or a series of such dwelling units. No dimensional requirements contained in section 14-120 shall apply with respect to such development, except for those requirements specifically denoted for PRUD. There shall be no open outside stairways or fire escapes above the ground floor. All land shall be owned and used in common and shall be governed and maintained as set forth in section 14-498(i)(3) of this chapter. Such development shall be subject to review and approval by the Planning Board with respect to the requirements of article V (site plan) and article IV (subdivisions) of this chapter, whether or not such development is a subdivision within the meaning of article IV of this chapter, as now enacted or as hereafter amended.

4. Handicapped family unit, as defined in section 14-47 (definitions) of this article, for handicapped persons plus staff.
5. Single-family, multiple-component manufactured housing, as defined in section 14-47 (definitions) of this article, except in a National Register Historic District.
6. Single-family, single-component manufactured housing, as defined in section 14-47 (definitions) of this article, on individual lots under separate and distinct ownership, except in a National Register Historic District, provided that each unit meets the performance standards listed below:
 - a. More than half of the roof area of each unit shall be a double pitched Class C rated shingled roof with a minimum pitch of 3/12.
 - b. Each unit shall be installed on a full foundation or a concrete frost wall in accordance with all applicable codes and regulations. Any hitch or tow bar shall be removed from the unit after it is placed on its foundation or frost wall. In the case of a frost wall, vermin proof skirting shall be

installed on all sides of the unit. The skirting may consist of either (a) concrete or masonry block or (b) manufactured skirting. If concrete or masonry block skirting is installed, either the exterior siding of the unit shall extend within one (1) foot of grade or decorative masonry siding shall be applied. If manufactured skirting material is installed, the color shall be identical to or compatible with the exterior siding of the unit.

- c. Each unit shall have exterior siding that is residential in appearance, including but not limited to natural materials such as wood clapboards or shakes, or exterior materials which simulate wood. Clapboards or simulated clapboards shall have less than eight (8) inches of exposure and sheet metal type siding shall not be permitted.
- d. Each unit shall have the long side of the unit parallel to the street line where the required street frontage is met.
- e. Each unit shall be provided with at least two (2) trees meeting the city's arboricultural specifications and which are clearly visible from the street line and are located so as to visually widen the narrow dimension or proportion of the unit.
- f. Each unit shall have all fuel oil supply systems constructed and installed within the foundation wall or underground in accordance with all applicable codes and regulations.
- g. No unit shall be horizontally or vertically attached to any other unit or other structure, provided however, that this provision shall not be deemed to prohibit building additions, such as porches, garages, room additions or solar greenhouses.

(b) Other:

1. Parks, and other active and passive noncommercial recreation spaces;
2. Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory use) of this article;
3. Home occupation, subject to the provisions of section 14-410 (home occupation) of this article;
4. Municipal uses, excluding those specifically set forth in section 14-118 of this division.
5. Special needs independent living units on lots of less than two (2) acres, provided that a building housing special needs independent living units shall not house other types of residential or other permitted uses. The owner of a special needs independent living unit building shall file in the Cumberland County Registry of Deeds a statement under oath that the building is a special needs independent living unit building and that any future change of use to a permitted residential use shall require a change in use review by the City of Portland and a decrease in the number of units in the building in accordance with the Portland City Code, chapter 14. The owner shall file proof of such recording with the building inspections division prior to the issuance of any certificates of occupancy for the new uses.
6. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 536-84, 5-7-84; Ord. No. 265-84, § 1, 12-17-84; Ord. No. 98-86, § 1, 10-6-86; Ord. No. 83-88, §§ 2, 3, 7-19-88; Ord. No. 387-89, 4-3-89; Ord. No. 86A-89, § 5, 8-21-89; Ord. No. 95-89, § 1, 9-6-89; Ord. No. 279-90, § 1, 3-10-90; Ord. No. 33-91, § 6, 1-23-91; Ord. No. 33A-91, § 4, 4-17-91; Ord. No. 220-95, 4-3-95; Ord. No. 165-97, § 3, 12-1-97; Ord. No. 56-08/09, 9-3-08; Ord. No. 278-09/10, 7-19-10; Ord. No. 33-11/12, 1-18-12)

*Editor's note--Ord. No. 83-88, §§ 2, 3, adopted July 19, 1988, amended subsections 14-117(a) and (b)4 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 83-88. Ord. No.

95-89, § 1, adopted Sept. 6, 1989, amended subsection (a)1 of § 14-117 to read as set out and, as amended, further ordained "that the prohibition upon unit additions contained in this ordinance shall not apply where a building permit has been issued. Additions proposed to such buildings shall require major site plan review and all other reviews required by this chapter."

Sec. 14-118. Conditional uses.

The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) and any special provisions, standards or requirements specified below:

(a) Residential:

1. Reserved.
2. Sheltered care group homes, as defined in section 14-47 of this article, for up to twelve (12) individuals, plus staff, and serving a primary population which is not handicapped persons, parolees, persons involved in correctional prerelease programs, or current illegal drug users, provided that:
 - a. A sheltered care group home shall not be located within five hundred (500) feet of another, as measured along street lines to the respective property lines;
 - b. There shall be no open outside stairways or fire escapes above the ground floor;
 - c. The facility shall make provision for adequate on-site staffing and supervision of residents in accordance with applicable state licensing requirements. If a facility is not licensed by the state, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof.

The board of appeals may impose conditions upon a conditional use permit concerning the creation or operation of a sheltered care group home

including but not limited to the following: site and building maintenance; lighting, fencing, and other appropriate security measures; screening and buffering of parking areas; compatibility of any additions or alterations with the existing residential structure; compatibility of new structures with the architectural character of the surrounding area; and limitation on the duration of the sheltered care group home permit.

3. Alteration of a structure existing and not in residential use as of January 1, 1984, to three (3) or more dwelling units, provided that:
 - a. ~~No dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;~~
 - b. No open outside stairways or fire escapes above the ground floor shall be constructed or have been constructed in the immediately preceding five (5) years;
 - c. A lower level dwelling unit shall have a minimum of one-half of its floor-to-ceiling height above the average adjoining ground level;
 - d. Three thousand (3,000) square feet of land area per dwelling unit shall be required;
 - e. On-site parking shall be required as specified in division 20 (off-street parking) of this article, for the combined uses of the site;
 - f. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:
 1. Any addition or exterior alterations such as facade materials, building form, and roof pitch shall be designed to be compatible with the architectural style

of the structure;

2. The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets.
4. Conversions of existing two-family or multiplex structures into lodging houses, provided that a lodging house shall not be located within five hundred (500) feet of another as measured along street lines to the respective property lines.
5. Use of space existing as of September 3, 2008 to accommodate additional dwelling units under the following conditions:
 - a. This section shall under no conditions permit more than four dwelling units on a lot and shall not allow more than two additional dwelling units on a lot above what would otherwise be permitted;
 - b. Any units created under this section may not be sold as condominium units or otherwise separated from the ownership of at least one of the pre-existing units on the site ;
 - c. Any units created under this section must be affordable to households earning up to 80% of AMI and are subject to income verification as further outlined in implementing regulations ;
 - d. The additional units shall have a minimum floor area of four hundred (400) square feet and may not involve removing more than ten percent of the gross floor area of an existing dwelling unit into a new dwelling unit. Gross floor area shall exclude any floor area that has less than two-thirds of its floor-to-ceiling height above the average adjoining ground level and may

include the attic if such space is habitable.

- e. Modifications to existing structures shall be minimal, and be limited to new doors, windows and other openings;
 - f. Parking shall be provided as required by Division 20 of this article;
 - g. There shall be no open, outside stairways or fire escapes above the ground floor; and
 - h. The project shall be subject to Article V for site plan review and approval and the following additional standards:
 - i. Any additions or exterior alterations such as façade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the single family appearance of the building; and
 - ii. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped properly to screen vehicles from adjacent properties and streets.
- (b) Institutional: Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article, or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority:
- 1. Elementary, middle, and secondary school;
 - 2.
 - a. Long-term and extended care facilities;
 - b. Intermediate care facility for thirteen (13) or more persons;
 - 3. Places of assembly;

4. Reserved;
5. Hospital;
6. College, university, trade school.

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- a. In the case of expansion of existing such uses onto land other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and
- b. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- c. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative; and
- d. Article V (site plan) sections 14-522 and 14-523 notwithstanding, in the case of places of assembly the proposed use shall be subject to the requirements of article V (site plan) of this chapter; and
- e. In the case of community halls:
 - i. The structure was in existence as of January 4, 2010;
 - ii. The structure was built for institutional or other non-residential uses;

- iii. The structure is operated by, or operated subject to the control of, a not-for-profit entity in accordance with its not-for-profit purposes; and
- iv. A parking management plan is submitted for review and approval by the planning board; and
- f. In the case of private club or fraternal organizations: any such establishment serving alcoholic beverages or in possession of a license for serving alcoholic beverages shall be located on a large lot, as specified in the minimum lot size provisions of this section.
- d. A college, university or trade school may build principal structures to a height of fifty-five (55) feet, not including the USM overlay zone, if the following standards can be met:
 - (i) Lot size: 10 acres which may include adjacent land owned by the institution on both sides of a public street.
 - (ii) Minimum setback between buildings on-site: 20 feet.
 - (iii) Minimum setback from external property boundary: 30 feet, except that parking garages over 35 feet in height must be located 50 feet from external property boundaries when adjacent to an adjoining residential use.
 - (iv) The area between the structure and adjoining residential uses must be adequately screened with appropriate landscaping or other features to buffer the building and effects thereof (i.e. noise, light, etc) from abutting properties.

(c) Other:

1. Off-street parking of passenger cars as provided in section 14-344 (board of appeals may authorize parking in certain residential zones) of this article;
2. Utility substations such as water and sewage pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;
3. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, and nursery schools and kindergartens subject to the following conditions:
 - a. The facility shall be located in a structure in which there is one (1) or more occupied residential units or in an existing accessory structure, unless the facility is located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use or in a nonresidential structure accessory to the principal nonresidential use.
 - b. The maximum capacity shall be twelve (12) children for facilities located in residential or existing structures accessory thereto, unless the additional standards in subsection v. are met. There shall be no maximum limit on the number of children in a facility located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care use, home babysitting use, nursery school, or kindergarten, or in a nonresidential structure accessory thereto, provided that any such structure that serves more than twelve (12)

children shall be subject to review under article V of this chapter.

- c. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
- d. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.
- e. Day care facilities, nursery schools and kindergartens located either in structures that have been in residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children shall meet the following additional standards:
 - i. The facility shall provide a minimum of seventy-five (75) square feet of outdoor play area per child;
 - ii. The play area shall be located in the side and rear yards only and shall not be located in front yards;
 - iii. Outside play areas shall be separated from abutting properties by a fence at least forty-eight (48) inches in height;
 - iv. A ten-foot wide landscaped buffer shall be required outside of the fenced play area, and shall be established in accordance with the landscaping standards of the City's Technical Standards and Guidelines;
 - v. The minimum lot size for a day care facility, home babysitting service, nursery school, or kindergarten located in a residential or existing accessory structure and serving more than twelve (12) children shall be twenty thousand (20,000) square feet;

- vi. *Off-street parking*: Off-street parking is required as provided in division 20 (off-street parking) of this article.
 - vii. The maximum number of children in a day care facility, home babysitting service, nursery school or kindergarten located in a residential or existing accessory structure shall be twenty-four (24); and
 - viii. Any additions or exterior alterations such as facade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the residential appearance of the building.
4. Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:
- a. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and
 - b. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and
 - c. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and
 - d. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for

conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and

- e. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and
- f. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and
- g. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and
- h. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

5. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 536-84, 6-7-84; Ord. No. 265-84, § 2, 12-17-84; Ord. No. 76-85, § 6, 7-1-85; Ord. No. 83-88, § 4, 7-19-88; Ord. No. 235-91, § 10, 2-4-91; Ord. No. 118-93, § 9, 10-18-93; Ord. No. 133-96, § 5, 11-18-96; Ord. No. 154-96, § 9, 12-16-96; Ord. No. 222-99, §5, 3-01-99; Ord. No. 94-07/08, 11-5-07; Ord. No. 56/08/09, 9-3-08; Ord. No. 29-09/10, 8-3-09 emergency passage; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 240-09/10, 6-21-10; Ord. No. 9 10/11, 8-2-10; Ord. No. 149-10/11, 3-7-11; Ord. No. 33-11/12, 1-18-12; Ord. 82-15/16, 10-19-2015)

*Editor's note--Ord. No. 83-88, § 4, adopted July 19, 1988,
amended § 14-118 by deleting subsection (b)5. See also the
editor's note to Art. III of this chapter for additional
provisions relative to Ord. No. 83-88.

Sec. 14-119. Prohibited uses.

Uses that are not expressly enumerated herein as either
permitted uses or conditional uses are prohibited.
(Ord. No. 536-84, 5-7-84)

Sec. 14-120. Dimensional requirements.

(a) In addition to the provisions of division 25 (space
and bulk regulations and exceptions) of this article, lots in
the R-5 zone shall meet the following minimum requirements:

1. Minimum lot size:

- a. Residential: Six thousand (6,000) square feet
except as provided for lots of record in section
14-433 (lots of record and accessory structure
setbacks for existing buildings) of this article.
A lot in an unsewered residential district shall
meet the provisions of the state Minimum Lot Size
Law, 12 M.R.S.A. section 4807, or the applicable
zoning lot size, whichever is larger.
- b. Reserved.
- c. Long-term, extended, or intermediate care
facility: Two (2) acres.
- d. School: Thirty thousand (30,000) square feet.

e. Places of assembly:

Large	43,560 sq. ft.
Medium	21,780 sq. ft.
Small	10,890 sq. ft.

- f. Municipal use: Six thousand (6,000) square feet.
- g. Hospital: Five (5) acres.

- h. College, university, trade school: Two (2) acres.
- i. Multiplex: Nine thousand (9,000) square feet.
- j. Planned residential unit development (PRUD): Two (2) acres gross area, as defined in section 14-47 (definitions) of this article, of contiguous land.
- k. All other uses: Six thousand (6,000) square feet.
- l. Lodging houses: Nine thousand (9,000) square feet.

Provided that for uses specified in section 14-120 (1)(c) through (i) above, no minimum lot area shall be required in the following cases:

- i. Uses existing as of June 1, 1983;
 - ii. Expansion of uses onto land abutting the lot on which the principal use is located;
 - iii. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;
 - iv. Expansion onto land other than the lot on which the principal use is located of no more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.
2. Minimum lot area per dwelling unit:
- PRUD: Three thousand (3,000) square feet of net land area as defined in section 14-47 (definitions) of this article. As part of a site plan and subdivision application, the applicant shall provide a calculation

of those factors deducted to determine net land area. In addition, such net area factors shall be delineated on a site plan.

Special needs independent living units: Four thousand eight hundred (4,800) square feet; except that special needs independent living units with two hundred fifty (250) feet or more of frontage shall require three thousand six hundred (3,600) square feet.

Other uses: Three thousand (3,000) square feet, except as provided for a multiplex.

3. Minimum street frontage: Fifty (50) feet.
4. Minimum yard dimension:

(Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

a. Front yard:

Principal or accessory structures: Twenty (20) feet.

A front yard need not exceed the average depth of front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.

b. Rear yard:

- i. Principal or attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.
- ii. Accessory detached structures with ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

Setbacks from swimming pools shall be as provided in section 14-432 (swimming pools) of this article.

c. Side yard:

- i. Principal or accessory structures with ground coverage greater than one hundred (100) square feet:

<i>Height of Structure</i>	<i>Required Side Yard</i>
1 story	8 feet
1 1/2 stories	8 feet
2 stories	12 feet
2 1/2 stories	14 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than eight (8) feet in width. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than eight (8) feet.

- ii. Accessory detached structures with ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

d. Side yard on side street:

Principal or accessory structures: Fifteen (15) feet.

5. Maximum lot coverage: Forty (40) percent of lot area.

6. Minimum lot width:

Multiplex: Ninety (90) feet.

Other uses: Sixty (60) feet.

7. Maximum structure height:

Principal or attached accessory structure: Thirty-five (35) feet.

Accessory detached structure: Eighteen (18) feet.

Principal and accessory attached structure (PRUD): Thirty-five (35) feet.

8. a. *Maximum number of units in a building (PRUD):*
Twelve (12) units

b. *Maximum number of units in a multiplex building:*
Six (6) units.

9. *Maximum length of building (PRUD):* One hundred forty (140) feet.

10. *Maximum length of accessory garage structure (PRUD):*
Sixty (60) feet.

11. *Minimum building setback from external subdivision property lines (PRUD):*

a. *Building length of one hundred (100) feet or less:* Twenty-five (25) feet.

b. *Building length greater than one hundred (100) feet:* Thirty-five (35) feet.

12. *Minimum recreation open space area (PRUD):* Three hundred (300) square feet per dwelling unit of common area designated for recreation purposes. Such recreation areas shall be level graded, dry, accessible and properly drained. At a minimum, a contiguous area of six thousand (6,000) square feet, with a minimum dimension of fifty (50) feet, shall be provided and shall include one (1) or more of the uses set forth in section 14-526(d) 9. and the planned residential unit development standards in the City of Portland Design Manual, but shall at least be usable as a multipurpose game field. Such recreation areas shall be located at least twenty-five (25) feet from dwelling units.

13. No habitable space in a PRUD shall be below grade, except basements that are part of and below aboveground units.
14. a. *Minimum rooming unit area for lodging houses:* Two hundred (200) square feet of combined rooming unit and common area per rooming unit. Each individual rooming unit shall be a minimum of eighty (80) square feet.
- b. *Minimum land area per lodging house rooming unit:* One thousand (1,000) square feet.
15. Maximum floor area for places of assembly on a collector or arterial road:

Large	Not limited
Medium	4,500 sq. ft.
Small	2,250 sq. ft.

16. Maximum floor area for places of assembly not on a collector or arterial road:

Large	4,500 sq. ft.
Medium	2,250 sq. ft.
Small	1,125 sq. ft.

(b) *Small residential lot development:* Single family homes may be built on small lots located in the R-5 and may use the dimensional requirements below if one of the following conditions is met:

The lot is:

Vacant as of (date of enactment); or used exclusively for parking; or contains structure(s) not used for residential purposes; or created from a single lot division of a developed lot and results in a lot meeting the dimensional requirements of § 14-120(b) with the remaining developed portion meeting the dimensional requirements of §14-120(a) (1)-(14) except as expressly provided in Section 14-120(b).

1. *Minimum lot size:* Five thousand (5,000) square feet.
2. *Maximum lot size:*

- a. Lots that are vacant as of September 3, 2008, used exclusively for parking, or contain structure(s) not used for residential purposes: Six thousand (6,000) square feet.
 - b. Original developed lot prior to the single lot division that results in a lot meeting the dimensional requirements of §14-120(b) with the remaining developed portion meeting the dimensional requirements of §14-120(a) (1)-(14): Thirteen thousand (13,000) square feet.
3. Yard dimensions:
- a. *Side yard:*
 - i. Principal or attached accessory structures with ground coverage greater than one hundred (100) square feet: Seven (7) feet.

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than four (4) feet in width.
 - ii. Side yard on side street: Ten (10) feet.
4. *Minimum lot width:* Forty (40).
5. *Minimum street frontage:* Forty (40).
6. *Maximum lot coverage: Fifty (50) percent.*
(Ord. No. 536-84, 5-7-84; Ord. No. 98-86, § 2, 10-6-86; Ord. No. 83-88, § 5, 7-19-88; Ord. No. 386-89, §§ 1, 2, 4-3-89; Ord. No. 235-91, § 11, 2-4-91; Ord. No. 33A-91, § 5, 4-17-91; Ord. No. 118-93, § 10, 10-18-93; Ord. No. 154-96, § 10, 12-16-96; Ord. No. 165-97, § 4, 12-1-97; Ord. No. 56-08/09, 9-3-08; Ord. No. 131-08/09, 12-15-08; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 278-09/10, 7-19-10; Ord. No. 275-10/11, 10-18-10)

*Editor's note--Ord. No. 83-88, § 5, adopted July 19, 1988, amended § 14-120 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 83-88.

Sec. 14-121. Other requirements.

- (a) Off-street parking: Off-street parking is required as provided in division 20 (off-street parking) of this article.
- (b) Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.
- (c) Storage of vehicles: Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.
- (d) Small residential lot development shall conform to the site plan standards of § 14-526.

(Ord. No. 536-84, 5-7-84; Ord. No. 15-92, § 9, 6-15-92; Ord. No. 56-08/09, 9-3-08)

Sec. 14-122 - 14-125. Reserved.

City of Portland
Code of Ordinances
Sec. 14-121

Land Use
Chapter 14
Rev. 9-3-2008

SURVEY PLAN REFERENCES

- 1) PLAN OF LAND FOR ALBERT SMALL DATED APRIL 21, 1869 PREPARED BY ROBERT GREENLAW RECORDED IN GORD PG 269, PG 268.
- 2) SITE PLAN DRIVEWAY RECONSTRUCTION NEED SCHOOL DATED AUGUST 1985 PREPARED BY PINGLIAM I GREER ENGINEERS.
- 3) HOMESTEAD AVENUE SEWER PLAN DATED JULY 23, 1948 CITY OF PORTLAND PLAN 92295.
- 4) PLAN OF HOMESTEAD VILLAGE DATED OCTOBER 1836 PREPARED BY N.J. JORDAN RECORDED IN GORD PG 20, PG 21.
- 5) CITY OF PORTLAND ADDITION TO THOMAS NEED SCHOOL HOUSE LOT DATED JUNE 2, 1931, PORTLAND PLAN 146247.
- 6) CITY OF PORTLAND HOMESTEAD AVE. SCHOOL HOUSE LOT DATED APRIL 30, 1925, PORTLAND PLAN 1486465.
- 7) PLAN OF LAND MADE FOR BENJAMIN K. LIBBY DATED JUNE 30, 1834 PREPARED BY E.G. JORDAN & CO. RECORDED IN GORD PG 16, PG 9.
- 8) PLAN OF CENTRAL PARK DATED OCTOBER 1861 PREPARED BY VARNNEY & CHURCHILL RECORDED IN GORD PG 9, PG 12.
- 9) CITY OF PORTLAND DEPT. OF PUBLIC WORKS PLAN OF HOMESTEAD AVE. DATED SEPTEMBER 8, 1933, PORTLAND PLAN 747168.
- 10) CITY OF PORTLAND DEPT. OF PUBLIC WORKS PLAN OF LIBBY STREET DATED JULY 23, 1931, PORTLAND PLAN 92478.

SURVEY GENERAL NOTES

- 1) ELEVATIONS ARE ADJUSTED TO CITY OF PORTLAND VERTICAL DATUM.
- 2) UNDERGROUND UTILITIES WERE NOT LOCATED BUT WERE TAKEN FROM PLAN REFERENCES 2, 3, 4 & 5.
- 3) DISAPPEARED SHOULD BE CONTACTED BEFORE ANY EXCAVATION OR CONSTRUCTION.
- 4) COORDINATE SYSTEM IS MAINE WEST 1983 DERIVED FROM STATIC GPS OBSERVATION ON SITE.
- 5) AREA OF PARCEL EQUALS 184,471 SQUARE FEET OR 2.51 ACRES, MORE OR LESS.
- 6) BUILDING WAS LOCKED. FLOOR ELEVATIONS ARE APPROXIMATE AND TAKEN AT DOOR SILLS.

DRAWINGS LIST

- C1.0 SITE PLAN
- C1.1 EXISTING CONDITIONS AND DEMOLITION PLAN
- C1.2 SITE DETAILS
- C1.3 EROSION CONTROL NOTES
- C1.4 EROSION CONTROL PLAN AND DETAILS
- C1.5 DRAINAGE ANALYSIS
- SURVEY, PLAN OF LAND

PLANT LIST

SYMBOL	COMMON NAME/BOTANICAL NAME	SIZE	QUANTITY	ROOT
(Symbol)	SILVER MAPLE / <i>Acer spicatum</i>	2.107 GAL	9	SPR

CITY OF PORTLAND SITE PLAN NOTES

- 1) LANDSCAPING SHALL MEET THE "HORTICULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE AND LANDSCAPE GUIDELINES" OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
- 2) THE ENTIRE SITE SHALL BE DEVELOPED AND/OR MAINTAINED AS DEPICTED ON THE SITE PLAN. APPROVAL OF THE PLANNING AUTHORITY OR PLANNING BOARD SHALL BE REQUIRED FOR ANY ALTERATION TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION, TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF EXISTING OR LAND ACCESS, DEER, LOCATION AND SURFACING OF PARKING AREAS AND LOCATION AND SIZE OF BUILDINGS.
- 3) ALL POWERLINE UTILITIES ARE OVERHEAD OR UNDERGROUND AS SHOWN ON THE PLAN. NO CHANGE TO THE SERVICE IS PLANNED.
- 4) SIDEWALKS AND CURBS SHALL BE DESIGNED AND BUILT WITH TYPICAL RAMPED AT ALL STREET CORNERS, CROSSWALKS AND DRIVEWAYS IN CONFORMANCE WITH THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
- 5) ALL EROSION CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE MAINE EROSION AND SEDIMENT CONTROL CMPS PUBLISHED BY THE BUREAU OF LAND AND QUALITY, MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, MARCH 2005.
- 6) ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING.
- 7) ALL DISTURBED AREAS ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOGS AND SEED OR OTHER METHODS AS REQUIRED BY BEST MANAGEMENT PRACTICES (SEE ABOVE).
- 8) PRIOR TO CONSTRUCTION, A PRECONSTRUCTION MEETING SHALL BE HELD AT THE PROJECT SITE WITH THE CONTRACTOR, DEVELOPMENT REVIEW COORDINATOR, PUBLIC WORKS REPRESENTATIVE AND OWNER TO REVIEW THE CONSTRUCTION SCHEDULE AND CRITICAL ASPECTS OF THE SITE WORK. AT THAT TIME THE SITE BUILDING CONSTRUCTION SHALL PROVIDE THREE (3) COPIES OF A DETAILED CONSTRUCTION SCHEDULE TO THE ATTENDING CITY REPRESENTATIVE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRECONSTRUCTION MEETING.
- 9) EXISTING VEGETATION SHALL BE CONSERVED IN AREAS SHOWN ON THIS SITE. FENCES OR OTHER PROTECTIVE BARRIERS SHALL BE ERRECTED OUTSIDE THE DRIP-LINE OF INDIVIDUAL GROUPINGS OF TREES DESIGNATED FOR PRESERVATION PRIOR TO THE ONSET OF CONSTRUCTION. REGRADING SHALL NOT TAKE PLACE WITHIN THE DRIP-LINE OF TREES DESIGNATED FOR PRESERVATION. NO STORAGE OR CONSTRUCTION MATERIALS SHALL BE PERMITTED WITHIN THE DRIP-LINE OF TREES TO BE PRESERVED.

GENERAL NOTES

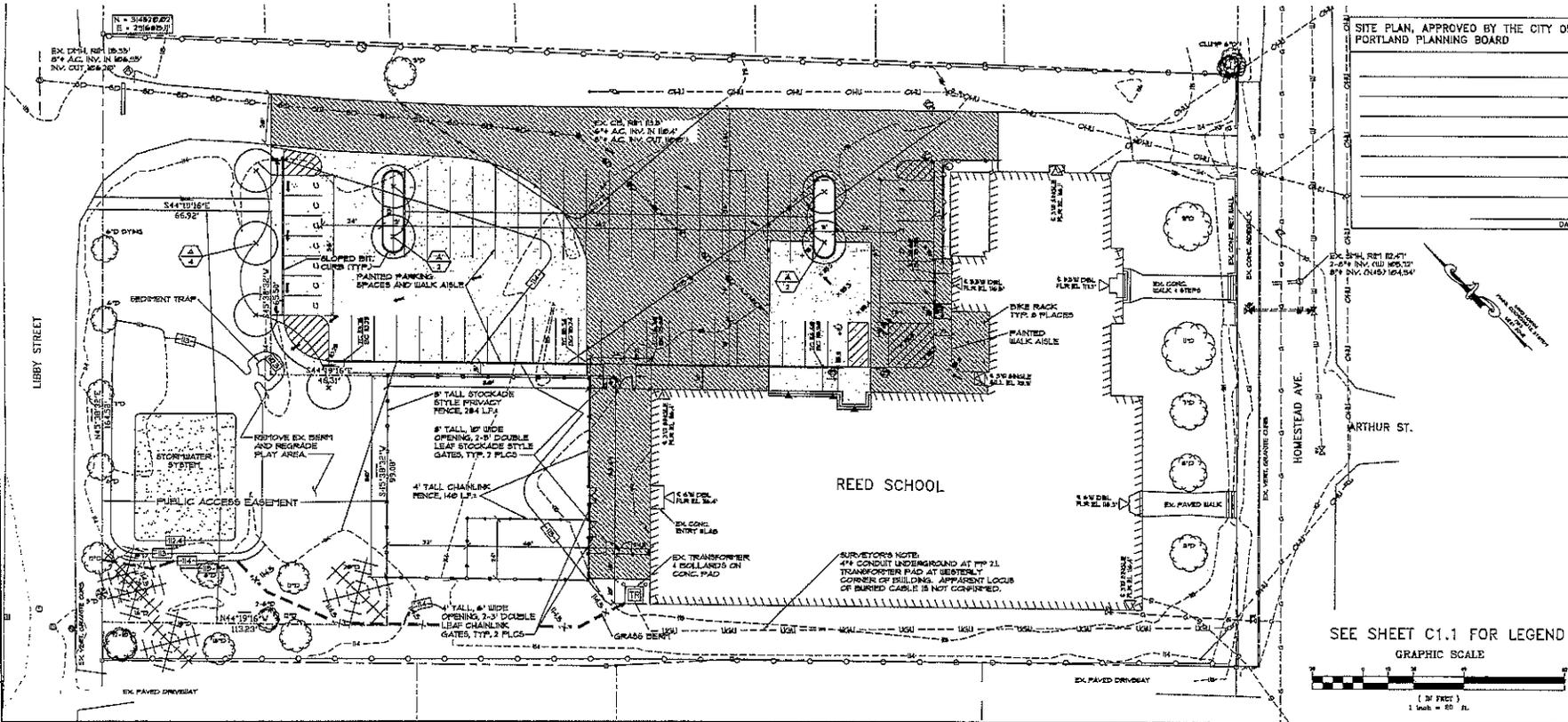
- 1) OWNER: CITY OF PORTLAND, 388 CONGRESS STREET, PORTLAND, MAINE. CHERNOBYL COUNTY REGISTER OF DEEDS EX. 1827, PG 67 & EX. 1871, PG 281.
- 2) APPLICANT/DEVELOPER: DEVELOPERS COLLABORATIVE, 100 COMMERCIAL ST., SUITE 414, PORTLAND, ME 04101.
- 3) ENGINEER: PINGLIAM I GREER CIVIL ENGINEERS, 28 VANNAH AVENUE, PORTLAND, MAINE, 04103.
- 4) TOPOGRAPHIC AND BOUNDARY INFORMATION: MAINE SURVEY CONSULTANTS INC. HARRISON, MAINE. HOMESTEAD STREET IS MAINE WEST 1983 DERIVED FROM STATIC GPS OBSERVATION ON SITE. BENCHMARKS AS SHOWN ON PLAN.
- 5) SOILS MAPS PROVIDED BY MARK HAMPTON ASSOCIATES, INC., PORTLAND, MAINE.
- 6) ZONE: R-3 RESIDENTIAL, PROPOSED USE: DAYCARE FACILITY.
- 7) TAX MAP REFERENCE: MAP 356/LOTS 4846-4850, 4855 & 4854.
- 8) TOTAL PARCEL = .251 acres
- 9) BARRIERS NONE REQUESTED AT THIS TIME.
- 10) CALL DIS-SAFE PRIOR TO COMMENS WORK. 811 OR 1-888-DIG-SAFE.
- 11) EXISTING BUILDING IS SERVICED BY PUBLIC WATER AND SEWER.
- 12) POWER, TELEPHONE AND CABLE ARE EXISTING, NO CHANGE IS PLANNED.
- 13) ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE THOSE EROSION AND SEDIMENT CONTROL CMPS PUBLISHED BY THE BUREAU OF LAND AND WATER QUALITY, MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, LATEST EDITION, MARCH 2005.

IMPERVIOUS AREAS

SURFACE	LAN	BUILDING	PAVEMENT
EXISTING	38,225 SF.	24,470 SF.	26,306 SF.
PROPOSED	51,464 SF.	32,826 SF.	32,285 SF.
CHANGE	-1,423 SF.	-2,434 SF.	+1,979 SF.

PARKING LAYOUT

ACCESSIBLE SPACES, 8'x18'	7 SPACES
COMPACT SPACES, 8'x15'	12 SPACES
STANDARD SPACES, 8'x18'	55 SPACES
TOTAL	74 SPACES



SITE PLAN, APPROVED BY THE CITY OF PORTLAND PLANNING BOARD

DATE	

PINGLIAM & GREER ENGINEERS
 CIVIL ENGINEERS
 28 VANNAH AVENUE
 PORTLAND, MAINE 04103
 TEL: 603.761.1111 FAX: 603.761.1112

APPLICANT / DEVELOPER:
 DEVELOPERS COLLABORATIVE
 100 COMMERCIAL STREET, SUITE 414
 PORTLAND, MAINE

SCALE: AS SHOWN
DATE: SEPTEMBER 8, 2017
PROJECT: #184

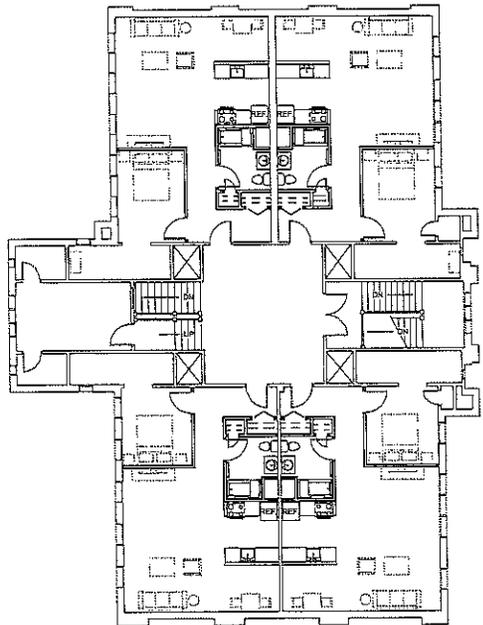
REED SCHOOL REDEVELOPMENT
 19 LIBBY STREET, PORTLAND, MAINE

SITE PLAN

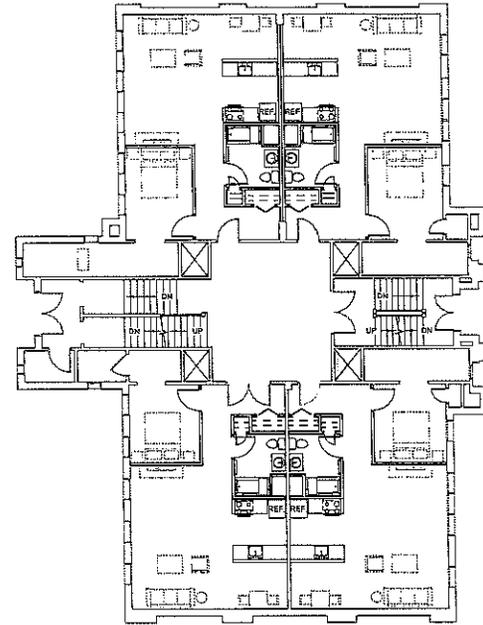
C1.0

APPLOT: 2187-AMR-ADN-ADN-1-17-18

Alt. 7

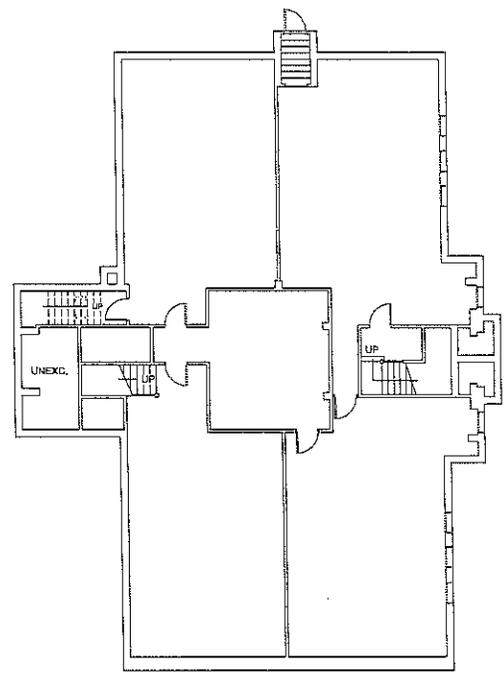


3 | 2ND FLOOR
1/8" = 1'-0"



2 | 1ST FLOOR
1/8" = 1'-0"

APPROX. 4635 SQ. FT.



1 | BASEMENT
1/8" = 1'-0"

APPROX. 4635 SQ. FT.

Date: DATE Scale: 1/8" = 1'-0" Title: FLOOR PLANS		Revision:	Project: REED SCHOOL Address: [REDACTED] City, State: [REDACTED]	Architect: ARCHETYPE 45 Union Street, Portland, Maine 04101 (207) 866-2626 / ARCHETYPE.COM	Consultant:	Prepared For: Owner
A1.01						

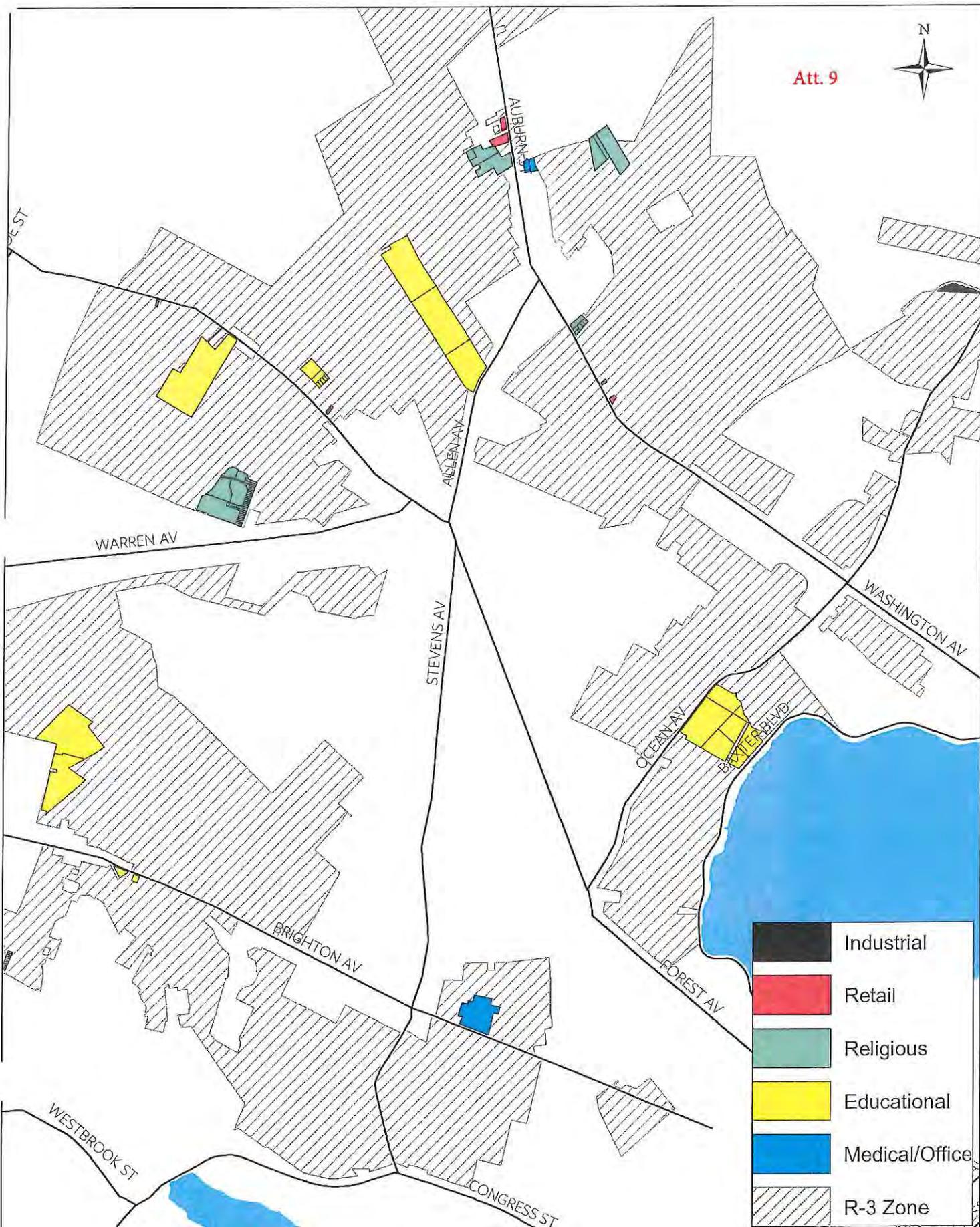
Brighton Medical Center

ADRNO	ADRSTR	LAND USE TYPE	CLASSIFICATION	ZONING	YRBLT	MULTIPLE		TOTAL SQFT	PARCEL ID
						BUILDINGS	SQFT	OF ALL	
						FOR THE	PER	BUILDINGS ON	
PARCEL	BUILDING	PARCEL ID	PARCEL ID						
335	BRIGHTON AVE	Commercial Condos	Commercial Improved	R3	1956	1	15,153	15,153	121 C009011
335	BRIGHTON AVE	Commercial Condos	Commercial Improved	R3	1956	1	11,676	11,676	121 C009012
335	BRIGHTON AVE	Commercial Condos	Commercial Improved	R3	1956	1	892	892	121 C009013
335	BRIGHTON AVE	Commercial Condos	Commercial Improved	R3	1956	1	7,291	7,291	121 C009014
335	BRIGHTON AVE	Commercial Condos	Commercial Improved	R3	1956	1	256	256	121 C009015
335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	6,560	6,560	121 C009021
335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	6,335	6,335	121 C009022
335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	3,202	3,202	121 C009023
335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	911	911	121 C009024
335	BRIGHTON AVE	Commercial Condos	Commercial Improved	R3	1956	1	1,670	1,670	121 C009025
335	BRIGHTON AVE	Commercial Condos	Commercial Improved	R3	1956	1	1,295	1,295	121 C009026
335	BRIGHTON AVE	Commercial Condos	Commercial Improved	R3	1956	1	256	256	121 C009027
335	BRIGHTON AVE	Commercial Condos	Commercial Improved	R3	1956	1	12,803	12,803	121 C009028
335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	295	295	121 C009029
335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	29,226	29,226	121 C009031
335	BRIGHTON AVE	Commercial Condos	Commercial Improved	R3	1956	1	3,547	3,547	121 C009041
335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	28,492	28,492	121 C009B01
335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	19,060	19,060	121 C009G01
335	BRIGHTON AVE	Commercial Condos	Commercial Improved	R3	1956	1	2,681	2,681	121 C009G02
335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	840	840	121 C009G03
335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	3,421	3,421	121 C009G04
335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	8,970	8,970	121 C009G05
335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	967	967	121 C009G06

	335	BRIGHTON AVE	Commercial Condos	Commercial Improved	R3	1956	1	1,032	1,032	121	C009G07
	335	BRIGHTON AVE	Commercial Condos	Commercial Improved	R3	1956	1	1,248	1,248	121	C009G08
	335	BRIGHTON AVE	Commercial Condos	Commercial Improved	R3	1956	1	856	856	121	C009G09
	335	BRIGHTON AVE	Commercial Condos	Commercial Improved	R3	1956	1	469	469	121	C009G10
	335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	3,020	3,020	121	C009G11
	335	BRIGHTON AVE	Commercial Condos	Commercial Improved	R3	1956	1	2,543	2,543	121	C009G12
	335	BRIGHTON AVE	Commercial Condos	Commercial Improved	R3	1956	1	380	380	121	C009G13
	335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	405	405	121	C009G15
	335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	1,885	1,885	121	C009G16
	335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	965	965	121	C009G17
Chevrus High School	267	OCEAN AVE	Exempt Literary and Scientific	Exempt Improved	R3	1951	1	104,761	104,761	156	F001001
	27	CAPISIC ST	Exempt Benevolent and Charitable	Exempt Improved	R3	1900	1	19,388	18,078	194	B005001
Breakwater	856	BRIGHTON AVE	Exempt Literary and Scientific	Exempt Improved	R3	1910	1	5,553	5,553	259	D001001
Breakwater	858	BRIGHTON AVE	Exempt Literary and Scientific	Exempt Improved	R3	1900	1	21,288	21,288	260	H001002
Williams Temple - Place of Worship	274	TERRACE AVE	Exempt Religious	Exempt Improved	R3	1970	1	5,390	5,390	262	B025001
Hall School	23	ORONO ST	Exempt Governmental	Exempt Improved	R3	1957	1	46,053	134,940	275	C048001
Mount Sinai Cemetery	161	HICKS ST	Exempt Religious	Exempt Improved	R3	1931	1	756	756	297	C033001
Riverton School	1592	FOREST AVE	Exempt Governmental	Exempt Improved	R3	1971	1	4,654	111,408	299	D046001
	1592	FOREST AVE	Exempt Governmental	Exempt Improved	R3	1976	2	106,754	111,408	299	D046001
Noble Barbecue - Restaurant	1706	FOREST AVE	Retail	Commercial Improved	R3	1921	1	4,368	4,368	309	G003001
Reed School	19	LIBBY ST	Exempt Governmental	Exempt Improved	R3	1925	1	33,243	33,243	338	K004001
Fortune Garden - Restaurant	1435	FOREST AVE	Multi Use Commercial	Commercial Improved	R3	1923	1	4,310	4,310	340	D004001
Portland Arts & Technology High	196	ALLEN AVE	Exempt Governmental	Exempt Improved	R3	1976	1	172,173	172,173	343	C013001
Emmanuel Assembly of God - Place of Conversent	1571	WASHINGTON AVE	Exempt Religious	Exempt Improved	R3	1969	1	11,375	11,375	374	A003001
Communications First Lutheran Church	172	AUBURN ST	Transportation	Commercial Improved	R3	1963	1	9,669	9,669	374	A005001
	138	AUBURN ST	Exempt Religious	Exempt Improved	R3	1959	1	25,011	25,011	374	A013001
CN Brown Energy	194	AUBURN ST	Retail	Commercial Improved	R3	1960	1	1,798	1,798	374	A030001

Mercy Primary Care Center	117	AUBURN ST	Office	Commercial Improved	R3	1980	1	10,038	10,038	375 C039001
Allen Ave Unitarian Church - Place of	526	ALLEN AVE	Exempt Religious	Exempt Improved	R3	1970	1	4,847	4,847	377 F029001
Eddies Convenience Store	381	AUBURN ST	Retail	Commercial Improved	R3	1960	1	2,964	3,204	382 F002001
	381	AUBURN ST	Retail	Commercial Improved	R3	1960	2	240	3,204	382 F002001
North Deering Alliance Church - China Taste - Restaurant	1301	WASHINGTON AVE	Exempt Religious	Exempt Improved	R3	1970	1	11,168	11,168	402 A001001
	1223	WASHINGTON AVE	Retail	Commercial Improved	R3	1927	1	2,244	2,244	408 B023001
AV Access Network	1197	WASHINGTON AVE	Retail	Commercial Improved	R3	1940	1	3,346	3,346	408 D013001
Progressive Water Solutions	934	OCEAN AVE	Manufacturing	Industrial Improved	R3	1938	1	11,346	11,346	415 A004001

Location of Non-Residential Properties in R-3 Zone





GREATER PORTLAND LANDMARKS

Att. 10

27 February 2018

Sean Dundon, Chair
Planning Board
City of Portland
389 Congress Street
Portland, ME 04101
mgrooms@portlandmaine.gov

Chair Dundon and members of the Portland Planning Board,

Landmarks supports the proposed text amendments for the R-3 zone because they will facilitate the reuse of both the 1950s addition and the historic 1926 Reed School structure using historic tax credits. Our Executive Director of Greater Portland Landmarks, Hilary Bassett, served on the Reed School Re-Use Advisory Task Force. We think this proposed use by Developer's Collaborative reflects the public comments heard by members of the task force that identified the former school building as a vital component of the identity and character of the neighborhood.

Across our city are neighborhood landmarks that have outgrown their historic use. We think it is socially and environmentally responsible for Portland's zoning to facilitate a compatible reuse of these historic buildings, even if that use is of a higher density than the surrounding residential dwellings.

We hope that the planning board will support this project by approving the proposed text amendments this evening.

Thank you for considering our views.

Sincerely,

Julie Ann Larry
Director of Advocacy

Cc: Matt Grooms, Kevin Bunker

200-1718
~~Tab 6~~ 5-7-18
Tab 4 5-14-18

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER APPROVING STATE/LOCAL EPS FUNDING ALLOCATION
FOR PUBLIC EDUCATION FROM KINDERGARTEN TO GRADE 12
FOR PORTLAND PUBLIC SCHOOLS FOR FISCAL YEAR 2019**

ORDERED, that under and pursuant to the City's Fiscal Year 2018-2019 Appropriation Resolve Order 17-17/18 and applicable state law the City hereby approves the following school budget article for Fiscal Year 2018-2019:

Appropriation for State/Local EPS funding Allocation: That the City appropriates the amount of \$87,525,230 for the total cost of funding public education from kindergarten to grade 12, and raises the amount of \$70,198,565 as the City's contribution to the total cost of funding public education from kindergarten to grade 12, both as described in the Essential Programs and Services Funding Act, in accordance with Maine Revised Statutes, Title 20-A, section 15688.

State Mandated Explanation: The City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined under state law annually to be the minimum amount that the City must raise in order to receive the full amount of state dollars.

Order 201-17/18
~~Tab 7~~ 5-7-18
Tab 5 5-14-18

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER APPROVING NON-STATE FUNDED SCHOOL CONSTRUCTION DEBT
SERVICE FOR PORTLAND SCHOOLS FOR FISCAL YEAR 2019**

ORDERED, that under and pursuant to the City's Fiscal Year 2018-2019 Appropriation Resolve Order ~~218~~-17/18 and applicable state law the City hereby approves the following school budget article for Fiscal Year 2018-2019.

Appropriation for Non-State Funded Debt Service (20-A M.R.S.A. §15690(2)(A)).

That the City raise and appropriate \$597,496 for the annual payments on debt service previously approved by the legislative body for non-state funded school construction projects and non-state funded portions of school construction projects, in addition to the funds appropriated as the local share of the City's contribution to the total cost of funding public education from kindergarten to grade 12.

State Mandated Explanation: *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 that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or the City Council.*

Order 202-17/18
Tab 8 5-7-18
Tab 6 5-14-18

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER RAISING AND APPROPRIATING ADDITIONAL LOCAL FUNDS FOR
PORTLAND SCHOOLS FOR FISCAL YEAR 2019**

ORDERED, that under and pursuant to the City's Fiscal Year 2018-2019 Appropriation Resolve Order ~~218~~-17/18 and applicable state law the City hereby approves the following school budget article for Fiscal Year 2018-2019:

Authorization to Exceed the Portland School Department's Maximum State and Local Spending Target Established Pursuant to Maine Revised Statutes, Title 20-A § 15671-A(4) and Appropriating Additional Local Funds: That the City raises and appropriates \$16,729,169 in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$20,120,139 as required to fund the budget recommended by the Portland Board of Public Education.

That amount is needed to cover the School Department's costs that the state's funding model does not recognize or recognize fully, including costs to maintain class size; Special Education costs; PATHS costs; Regular Instruction costs; Facilities Maintenance costs to address deferred maintenance; technology costs; transportation costs; professional development costs; debt service for pension obligation; and debt service capital renovation costs.

State Mandated Explanation: *The additional local funds are those locally raised funds over and above the City's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the City's budget for educational programs.*

[NOTE: City council approval of this order requires 5 affirmative votes, see 20-A M.R.S.A. section 15671-A(5)(B)(2) (requiring for council approval "a majority of the entire membership of the council") and see Article II, section 11 of the City Charter (requiring 5 affirmative votes for final passage).]

Order 203-17/18
~~Order 57-18~~
ab 75-14-18

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER APPROVING TOTAL SCHOOL OPERATING BUDGET
FOR PORTLAND SCHOOLS FOR FISCAL YEAR 2019**

ORDERED, that under and pursuant to the City's Fiscal Year 2018-2019 Appropriation Resolve Order ~~218~~ 203-17/18 and applicable state law the City hereby approves the following school budget article for Fiscal Year 2018-2019:

Total School Budget Summary (20-A M.R.S.A. §15690(4)(A)): That the City authorizes the School Committee to expend \$105,843,472 for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019 from the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

Order, 204-17/18
~~Tab 10-5-7-18~~
Tab 8 5-14-18

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER APPROPRIATING AND RAISING FUNDS
FOR ADULT EDUCATION FOR FISCAL YEAR 2019 AS REQUIRED
BY THE MAINE REVISED STATUTES, TITLE 20-A M.R.S. §8603-A(1)**

ORDERED, that the sum of \$2,391,137 is hereby appropriated for Adult Education for Fiscal Year 2018-2019 and that the sum of \$1,697,097 is hereby raised as the local share with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

Explanation: Under state law, the appropriation for adult education falls outside the total annual budget for public schools addressed in the prior order when it passes the Appropriation Resolve.

Order 2018-17/18
Tab 9 5-14-18

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER APPROVING FISCAL YEAR 2019 ADMINISTRATIVE FEES

ORDERED, that the administrative fee in the Office of the City Clerk for the Marriage Ceremony Package, as shown in the schedule attached hereto, is hereby approved; and

BE IT FURTHER ORDERED, that the passport processing fee in the Executive Department, as shown in the schedule attached hereto, is hereby approved; and

BE IT FURTHER ORDERED, that the hourly and monthly parking fees in both the Elm Street Garage and the Spring Street Garage in the Parking Division, as shown in the schedule attached hereto, are hereby approved; and

BE IT FURTHER ORDERED, that the expired parking meter ticket and the prolonged parking ticket increase by \$5.00 each in the Parking Division, as shown in the schedule attached hereto, is hereby approved; and

BE IT FURTHER ORDERED, that the fee increase for the Medical Crisis Units (MEDCU), the fee for responding to calls for Hazardous Materials operated by the Fire Department and other changes, as shown in the schedule attached hereto, are hereby approved; and

BE IT FURTHER ORDERED, that the administrative fee for Planning Board Review for Conditional Use in the Department of Planning and Urban Development, as shown in the schedule attached hereto, is hereby approved; and

BE IT FURTHER ORDERED, that the Solid Waste License and Permit fees, the Street Opening License and Permit fees, the Pavement Restoration Charge in the Public Works Department, as shown in the schedule attached hereto, are hereby approved; and

BE IT FURTHER ORDERED, that the event Permit fees in the Parks, Recreation and Facilities Department, as shown in the schedule attached hereto, is hereby approved; and

BE IT FURTHER ORDERED, that all other administrative fees currently in effect that are not otherwise changed herein shall remain in effect for Fiscal Year 2019; and

BE IT FURTHER ORDERED, that this amendment shall be effective on July 1, 2018.



Office of the City Clerk
Katherine L. Jones, CCM, City Clerk

MEMORANDUM

TO: Jon Jennings, City Manager
Jennifer Lodge, Budget Director

FROM: Carolyn Dorr, PFO City Clerk Office

DATE: January 30, 2018

RE: FY19 Proposed New Fee

Requesting that the attached fee be approved.

The Clerks Office would like to offer a Marriage Ceremony Package as an additional option to the basic ceremony that is currently performed at the counter in the Clerk's office. Over the past couple of years there has been an increase in interest by customers for a little more formal type of ceremony to be performed.

The Package would include the ceremony performed by City Clerk Staff, in State of Maine room, with 1 hour rental; providing a decorated Led candle lit mantle and use of faux floral bouquet. Prior appointment would be required (minimum of 2 weeks).

Currently the fee for a marriage ceremony is \$125.
The proposed marriage package fee is \$300.

Fy19 estimated number of marriage ceremonies is 214
189 performed at the counter
25 packages for an additional \$7, 500

cc: Brendan O'Connell

FY19 REVENUE FEE SCHEDULE CHANGE

Department:

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
100-1200-341-00.00	Marriage Ceremony Package	new	300.00



Office of the City Clerk
Katherine L Jones, CMC

MEMORANDUM

TO: Mayor Strimling and Members of the City Council
FROM: Katherine Jones, City Clerk
DATE: May 8, 2018
RE: Passports

Acceptance Agents are throughout the United States of America. They are usually in post offices, courthouses, and other state department buildings. U.S. Passport Help Guide has developed an entire catalog of all passport offices around the United States. The City Clerk's office was a passport agent until the Federal Government would no longer allow offices that issued birth certificates to be able to process passports. So in June 2011 it was removed from the City Clerk's office.

I have been asked by the Finance Department to put a memo together that would show what we could expect to bring in for revenue if we were to be an agent again for the Federal Government.

On April 2nd, 2018 passport government fees are going from \$25 to \$35.00.

Based on 2011 budget we processed 680 passports @ \$25.00, and we processed 345 passport photos at \$10.00.

For the upcoming budget the fees for passports has increased to \$35.00 per application. We can increase photos to \$20.00 (this is for two photos).

Projected applications at 680 at \$35.00 = 23,800
Projected applications at 345 at \$20.00 = 6,900
Total \$29,700

CITY OF PORTLAND

MEMORANDUM

TO: JENNIFER LODGE
FROM: JOHN PEVERADA, PARKING MANAGER
DATE: APRIL 23, 2018
RE: FY19 REVENUE PROPOSALS

Per the result of the Budget Review with the City Manager, attached is the FY19 Revenue Fee Schedule Change for the Administrative Fees for Parking Division. Listed below is the affected revenue code and the amount of increase.

Parking Elm St.

100-1803-364-01-00	Garages, Lots, Meters / Hourly Parking	
	Hourly Parking from \$2.00 to \$ 3.00 per hour	\$100,000
100-1803-364-02-00	Garages, Lots, Meters / Monthly Parking	
	Monthly Parking from \$120. 00 to \$130.00 per mo.	\$28,000

Elm St. Total Increase: \$128,000

Parking Spring St.

100-1804-364-01-00	Garages, Lots, Meters / Hourly Parking	
	Hourly Parking from \$2.00 to \$ 3.00 per hour	\$280,000
100-1804-364-02-00	Garages, Lots, Meters / Monthly Parking	
	Monthly Parking from \$120. 00 to \$130.00 per mo.	\$65,000

Spring St. Total Increase: \$345,000

All were last revised FY 17 Admin Fee Order #243-15/16

FY19 REVENUE FEE SCHEDULE CHANGE

Department: Parking

Administrative Fees

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
100-1803-364.01-00	Garages, Lots, Meters Elm St. Hourly Parking	\$2.00 / hr	\$3.00 / hr
100-1803-364.02-00	Garages, Lots, Meters Elm St. Monthly Parking	\$120.00 / mo	\$130.00 / mo
100-1804-364.01-00	Garages, Lots, Meters Spring St.Hourly Parking	\$2.00 / hr	\$3.00 / hr
100-1804-364.02-00	Garages, Lots, Meters Spring St. Monthly Parking	\$120.00 / mo	\$130.00 / mo

Last FY17 Admin Order #243-15/13

CITY OF PORTLAND

MEMORANDUM

TO: JENNIFER LODGE
FROM: JOHN PEVERADA, PARKING MANAGER
DATE: APRIL 23, 2018
RE: FY19 REVENUE PROPOSALS

Per the result of the Budget Review with the City Manager, attached is the FY19 Revenue Fee Schedule Change for the Parking Division. Listed below is the affected revenue code and the amount of increase.

Revenue Code	Increase
---------------------	-----------------

Parking

100-1801-351-20-00 Code Violations / Parking Tickets	
Expired Parking Meter from \$15 to \$20	\$150,000
Prolonged Parking Ticket from \$20 to \$25	\$13,000

ORD FEE (Chapter 28-51) Last Revision: ORD CO #240-13/14

100-1801-364.10-00 Garages, Lots, Meters / Parking Meters	
Hourly rate from \$1.25 to \$1.50 per hour	\$600,000

Propose Chapter 28-86 of the Ordinance will need to be changed to read

The rate for parking at a meter in the city shall be One Dollar and Fifty cents (\$1.50) per hour as follows: two (2) minutes for a nickel (\$0.05), four (4) minutes for a dime (\$0.10), and ten (10) minutes for a quarter (\$0.25).

ORD FEE (Chapter #28-86) Last Revision: ORD CO #245-16/17

Parking Admin Total Increase: \$763,000

FY19 REVENUE FEE SCHEDULE CHANGE

Department: Parking

Ordinance Fees

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
100-1801-351.20-20 ORDINANCE FEE Chapter 28-51	Code Violation / Parking Tickets Expired Parking meter Ticket	\$15.00	\$20.00
100-1801-351.20-20 ORDINANCE FEE Chapter 28-51	Code Violation / PARKING Tickets Prolonged Parking Ticket	\$20.00	\$25.00
100-1801-364.10-00 ORDINANCE FEE Chapter 28-86	Garages, Lots, Meters / Parking Meters	\$1.25 / hr	\$1.50 / hr

Propose Chapter 28-86 of the Ordinance will need to be changed to read

The rate for parking at a meter in the city shall be One Dollar and Fifty cents (\$1.50) per hour as follows: two (2) minutes for a nickel (\$0.05), four (4) minutes for a dime (\$0.10), and ten (10) minutes for a quarter (\$0.25).



Keith N. Gautreau
Interim Fire Chief, Fire Department

To: Brendan O'Connell, Finance Director
Jennifer Lodge, Budget Analyst
Anne Bilodeau, Deputy Finance Director
From: Keith Gautreau, Interim Chief of Department
Date: 4/25/2018
RE: Administrative Fee Change

The Fire Department is proposing roughly a 7% increase on most of our MEDCU fees. We feel that the time to increase fees is appropriate based on several factors. First, our rates have remained flat for the past four years while staffing and supply costs have trended upward annually. During the last increase, effective FY15, rates went up between 7.25% and 7.78%. We feel that a roughly 7.00% increase is justified based on regional and national rates. We anticipate approximately \$100,000 in new revenue from this adjustment.

The department is requesting to discontinue charges related to rescue services and response to vehicle crashes. At the time these were approved, it appeared to be a new lucrative revenue source. In reality, it was very difficult to get insurance companies or patients to pay for them. These fees created more controversy and used more staff time. Eventually, the department chose not dedicate resources to collect the fees.

Additionally, the department is requesting to change HazMat response fees to reflect compliance with Code of Federal Regulations (CFR) Title 40 § 310.11 which allows departments to recover actual costs of HazMat responses. In this instance, we will be recovering more than the current ordinance allows for.

Fee Type	Current Fee	Proposed Fee	Est Additional Revenue
MEDCU FEES	VARIOUS	VARIOUS	\$100,000.00

Sincerely,

Keith Gautreau
Interim Fire Chief of Department

FY19 REVENUE FEE SCHEDULE CHANGE

Department: Fire
Administrative Fees

Account #	Revenue Description	Current Fee	FY19 Proposed Fee
100-2203-342-00.00	ALS Non-Emergency Transport	\$ 559.00	\$ 600.00
100-2203-342-00.00	BLS Non-Emergency Transport	\$ 468.00	\$ 500.00
100-2203-342-00.00	BLS Emergency Transport	\$ 748.00	\$ 800.00
100-2203-342-00.00	ALS Emergency Transport	\$ 888.00	\$ 950.00
100-2203-342-00.00	ALS 2 Emergency Transport	\$ 1,266.00	\$ 1,350.00
100-2203-342-00.00	Specialty Care Transport	\$ 1,520.00	\$ 1,625.00
100-2203-342-00.00	ALS Mileage	\$ 18.06	\$ 19.32
100-2203-342-00.00	BLS Mileage	\$ 18.06	\$ 19.32
100-2203-342-00.00	Oxygen	\$ 110.00	\$ 117.70
100-2203-342-00.00	Airways	\$ 148.00	\$ 158.36
100-2203-342-00.00	IV Therapy	\$ 206.00	\$ 220.00
100-2203-342-00.00	EKG	\$ 206.00	\$ 220.00
100-2203-342-00.00	Intercept	\$ 451.00	\$ 482.00
100-2203-342-00.00	Defibrillation	\$ 194.00	\$ 207.50
100-2203-342-00.00	Critical Care Transfer	\$ 839.00	\$ 900.00
100-2203-342-00.00	Non-Emergency Mileage	\$ 18.06	\$ 19.32
100-2203-342-00.00	Capnography	\$ 138.00	\$ 158.00
100-2203-342-00.00	EZ IO/Intraosseous Access	\$ 275.00	\$ 295.00
100-2203-342-00.00	ALS on Scene Care	\$ 888.00	\$ 950.00
100-2203-342-00.00	ALS 2 on Scene Care	\$ 1,266.00	\$ 1,350.00
100-2203-342-00.00	Fire Response to Vehicle Crashes	\$ 400.00	Discontinue ¹
100-2203-342-00.00	Heavy Rescue Utilization	\$ 650.00	Discontinue
100-2203-342-00.00	Rescue Equipment - Spreader	\$ 150.00	Discontinue
100-2203-342-00.00	Rescue Equipment - Cutter	\$ 150.00	Discontinue
100-2203-342-00.00	Rescue Equipment - Rams	\$ 150.00	Discontinue
100-2203-342-00.00	Rescue Equipment - Air Bags	\$ 150.00	Discontinue
100-2203-342-00.00	Level I Hazmat Response	\$ 250.00/hr/Unit	Actual Cost ²
100-2203-342-00.00	Hazardous Materials Spill Response	\$ 125.00	Actual Cost
100-2203-342-00.00	HazMat Plug Kit	\$ 65.00	Actual Cost

¹ Fees were approved but were not collected beginning in FY16 due to difficulty to collect and hardships created on residents.

² Code of Federal Regulations Title 40 § 310.11



Planning & Urban Development Department

To: Jon Jennings, City Manager
Brendan O'Connell, Finance Director

From: Jeff Levine, Planning & Urban Development Director

Date: April 20, 2018 - Revised

RE: Fee Changes for Chapter 14- Land Use Ordinance

Based on conversations with the City Manager, we are proposing to adjust our application fees to add clarity and certainty to the Planning Board process. The result would be a higher up-front permit fee that presents a closer estimate of the full cost of the review process.

Currently, we charge a base application fee and then additionally charge for staff review time, mailing of notices, and some administrative expenses. We are proposing to move to a "one-time fee" approach as much as feasible. We would still charge for third party consultant time, additional noticing and staff time far in excess of typical amounts.

The proposed application fee would include the cost of mailing the receipt of application notice to abutters, planner's review time up to 20 hours and administrative time for preparation of additional public noticing. Continued invoicing will be done monthly for planner's time over 20 hours, third party reviews, additional public noticing and legal ad costs.

We are also proposing to increase the billable hourly rate for staff review time. The increase in fees in Chapter 14 will help cover the annual COLA increase along with salary and fringe benefit costs associated with the charge to the city for staff reviews on development projects. We are proposing to increase fees annually based on the annual salaries including step increases and COLA %. This is the fairest way to recover these costs from applicants. As mentioned above, the new proposed fees for many applications will incorporate some staff review time, so we anticipate much less billing of staff time at the hourly rate.

<i>Fee Type</i>	<i>Current Fee</i>	<i>Proposed Fee</i>	<i>Est. Additional Revenue</i>
Staff Time (Planners) (Based on 1,200 hrs per yr) Chapt. 14-530(A)(4)(i)(i)	\$52	\$54	\$2,400
DRC Billing (Based on 350 hrs per yr) Chapt 14-530(A)(4)(l)(i)	\$52	\$54	\$700

FY19 REVENUE FEE SCHEDULE CHANGE

Department: Planning and Urban Development

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
<u>Administrative Fee</u>			
Conditional Use	Administrative Fee for Planning Board Review	\$ 100	\$ 1,000

*Administrative fee re: (Sec. 14-54 (a)(5))



Christopher C. Branch, P.E.
 Director of Public Works

To: Jon P. Jennings, City Manager
 From: Christopher C. Branch, P.E. *CCB*
 Date: April 27, 2018
 Subject: Administrative Fee Increase Request for FY19

The Department of Public Works is requesting the following fee increases as part of our FY19 budget request.

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
<u>Solid Waste (ord 12-109)</u>			
100-3114-325-10-00	<u>Licenses & Permits</u>		
	Haulers	\$500.00	\$1,000.00
	Vehicles	\$100.00	\$150.00
	Containers	\$ 10.00	\$ 20.00

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
<u>Street Openings (ord 25-157)</u>			
247-3100-321-03-00	<u>Licenses & Permits</u>		
	Block Permit	\$1000.00	\$285.00
	(\$285/350 feet of street plus \$50.00 Digsafe per Street)		
	Driveway: paving of apron (in city right of way)	n/a	\$ 25.00

The current block fee was out of date due to new types of construction, so a definition and length of a city block had to be defined. The same fee base formula for the street opening fees was used with a modification of using one city staff and removing that person from the street opening fee formula. With understanding of the "Digsafe" procedures, a single Digsafe fee is adequate per street. Below are the definitions used.

Block Permit shall mean a single permit for placement, repair, or replacement of any mainline utility, or replacement as open continuous excavation, inserting/sleeving of the



Christopher C. Branch, P.E.
Director of Public Works

mainline utility, for a three hundred fifty (350) foot length trench. Service work, lateral service work, new business, maintenance, valve work, dropbox, anode work, etc. does not qualify as a block permit.

City block shall mean a length of trench, or area of trenches, in the right-of-way intercepted by one or more City streets. Streets with intersections greater than three hundred fifty (350) linear feet or City streets without an intersecting street shall be recognized as one City block every three hundred fifty (350) linear feet.

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
Ordinance (25-157) 247-3100-321-06-00	Pavement Restoration Chg (square yard)	\$55.00	\$65.00

Per discussion with internal staff as well as with paving contractors the square yard fee is not high enough to cover the cost of the work. The volume of the street openings repair contract has decreased while the material and labor cost for the paving has increased.

CC: Brendan O'Connell, Finance Director
Keith Gray, Engineering Services Manager/City Engineer
Pat Handrahan, Principal Financial Officer
Rhonda Zazzara, Construction Inspections Coordinator

FY19 REVENUE FEE SCHEDULE CHANGE

Department: Public Works:
Administrative Fee Changes

		<u>Current</u>	<u>FY19 Proposed Fee</u>
<u>Solid Waste: (ord 12-109)</u>			
Licenses and Permits			
100-3114-325-10-00	Haulers	\$500.00	\$1,000.00
	Vehicles	\$100.00	\$ 150.00
	Containers	\$ 10.00	\$ 20.00
<u>Street Openings: (ord 25-157)</u>			
Licenses and Permits			
247-3100-321-03-00	Street Opening Permit	\$360.00	\$360.00
	Sidewalk Opening Permit	\$252.00	\$252.00
	Esplanade/Other Permit	\$180.00	\$180.00
	Block Permit	\$1,000.00	\$285.00
	Driveway: Paving apron on city right of way	n/a	\$25.00
Pavement Restoration Fee			
247-3100-321-06-00		\$55.00(SY)	\$65.00(SY)

Memo

To: Jon Jennings, City Manager
Anita Lachance, Deputy. City Manager

From: Joanna Coey, Financial Administrator

CC: Jennifer Lodge, Budget Analyst
Sally Deluca, Director of Parks, Recreation & Facilities

Date: April 25, 2018

Re: Parks, Recreation & Facilities Fee Increases for FY `19

Facilities:

We are recommending minor increases in Event Permits. We have also added new categories that were not addressed previously ie; application fee, administrative time, single concert license etc.

Parks, Recreation & Facilities

FY19 REVENUE FEE SCHEDULE CHANGE

Division: Public Assemblies

<u>Account #</u>	<u>Revenue Description</u>	<u>FY19</u>	
		<u>Current Fee</u>	<u>Proposed Fee</u>
Event Permit Fees			
100-3310-321-0000	Application Fee (transferrable/non-refundable)	---	\$25.00
100-3310-321-0000	Administrative Fee (Based on 1 hr, increase if excessive time spent)	---	\$40.00
100-3310-321-0000	Special Event Permit (Park or Public Space)	\$50.00	\$75.00/hr
100-3310-321-0000	Event w/registration or pledgea & attendance 25-300	\$100.00/hr	\$125.00/hr
100-3310-321-0000	Event w/registration or pledgea & attendance 300 +	\$200.00/hr	\$225.00/hr
100-3310-321-0000	Impact/Street Closure Fee (variable based on impact)	\$100-\$500	\$100-\$500
100-3310-321-0000	Admin/Staff Fee (Eventy manager support at events)	---	\$37.00/h
100-3310-321-0000	Wedding Permit (Fort Allen Park and/or Gazebo)	\$250.00 /hr	\$250.00 /hr
100-3310-321-0000	Wedding Permit (other locations)	\$100.00 /hr	\$100.00 /hr
100-3310-321-0000	Block Party Permit	\$25.00	\$40.00
100-3310-321-0000	Banner Permit (Large hanging, 2 locations)	\$50.00/week	\$75.00/week
100-3310-321-0000	Banner Permit (pole, multiple locations)	---	\$50.00/month per banner
100-3310-321-0000	City Porta Restroom User Fee	\$25.00	\$25.00
100-3310-321-0000	Film Shoot	\$100.00 /day	\$100.00 /day
100-3310-321-0000	Electricity (activation/de-activation charge)	---	\$40.00
100-3310-321-0000	Single Concert License	---	\$36.00

*Order 201-17/18
Tab 10 5-14-18*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN
AGREEMENTS TO IMPLEMENT THE FISCAL YEAR 2019 HUMAN RESOURCES
AND CERTAIN FRINGE BENEFITS BUDGETS**

ORDERED, that the City Manager is authorized to enter into standard agreements and amendments to standard agreements with providers of services for Fiscal Year 2019 as needed in order to implement the Human Resources, Medical, Worker's Compensation and Liability budgets.



Human Resources Department
Gina M. Tapp, SPHR
Director

CITY OF PORTLAND, MAINE**Memorandum**

TO: Jon P. Jennings, City Manager

FROM: Gina Tapp, Director of Human Resources

DATE: May 8, 2018

RE: FY19 Budget Order Re: Implementing Human Resources and Fringe Benefit Budgets

Please have the attached Council Order accompany the FY19 budget. This item should be given a first reading on May 14, 2018 and postponed to the May 21, 2018 meeting along with other budget related items.

STATEMENT OF FACT:**ORDER AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN AGREEMENTS TO IMPLEMENT THE HUMAN RESOURCES AND CERTAIN FRINGE BENEFIT BUDGETS.**

Each year the City of Portland enters into agreements to provide services contained in budgets tied to departmental programs.

Human Resources contracts for professional training services, physical fitness testing and services for the Civil Service Commission (written examinations, job suitability assessments and medical examinations).

The Medical budget contains contracted services for claims administration.

The Worker's Compensation budget contains contracted services for claims administration and drug and alcohol testing.

This order will authorize the City Manager to enter into such agreements.

cc: Danielle West-Chuhta, Corporate Counsel
Jennifer Lodge, Budget Analyst

GT: jlr 04/25/18

Order 208-17/18
Tab 11 5-14-18

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER RE: FISCAL YEAR 2019 SELF-INSURED LIABILITY PROGRAM

ORDERED, that pursuant to Article VII, Sec. 15 of the Portland City Charter there is hereby established a Cumulative Reserve Fund for the purpose of enabling the City to pay losses under its self-insurance program or incurred under any deductible insurance policies, which fund shall continue from year to year and shall not lapse as provided in Article VII, Sec. 7 of the Charter; and

BE IT FURTHER ORDERED, that pursuant to 14 M.R.S. Sec. 8116, the City Council of the City of Portland hereby states that the City of Portland has self-insured (to the extent set forth herein) against the obligations and liabilities imposed by the Maine Tort Claims Act (hereinafter the "Act"):

1. The Council has, and may from time to time, set aside funds in an account identified as "Liability" to be added to funds previously appropriated and held in reserve, all of which funds have been designed to enable the City to meet the obligations imposed by the Act; and to implement its self-insurance program, including but not limited to, the costs of administration of the program, investigation of claims, and of defense of claims against the City, its officers and employees;
2. The limit of liability assumed by the City is the \$400,000 required by the Act, as it may be amended from time to time, notwithstanding the fact that its appropriation or reserve may exceed the statutory limit of liability;
3. The scope of coverage is limited to those areas for which governmental immunity has been expressly waived by 14 M.R.S.A. Sec. 8104-A, as limited by 14 M.R.S.A. Sec. 8104-B, and 14 M.R.S.A. Sec. 8111. Liability coverage shall not be deemed a waiver of any immunities or limitation of damages available under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, or common law; and
4. The fund shall be administered by the City Manager and Corporation Counsel who shall settle all claims and pay all judgments for which the City may be legally liable under the Act or under the law of any jurisdiction to which the City, its officers or employees may be subject.

CITY OF PORTLAND, MAINE

Memorandum

TO: Jon P. Jennings, City Manager

FROM: Danielle West-Chuhta, Corporate Counsel 

DATE: April 25, 2018

RE: RESOLUTION RE: SELF-INSURED LIABILITY PROGRAM

STATEMENT OF FACT:

This item is requested upon the recommendation of the Office of the Corporation Counsel. The intent is to clearly indicate that the City's limit of liability is that imposed by the Maine Tort Claims Act, notwithstanding the fact that the annual appropriation or the cumulative reserve may exceed \$400,000. This item should be given a first reading on May 14, 2018 and then postponed to the May 21, 2018 meeting along with other budget related items.

cc: Nancy English, Paralegal / Legal Assistant
Jennifer Lodge, Budget Analyst

*Order 209-17/18
Feb 13 5-14-18*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER AUTHORIZING THE DIRECTOR OF PARKS,
RECREATION AND FACILITIES TO SET FEES AND ENTER RENTAL
AGREEMENTS FOR CITY FACILITIES**

ORDERED, that the Director of Parks, Recreation and Facilities or his or her designee is hereby authorized to set fees, enter and sign rental lease agreements or contracts for City facilities.

MEMORANDUM
City Council Agenda Item

TO: Mayor & Members of the City Council

FROM: Sally Deluca, Director of Recreation & Facilities Management

DATE: April 26, 2018

DISTRIBUTION: City Manager, Mayor, Sonia Bean, Danielle West-Chuhta,
Nancy English, Jennifer Lodge

SUBJECT: Order Authorizing the Director of Parks, Recreation and Facilities to Set Fees and Enter into Rental Agreements for City Facilities

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. Below is an example of our Recreation afterschool fees that have not been increased since FY16. We have budgeted an additional \$100,000 in our FY19 before and afterschool revenue account. We have not increased our before-school fee for over 10 years. Here is our proposed fee increase for afterschool only:

Current Before School is \$25/week; Proposed for FY19 \$25/week

Current Afterschool is \$74/week; Proposed for FY19 is \$84/week

Current Before and Afterschool is \$99/week; Proposed for FY19 is \$109/week

*Order 210 - 17/18
Tab 13 5-14-18*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER AUTHORIZING THE CITY MANAGER
TO ENTER INTO CERTAIN AGREEMENTS TO IMPLEMENT
FISCAL YEAR 2019 HEALTH & HUMAN SERVICES BUDGET**

ORDERED, that the City Manager or his or her designee be and hereby is authorized to enter into:

1. Standard agreements and amendments to standard agreements with other governmental agencies for Fiscal Year 2019 to implement the Health & Human Services operating budget; and
2. Agreements with providers of services and lessors of property to provide services for Health & Human Services programs.

City of Portland, Maine

Memorandum

To: Jon P. Jennings, City Manager
From: Brendan O'Connell, Finance Director *BTO*
Date: 04/25/18
Re: FY19 Budget Council Order – HHS Agreements

Each year the City of Portland enters into agreements and amendments to those agreements, to receive reimbursement for services provided 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.

I have asked Corporation Counsel to prepare the necessary order for inclusion on the May 14th agenda.

*Order 211-17/18
Hab 14 5-14-21*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER AUTHORIZING THE CITY MANAGER TO
ACCEPT SCHOLARSHIP AND TRUST DONATIONS AND BEQUESTS AND ENTER
INTO TRUST AGREEMENTS**

ORDERED, that the City Manager is authorized to accept and to appropriate donations for existing and new scholarship funds, and bequests from wills and trusts in amounts of up to \$50,000 in Fiscal Year 2019; and

BE IT FURTHER ORDERED, that the City Manager is authorized to enter into standard form trust agreements and other associated documents and/or agreements as approved by the Corporation Counsel.

*Order 212-17/18
Tab 15 5-14-18*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER AUTHORIZING CORPORATION COUNSEL
TO UNDERTAKE CIVIL ACTIONS TO COLLECT
DELINQUENT PERSONAL PROPERTY TAXES**

ORDERED, that the Corporation Counsel, through the use of City Attorneys or Contractors, is hereby authorized to institute legal proceedings on behalf of the City to collect delinquent personal property taxes against debtors who have failed to pay the taxes when due.

City of Portland

Memo

To: Jon P. Jennings, City Manager

From: Brendan O'Connell, Finance Director

BTO

Date: April 25, 2018

Re: FY19 Budget Council Order Agenda Item Request – Authorizing Collection Actions

Please place the attached order on the City Council agenda for first reading and public hearing on May 14th and second reading and passage on May 21, 2018. I am recommending we present this to the City Council for action as it is related to the financial business of the upcoming fiscal year. We have passed this order annually with the budget approved since fiscal year 2003.

This order arises out of the staff proposal to maintain our efficient personal property tax collections. Many times during the fiscal year our personal property tax standard billing and collection procedures prove to be inadequate, and we need to seek legal assistance from the Corporation Counsel's Office. This could involve a company refusal to pay, a bankruptcy declaration or title dispute or other similar matter that requires legal action.

Corporation Counsel advises that the City Council needs to grant specific authority to file legal actions in these kinds of tax cases. Many times we need to act quickly to ask for legal assistance when information comes to our attention, in order to protect the City's interest. We also want to avoid administrative delays by seeking this general authority from the City Council to collect delinquent personal property taxes when necessary. Delegating this authority greatly enhances our personal property collection efforts.

I have asked Corporation Counsel to prepare the necessary order for inclusion on the May 14th agenda.

*Order 213-17/18
Tab 16 5-14-18*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

ORDER AUTHORIZING NON-UNION WAGE ADJUSTMENT

ORDERED, that an overall wage increase of two percent (2%) for non-union employees is hereby approved to be distributed by the City Manager in accordance with the updated non-union pay plan; and

BE IT FURTHER ORDERED, that the updated non-union position titles and updated non-union pay plan in substantially the form attached hereto are hereby approved, and

BE IT FURTHER ORDERED, that the Mayor, the City Council, the City Clerk and Corporation Counsel shall receive a two percent (2%) wage increase effective July 1, 2018.



Human Resources Department
Gina M. Tapp, SPHR
Director

TO: City Council
FROM: Gina Tapp, Director of Human Resources
DATE: May 14, 2018
RE: Updated Pay Plan for Non-Union Employees Including Use of 2% COLA

This memo is a brief overview of work completed to date on the non-union pay plan and describes how the 2% COLA for non-union employees will be utilized in the FY19 budget.

History: The City engaged Gallagher Benefit Services, Inc. in 2017 to conduct a classification and compensation study of its non-union jobs. This was needed because our compensation structure and pay scales have not been updated or adjusted adequately for many years, resulting in difficulty recruiting and retaining key positions. As the largest municipal government organization in the State of Maine, we need to have an up to date compensation structure and plan so we can attract and retain talented employees.

Overall Study Objectives: The work that we engaged Gallagher consultants to do for us included the following:

- o Develop classifications and structures that provide for greater flexibility and ease and cost of administration
- o Develop new classification descriptions/specifications
- o Establish and apply an internal equity/job evaluation system to the newly developed classifications
- o Conduct a salary survey of the new classes in order to review the City's current pay ranges with the selected labor market
- o Develop a new pay structure(s) based on internal equity and market results
- o Develop cost options for implementation of the recommended pay structure(s)

Classification: The process used to properly classify all non-union employees was that each employee was asked to complete a Position Description Questionnaire (PDQ) which collected job information. Each Department Director reviewed the tools submitted by their own employees, and there was an additional review by me as the HR Director prior to submitting them to Gallagher. Once they had our information, they then developed preliminary classification structures organized by job/career families, which we reviewed and provided feedback, eventually resulting in finalized classification structures.

A job evaluation process known as the Decision Band Method (DBM) was also applied to each individual classification. We received a detailed manual describing the DBM process as well as focused job evaluation training, so that we can conduct this evaluation process internally once the study is complete. Employees were allocated to the new classifications based on information

information contained within their PDQ forms with further review from us. Attached to this memo are further descriptions of the DBM job evaluation process used and other key documents.

Salary Survey: A large part of the project was to conduct a comprehensive salary survey. Survey benchmarks were selected and recommended by Gallagher, reviewed by us, and finalized. A survey document including requests for salary and pay practices information was developed by Gallagher, approved by us, then distributed to 34 organizations. Of the 34 organizations, 16 actually participated and we were able to get published data from 3 others. In addition, Gallagher used 9 published survey sources.

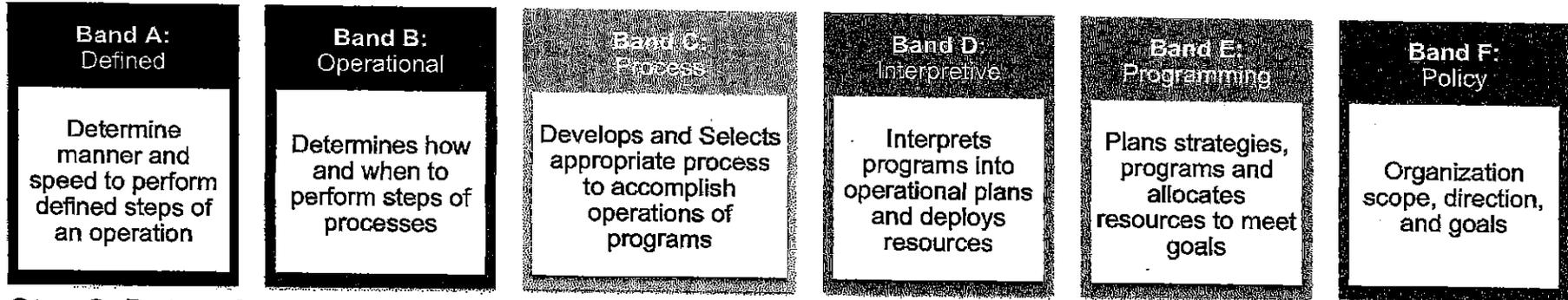
Plan Plan: The updated compensation structure is a hybrid plan, with B level positions being paid on pay ranges with 11 steps, with 3% increases between each step. The pay range has a spread of 34%. For positions at levels C - E, there are 7 steps from the minimum of the range to the control point, with each step increasing 3%. One of our goals with the new pay plan was that we wanted to have the opportunity to move to a more performance-based compensation system, which we will be able to do. For example, after an employee has reached the control point at step 7, compensation increases are no longer guaranteed. This is in stark contrast to the current structure, where all staff is guaranteed a step increase until the maximum is reached. There will be no automatic increases beyond the control point, any further movement will strictly be performance based. At initial implementation no positions will be placed above the control point, and that the control point reflects the 80th percentile of the market as determined by the salary survey process. As part of the rollout of the pay plan and along with our implementation of Tyler Technologies, a new performance management (evaluation) system will also be created. This evaluation program will likely include a compensation committee for increases above the control point. For now, we believe the updated pay plan that will allow us to attract and retain employees as the compensation levels are much more in line with where we need to be.

Employee Placement: Once the FY19 budget is approved, we will then transition non-union employees to the new pay plan using approved funds. Individual allocation of employees by band and new compensation is currently underway, and will likely need to implement in several stages over time. A key component of implementation will be the City Council authorizing use of the 2% COLA to be distributed to non-union employees in accordance with the new pay plan. Unlike previous fiscal years, where everyone received a COLA regardless of any other factors, the current COLA will be distributed only to those who needed a salary adjustment per the results of the pay study. Some employees may be red-lined (i.e. held at their current salary) if the pay study indicated their salary was at or above market. The total amount of the impact in the FY19 budget for the 2% COLA is approximately \$260,000 (actual amount available for distribution is slightly less - this figure includes COLAs for the City Council, Mayor, City Clerk and Corporation Counsel who were all not included in the study)..

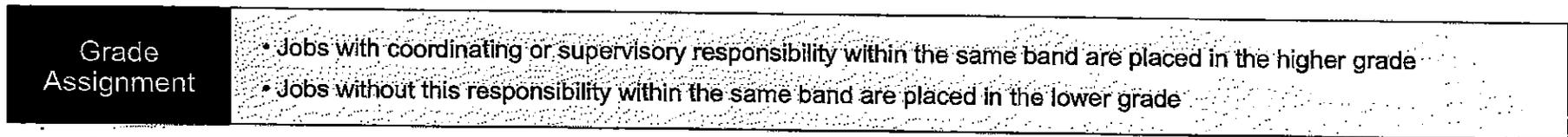
We greatly appreciate the Council's support of this important project, and look forward to finally being able to implement a modern day compensation system for our non-union employees.

Decision Band Method® Process

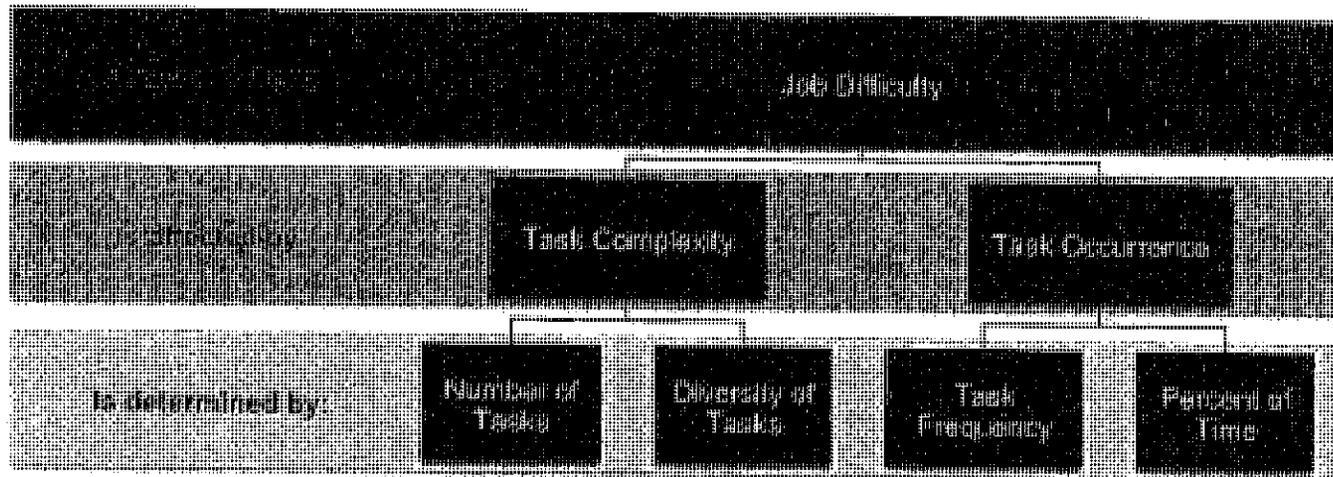
Step 1: Determine appropriate band



Step 2: Determine appropriate grade



Step 3: Determine appropriate subgrade



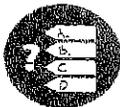
Job Evaluation

Decision Band® Method

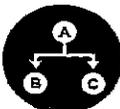
- To assess the different levels of job value using a formal method of job evaluation, the Decision Band Method® of job evaluation was adopted by the City as the methodology addressing the internal alignment of work.
- Job Evaluation:
 - Uses a defined methodology to determine the relative value of jobs within an organization.
 - Provides an objective and documented method for job analysis and evaluation.
 - Provides the basis for determining pay.
- The Decision Band Method® is based on the following characteristics:



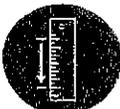
The value of a job should reflect the importance of the job to the organization.



The importance of a job is directly related to the decision-making requirements of the job.



Decision-making is common to all jobs.



Decision-making is measurable.

CITY OF PORTLAND, MAINE
DBM JOB CLASSIFICATION SYSTEM
UPDATED NON-UNION POSITION TITLES

June 1, 2018

STRUCTURE	SERIES	CLASS TITLE (Standardized across job families reflecting internal alignment and may be different from working titles used.)
Administrative Support	Administrative Support	Administrative Technician Administrative Specialist Administrative Specialist, Senior
Airport Management	Airport	Airport Supervisor Airport Manager Airport Assistant Director
Executive	Executive	Department Director Assistant City Manager Senior Advisor
Facilities Management	Facilities Management	Facilities Field Supervisor Facilities Operations and Project Supervisor Facilities Manager
Finance	Finance	Finance Specialist Finance Specialist, Senior Finance Analyst Finance Administrator Finance Supervisor Finance Manager Finance Assistant Director
Fire Services	Fire Services	Fire Deputy Chief Fire Division Chief Fire Assistant Chief
Health & Human Services	Health & Human Services	HHS Coordinator HHS Analyst HHS Supervisor HHS Manager
	Long-Term Care Center Administration	Registered Nurse Registered Nurse Supervisor Registered Nurse Manager

STRUCTURE	SERIES	CLASS TITLE (Standardized across job families reflecting internal alignment and may be different from working titles used.)
	Long-Term Care Center Administration, Cont.	LTC Center Supervisor LTC Center Manager
Human Resources	Human Resources	Human Resources Specialist Human Resources Coordinator Human Resources Analyst Human Resources Administrator Human Resources Manager
Information Technology	Information Technology	Technology Analyst Technology Analyst, Senior Technology Manager
	Business Systems	Business Systems Specialist Business Systems Analyst
	GIS	GIS Specialist GIS Analyst GIS Analyst, Senior GIS Supervisor/Project Manager
Legal Services	Legal Services	Paralegal Paralegal, Senior Attorney Attorney, Senior
	Stand-Alone	Police Legal Advisor
	Stand-Alone	Risk Management Supervisor
Management Services	Management Services	Management Analyst Associate Management Analyst Management Analyst, Senior
Occupational Health & Safety	Occupational Health & Safety	Health & Safety Specialist Health & Safety Supervisor Health & Safety Manager
	Stand-Alone	Employee Assistance Program Administrator
Parks & Recreation	Parks & Recreation	Parks & Recreation Analyst Parks & Rec Administrator/Supervisor Parks & Recreation Manager

STRUCTURE	SERIES	CLASS TITLE (Standardized across job families reflecting internal alignment and may be different from working titles used.)
Permitting & Inspections	Stand-Alone	Permitting Manager
	Inspections	Inspections Manager
Planning	Planning	Planning Analyst Planning Supervisor Planning Manager
Public Safety Structure/Police	Behavioral Health	Behavioral Health Analyst Behavioral Health Analyst, Senior
	Sworn	Police Major Police Commander Assistant Police Chief
	Stand-Alone	Emergency Communications Manager
Public Works	Engineering	Engineering Supervisor Engineering Manager
	Stand-Alone	Public Works Manager Public Works Assistant Director

No. Union Employees

DBM Rating	Min										Max	Width
Step	1	2	3	4	5	6	7	8	9	10		
B21	\$17.39	\$17.91	\$18.45	\$19.00	\$19.57	\$20.16	\$20.77	\$21.39	\$22.03	\$22.69	\$23.37	34%
B22	\$18.97	\$19.54	\$20.13	\$20.73	\$21.35	\$21.99	\$22.65	\$23.33	\$24.03	\$24.75	\$25.50	34%
B23	\$20.55	\$21.17	\$21.80	\$22.46	\$23.13	\$23.82	\$24.54	\$25.28	\$26.03	\$26.81	\$27.62	34%
B24	\$22.53	\$23.21	\$23.90	\$24.62	\$25.36	\$26.12	\$26.90	\$27.71	\$28.54	\$29.40	\$30.28	34%
B31	\$22.53	\$23.21	\$23.90	\$24.62	\$25.36	\$26.12	\$26.90	\$27.71	\$28.54	\$29.40	\$30.28	34%
B25	\$24.90	\$25.65	\$26.42	\$27.21	\$28.03	\$28.87	\$29.73	\$30.63	\$31.54	\$32.49	\$33.47	34%
B32	\$24.90	\$25.65	\$26.42	\$27.21	\$28.03	\$28.87	\$29.73	\$30.63	\$31.54	\$32.49	\$33.47	34%
Step Diff		3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	

DBM Rating	Min						Control Point						Max	Width
Step	1	2	3	4	5	6		8	9	10	11	12	13	
C41	\$29.93	\$30.83	\$31.76	\$32.71	\$33.69	\$34.70	\$35.74						\$42.68	43%
C42	\$31.43	\$32.37	\$33.34	\$34.34	\$35.37	\$36.44	\$37.53						\$44.81	43%
C43	\$33.00	\$33.99	\$35.01	\$36.06	\$37.14	\$38.26	\$39.40						\$47.05	43%
C44	\$34.81	\$35.85	\$36.93	\$38.04	\$39.18	\$40.35	\$41.56						\$49.63	43%
C51	\$34.81	\$35.85	\$36.93	\$38.04	\$39.18	\$40.35	\$41.56						\$49.63	43%
C45	\$37.32	\$38.44	\$39.60	\$40.78	\$42.01	\$43.27	\$44.56						\$53.21	43%
C52	\$37.32	\$38.44	\$39.60	\$40.78	\$42.01	\$43.27	\$44.56						\$53.21	43%
D61	\$39.56	\$40.74	\$41.96	\$43.22	\$44.52	\$45.86	\$47.23						\$56.40	43%
D62	\$41.53	\$42.78	\$44.06	\$45.38	\$46.75	\$48.15	\$49.59						\$59.22	43%
D63	\$43.61	\$44.92	\$46.27	\$47.65	\$49.08	\$50.56	\$52.07						\$62.18	43%
D64	\$46.00	\$47.38	\$48.80	\$50.27	\$51.77	\$53.33	\$54.93						\$65.59	43%
D71	\$46.00	\$47.38	\$48.80	\$50.27	\$51.77	\$53.33	\$54.93						\$65.59	43%
D65	\$49.32	\$50.80	\$52.32	\$53.89	\$55.51	\$57.18	\$58.89						\$70.32	43%
D72	\$49.32	\$50.80	\$52.32	\$53.89	\$55.51	\$57.18	\$58.89						\$70.32	43%
E81	\$52.27	\$53.84	\$55.46	\$57.12	\$58.83	\$60.60	\$62.42						\$74.53	43%
E82	\$54.89	\$56.53	\$58.23	\$59.98	\$61.77	\$63.63	\$65.54						\$78.25	43%
E83	\$57.63	\$59.36	\$61.14	\$62.97	\$64.86	\$66.81	\$68.81						\$82.17	43%
E84	\$60.79	\$62.61	\$64.49	\$66.43	\$68.42	\$70.47	\$72.59						\$86.67	43%
E91	\$60.79	\$62.61	\$64.49	\$66.43	\$68.42	\$70.47	\$72.59						\$86.67	43%
E85	\$65.18	\$67.13	\$69.15	\$71.22	\$73.36	\$75.56	\$77.82						\$92.93	43%
E92	\$65.18	\$67.13	\$69.15	\$71.22	\$73.36	\$75.56	\$77.82						\$92.93	43%
Step Diff		3.00%	3.00%	3.00%	3.00%	3.00%	3.00%							

Control Point = 80th percentile of market

No step increases beyond control point

**AGREEMENT BETWEEN THE
CITY OF PORTLAND
AND
GALLAGHER BENEFIT SERVICES, INC.**

THIS AGREEMENT is entered into this 27th day of December, 2016, by and between the CITY OF PORTLAND, a body politic and corporate (hereinafter the "CITY"), and GALLAGHER BENEFIT SERVICES, INC., a Delaware corporation with a mailing address of 16064 Parsons Road, Beaverdam, Virginia 23015 (hereinafter the "CONSULTANT").

WITNESSETH:

WHEREAS, the CITY is in need of a study of the pay grades and classifications of its non-union employees and did advertise a Request for Proposals #1217 entitled "Non-Union Classification and Pay Plan," dated August 17, 2016, as amended by Addendum #1 dated September 16, 2016 (collectively, the "Request for Proposals"), a copy of which is attached as Exhibit A and made a part hereof; and

WHEREAS, the CONSULTANT has the requisite knowledge and technical ability to perform the required services and has submitted a proposal dated September 28, 2016, a copy of which is attached as Exhibit B and made a part hereof; and

WHEREAS, after due consideration, the CITY decided to award this contract to
CONSULTANT;

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The CONSULTANT will furnish the materials, supplies, equipment and labor (hereinafter the "Work") in accordance with the specifications contained in the Request for Proposals and the Proposal.

The restatement in this document of any term of the Request for Proposals or the Proposal shall not be deemed to waive any term not so restated. If any disagreement is found between Request for Proposals or the Proposal and this document, then this

document shall govern; and the Request for Proposals shall govern over the Proposal, to the extent they disagree; provided, however, that this document and its attachments shall be construed to be supplemental to one another to the extent possible.

2. The **CONSULTANT** covenants and agrees that all Work performed and furnished hereunder shall be in accordance with applicable professional standards, and that all Work shall be performed in a good workmanlike manner.
3. Prior to the execution of this Agreement, the **CONSULTANT** shall, at its own expense, carry Professional Liability Insurance for errors, omissions and negligence, in the amount of One Million Dollars (\$1,000,000.00) per claim. The **CONSULTANT** will also procure and maintain General Liability Insurance coverage and Automobile Liability Insurance coverage in amounts of not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage, naming the **CITY** as an additional insured on the General Liability Insurance coverage, and also Workers' Compensation Insurance coverage to the extent required by law. With respect to the General Liability Insurance, the **CONSULTANT** shall name the **CITY** as an additional insured for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. This provision shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available under the Maine Tort Claims Act, other Maine statutory law, judicial precedent or common law. **CONSULTANT** will provide the **CITY** a certificate of insurance evidencing such coverage, in this way: additional insured." A Certificate which merely has a box checked under "Addl Insr," or the like, or which certificate must say either: A) "the policy has been endorsed to name the City of Portland as an Additional Insured" and a copy of the endorsement must come to the City of Portland with the certificate, or B) "the policy already includes an endorsement, such as the General Liability Extension Endorsement, by which the City of Portland is automatically made an merely states the City of Portland is named as an Additional Insured, will not be acceptable. The Workers' Compensation insurance shall include an endorsement waiving all rights of subrogation against the City of Portland, its officers or employees. The **CONSULTANT** shall furnish the **CITY** and thereafter maintain certificates evidencing all such coverages. Any cancelled or non-renewed policy will be replaced with no coverage gap and a current certificate of insurance will be provided to the **CITY**. **CONSULTANT** shall immediately provide the **CITY** with a copy of any notice **CONSULTANT** receives regarding the termination or impending termination of any of the above policies of insurance.
4. To the fullest extent permitted by law, the **CONSULTANT** shall defend, indemnify and hold harmless the **CITY**, its officers and employees, from and against all claims, damages, losses, and expenses, just or unjust, including, but not limited to, the costs of defense and attorney's fees arising out of or resulting from the performance of this Agreement, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including the loss of use therefrom, and (2) is caused in whole or in part by any negligent act or omission of the **CONSULTANT**, anyone directly or indirectly employed

by it, or anyone for whose act it may be liable. Such obligation of indemnification shall not be construed to negate or abridge any other obligation of indemnification running to the CITY which otherwise exists. The extent of the indemnification provision shall not be limited by the provision for insurance in this Agreement. **CONSULTANT'S** obligations under this paragraph shall survive termination of this Agreement. **CONSULTANT'S** liability to the CITY for any losses, injury or damages to persons or properties or work performed arising out of in connection with this Agreement and for any other claim, whether the claim arises in contract, tort, statute or otherwise, shall be limited to twice the amount of the total fees due to **CONSULTANT** from the CITY under this Agreement. This limitation shall not apply to any claim covered by the insurance policies set forth above in paragraph 3 or to any claim covered by the indemnification provision set forth in paragraph 4, each of which will be subject to a twenty million dollar (\$20,000,000) limit.

5. The **CONSULTANT** shall perform the work to the satisfaction of the Director of the Department of Human Resources (hereinafter, the "Director") whose approval and acceptance of the Work will be a condition precedent to payments by the CITY under this Contract.
6. Time is of the essence in the performance of this Agreement. Upon receipt of executed contracts and insurance as required, the CITY will promptly send an executed contract to the **CONSULTANT**, which will commence work within three weeks of execution. The **CONSULTANT** agrees to complete the entire work within six months of commencing work. The time set for such completion may be extended only by written consent of the Director.
7. In the event of any dispute as to the amount, nature or scope of the work required under this Contract, the design and judgment of the Director or designee will be final and binding.
8. For performance of all the terms and conditions of this Agreement, the CITY will pay the **CONSULTANT** Seventy Thousand Dollars (\$70,000.00) plus \$375.00 per job description that **CONSULTANT** develops at CITY's request, which amounts will include all expenses.
9. The **CONSULTANT** shall keep accurate records of all services performed under this Agreement and shall submit such information to the CITY on a monthly basis. Payment for such Work shall be made to the **CONSULTANT** not more than thirty (30) days after receipt of an invoice and acceptance of the Work by the Director or designee.
10. The CITY agrees to furnish or provide access to the **CONSULTANT** to any information or material in its possession which is relevant to the **CONSULTANT'S** performance hereunder and CITY staff will cooperate with **CONSULTANT**. The **CONSULTANT** will not, without the CITY's written consent, disclose, or permit disclosure, by any officer, employee, or agent or subcontractor of **CONSULTANT**, of any information or material furnished or generated under this Agreement. The **CONSULTANT** shall be

entitled to rely upon the accuracy of such information. The provisions of this Article shall not apply to information which is published or comes into the public domain through no fault of the **CONSULTANT** or is required to be disclosed by law.

The following shall be requirements of this Agreement:

- (a) All data collected shall be treated as confidential material and shall be disclosed *only* to authorized **CITY** representatives;
 - (b) The **CONSULTANT** shall not disclose or permit disclosure of any information or material furnished and/or generated under this Agreement without the **CITY**'s prior written consent; and
 - (c) All documents, data, studies, estimates, summaries and any other work or material developed under this Agreement shall be the property of the **CITY** and shall be promptly delivered to the appropriate Department Contact person upon completion of a particular service/assignment or upon the request of the **CITY**. However, **CONSULTANT** shall retain sole and exclusive ownership of all right, title and interest in and to its intellectual property and derivatives thereof which no data or confidential information of the **CITY** was used to create and which was developed entirely using **CONSULTANT'S** own resources. To the extent **CONSULTANT'S** intellectual property is necessary for the **CITY** to use the services provided under this Agreement, **CONSULTANT** grants to the **CITY** a non-exclusive, royalty-free license to **CONSULTANT'S** intellectual property solely for the **CITY'S** use of such services.
11. The **CITY** may terminate this Agreement for cause by written Notice to the **CONSULTANT**. In the event of such termination, the **CONSULTANT** shall not be entitled to any further payment under this Agreement from the date of receipt of said Notice.
 12. The **CITY** shall have the right to terminate this Agreement at any time for its convenience on thirty (30) days' prior written Notice to the **CONSULTANT**. If the Agreement is terminated by the **CITY** for convenience, the **CITY** shall pay the **CONSULTANT** for all Work performed and all materials purchased pursuant to this Agreement prior to receipt of such Notice.
 13. Out of concern for the public, **CITY** employees and the **CONSULTANT's** employees, all work performed by the **CONSULTANT** shall be in conformance with pertinent OSHA, local, state and federal government regulations.
 14. No waiver of any breach of any one or more of the conditions of this Agreement by the **CITY** shall be deemed to imply or constitute a waiver of any succeeding or other breach hereunder.

15. This Agreement and its attachments represents the entire and complete agreement and understanding between the parties and supersedes any prior agreement or understanding, written or oral, between the parties with respect to the subject matter of this Agreement. This Agreement cannot be amended except by written instrument executed by the **CITY** and **CONSULTANT**.
16. This Agreement shall be construed in all respects in accordance with, and governed by, the laws of the State of Maine. All parties hereto hereby consent to the exclusive jurisdiction of the Superior Court for the County of Cumberland in the State of Maine, for all actions, proceedings and litigation arising from or relating directly or indirectly to this Agreement or any of the obligations hereunder, and any dispute not otherwise resolved as provided herein shall be litigated solely in said Court.
17. This Agreement may be executed in any number of counterparts and by different parties in separate counterparts. Each counterpart when so executed shall be deemed to be an original and all of which together shall constitute one and the same agreement. A signature in a pdf or electronic document shall be considered the equivalent of an original signature.
18. **CONSULTANT** warrants and represents that it has the full right and authority to enter into this Agreement, that there is no impediment that would inhibit its ability to perform its obligations under this Agreement, and that the person signing this Agreement on behalf of **CONSULTANT** has the authority to do so.

IN WITNESS WHEREOF, the said **CITY OF PORTLAND** has caused this Agreement to be signed and sealed by Jon P. Jennings, its City Manager, thereunto duly authorized, and **GALLAGHER BENEFIT SERVICES, INC.** has caused this Agreement to be signed and sealed by Bruce G. Lawson, its Managing Director thereunto duly authorized, as of the day and date first above written.

WITNESS:

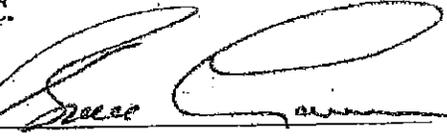
Jonice Bean

CITY OF PORTLAND

By: _____
Jon P. Jennings
Its City Manager

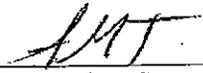
WITNESS:

GALLAGHER BENEFIT SERVICES,
INC.

By:  _____

Bruce G. Lawson
Its Managing Director

Approved as to form:



Corporation Counsel's Office

Approved as to funds:



Finance Director

CITY OF PORTLAND, MAINE
Non-Union Classification and Pay Plan
Department of Human Resources
REQUEST FOR PROPOSALS

Notice and Specifications

Sealed proposals for services to provide a classification and pay consultant for the City of Portland's Department of Human Resources, will be received by the Purchasing Office, City Hall Room 103, 389 Congress Street, Portland, Maine on or before **Wednesday, September 28, 2016 at 3:00 p.m.**, at which time they will be publicly opened. Late, electronic or faxed proposals will not be accepted. All proposals shall be held open to acceptance for ninety days from opening.

Six (an original and five copies) complete copies/sets of the proposal and one (1) electronic copy submitted on a thumb drive, and related documentation, shall be submitted with the original copy being so marked. The City's declaration form shall be signed with the consultant's name and bear the original hand written signature of an officer or employee having authority to bind the company to a contract by his/her signature. Each proposal shall include the legal name of the organization and a statement as to whether or not it is a sole proprietorship, a partnership, a corporation, or any other legal entity. A proposal by a corporation shall also give the state of its incorporation all businesses must be licensed to do business in Maine.

The City of Portland is strongly committed to diversity and does not discriminate on the basis of race, color, creed, national origin, sex, religion, age, disability, sexual orientation or marital status.

Questions

Questions regarding this solicitation **must be made in writing only and be sent to the Purchasing Office**, being received no later than five working days prior to the bid opening. They may be hand delivered, mailed, e-mailed to mff@portlandmaine.gov or faxed to 207-874-8652. Questions that result in modifications to the document will be in the form of a written addendum and sent to all firms registered with the Purchasing Office.

Proposals from firms not registered with the Purchasing Office will be rejected; receipt of this document directly from the City of Portland indicates registration. Should a vendor receive this Invitation from a source other than the City, please contact 207-874-8654 to ensure that your firm is listed as a vendor for this project.

Proposers are cautioned not to discuss this proposal with members of City staff other than Purchasing during the response and selection period.

Insurance Requirements

The selected consultant shall obtain and maintain public and professional liability insurance in amounts not less than four hundred thousand dollars (\$400,000) combined single limit for bodily injury, death and property damage protecting the company and the City from such claims, and naming the city for such claims, and naming the city from such claims, and naming the city as an additional insured thereon, and also workers compensation insurance coverage.

Equal Employment Opportunities

Vendor shall comply fully with the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998, as amended (WIA, 29 CFR part 37); the Nontraditional Employment for Women Act of 1991; title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 37.

Reservation of Rights

The City reserves the right to waive any informalities in the proposals, to accept any proposal or portions thereof and to reject any or all proposals should it be deemed for the best interest of the City to do so. The City reserves the right to substantiate the Proposer's qualifications, capability to perform, availability, past performance record and to verify that the proposer is current in its obligations to the City, as follows:

It is the custom of the City of Portland, Maine to pay its bills 30 days following equipment delivery and acceptance, and following the receipt of correct invoices for all items covered by the purchase order. If your organization prefers to receive payment via electronic transfer rather than by check, please see the web link below* and include that EFT form with your bid submission. In submitting bids under these specifications, bidders should take into account all discounts; both trade and time allowed in accordance with this payment policy and quote a net price. The City is exempt from the State's sales and use tax as well as all Federal excise taxes.

* <http://www.portlandmaine.gov/DocumentCenter/Home/View/817>

Pursuant to City procurement policy and ordinance, the City is unable to contract with businesses or individuals who are delinquent in their financial obligations to the City. These obligations may include but are not limited to real estate and personal property taxes and sewer user fees. Bidders who are delinquent in their financial obligations to the City must do one of the following: bring the obligation current, negotiate a payment plan with the City's Treasury office, or agree to an offset which shall be established by the contract which shall be issued to the successful bidder.

August 17, 2016

Matthew F. Fitzgerald
Purchasing Manager

Background

The City of Portland Maine has a Classification and Pay Plan that was last reviewed in its entirety over 23 years ago. The plan, which covers 176 employees in 135 Classifications, sorted into 13 pay grades, is in urgent need of revision. A similar study was conducted in 2012-13, but never implemented. We seek assistance in the complete reconstruction of the Non-Union employee Classification and Pay Plan.

Minimum Requirements and Preferences

- Must be experienced in the design and development of classification and pay systems, preferably in Municipal settings, and preferably with organizations the size and complexity of the City of Portland.

Scope of Work for Development of Classification and Pay Plan

1. Job Descriptions

Create, modify, and update job classification descriptions for all positions, in compliance with the ADA and other applicable federal and state statutes. Descriptions to include identification of essential functions.

Orientation sessions will be held to explain the process to management, supervisors, and employees.

Consultant will devise survey method to enable employees to list job duties, responsibilities, requirements of work, and permit commentary by supervisors and managers.

Consultant will conduct interviews with employees as necessary to verify/clarify the information received through the survey, and with supervisors and managers to verify information thus collected and synthesized.

Consultant shall prepare draft job classification descriptions to be reviewed by Department managers for accuracy.

Consultant will provide an appeal procedure to be used by individuals who may require additional information regarding the recommended job classification or allocation.

Consultant shall finalize job descriptions and present them to the HR Director for final approval.

2. Compensation philosophy

Consultant will co-create with City executive team, a statement of compensation philosophy, and will recommend salary structures and compensation plan practices necessary to integrate positions and employees into the plan and to manage the plan on a forward going basis.

3. Job Evaluation Methodology

Consultant will recommend a job evaluation process that measures the worth of each position against job evaluation criteria.

4. Classification Structure

Consultant will conduct job evaluation according to agreed upon criteria, and will recommend a job classification structure, and will recommend the allocation of jobs into that structure. Consultant will meet with senior managers and supervisors to introduce the classification structure, and to respond to questions and concerns.

5. Salary Survey

Consultant will conduct a salary survey to assess the level of market competitiveness of City jobs, and will recommend a wage and salary plan that is market competitive. Responses to the RFP should contain a detailed description of the market survey method to be utilized and suggested referent communities and other organizations.

6. Integration of employees into the salary structure

Consultant will recommend means of integrating employees into the new compensation structure, and will cost out the recommended approach. Consultant will make additional recommendations in the event that the cost of implementation is larger than available resources.

7. Classification manual

At the conclusion of the study, consultant shall provide a classification manual to be utilized by the City to evaluate new or revised positions.

8. Additional Requirements

The consultant shall provide 10 printed copies of the final report, which should include introduction, explanation of methodology, survey results, job descriptions, and classification recommendations. In addition, consultant will provide City with an electronic version of the final report, data generated from the survey, job descriptions, and classification manual.

In addition to employee interviews and initial meetings with employees, supervisors, and managers, consultant shall make provision to update participants on the progress of the study through written report, web site, additional meetings, or other approaches. In addition, consultant shall make provision for a meeting with the Finance Committee of the City Council and with the full City Council.

IV. Timeline

Consultant shall begin work within 3 weeks of signing the contract, and will complete work within three months of signing the contract.

V. Contents of the Proposal

Technical Specifications:

The qualifications of the consultant performing the scope of services:

A list of similar projects (including but not limited to Municipal work) completed by the consultant, including those that the project leader served on in a similar capacity, including references with names and contact information.

Samples of similar projects completed by the consultant for other employers:

A plan of services for completion of the project including, but not limited to, a description of the consultant's internal operations, its management systems, a list of personnel with an organizational chart, and the names and qualifications of all personnel who will be assigned to the project.

The plan of services shall include a description of the manner in which the consultant will fulfill the project and a schedule for completion of the scope of work with detailed timelines.

Cost of Services:

The cost of services required under this Request for Proposal.

References:

References from organizations the consultant has done classification and pay work for, including the names and telephone numbers of key personnel at the host organizations

Additional Requirements

- Provide a flat fee for services: to include all labor, travel, miscellaneous expenses, overhead and profit.
- Proposers will provide an hourly rate for any additional work deemed necessary by the City.
- Performance shall commence as of the Award Date and shall be completed within 3months
- The consultant shall submit a schedule for completion of Tasks within ten (10) working days after the Award Date to the Department Head for review and acceptance. Upon acceptance of the schedule, the Firm shall complete the Tasks as scheduled.

Proposal Criteria

A selection team of City staff will meet and review the material submitted in response to this request. The selection team will evaluate the information provided; including the findings of the reference checks conducted, and rates each firm separately according to the following:

1) Firm Qualifications and Experience (35%)

Describe your firm's experience with other similar projects* that demonstrate your capacity to deliver the Scope of Services as outlined above

**with municipalities of similar size and complexity.*

Identify key staff to be assigned to this project and provide their qualifications. Provide names and telephone numbers of clients you have worked with on similar projects.

2) Project Approach (35%)

Describe how you will approach this project, detailing the specific costs and benefits you will be quantifying as per general scope of work above.

Provide an approximate timeline for the scope of services.

3) Price (30%)

Total cost to provide the full range of services as described herein. Please note in the appropriate line on the proposal page (as indicated on page 7).

The selection team shall select the firm(s), which in its own opinion, is/are best suited for further or final consideration. Interviews may be conducted with these selected firm(s) to clarify submitted information. The City reserves the right to negotiate with the selected firm(s) as to the terms of the contract, including, but not limited to, the scope of services and price, whether or not those proposals are the lowest cost to the City. Negotiations are intended to lead to a binding contract.

PROPOSAL

THIS PAGE MUST BE INCLUDED

The UNDERSIGNED hereby declares that they have read and understand all conditions as outlined in the invitation for bids, and that their proposal is made in accordance with same.

The UNDERSIGNED hereby declares that any person(s) employed by the City of Portland, Maine, who has direct or indirect personal or financial interest in this proposal or in any portion of the profits that may be derived therefrom, has been identified and the interest disclosed by separate attachment. (Please include in your disclosure any interest which you know of. An example of a direct interest would be a City employee who would be paid to perform services under this proposal. An example of indirect interest would be a City employee who is related to any officers, employees, principal or shareholders of your firm or to you. If in doubt as to status or interest, please disclose to the extent known).

TOTAL COST FOR SERVICES AS DESCRIBED HEREIN \$ _____ *

Hourly Rate for additional work above and beyond as described herein \$ _____ /hr.

The proposer acknowledges the receipt of Addenda numbered _____ (If Applicable)

COMPANY NAME: _____
(Individual, Partnership, Corporation, Joint Venture)

AUTHORIZED SIGNATURE: _____ DATE: _____
(Officer, Authorized Individual or Owner)

PRINT NAME & TITLE: _____

ADDRESS: _____

TELEPHONE: _____ FAX: _____

E-MAIL: _____ FEDERAL TAX ID NUMBER: _____

SALES TAX EXEMPTION NUMBER: _____

NOTE: All bids must bear the handwritten signature of a duly authorized member or employee of the organization making the bid. This sheet must be signed and returned with the proposal package.

CITY OF PORTLAND, MAINE

**Non-Union Classification and Pay Plan Department of Human Resources
RFP #1217**

Current Date: September 16, 2016

The attention of firms submitting proposals for the work named in the above Invitation is called to the following modifications to the documents as were issued.

The items set forth herein, whether of clarification, omission, addition and/or substitution, shall be included and form a part of the Contractor's submitted material and the corresponding Contract when executed. No claim for additional compensation, due to lack of knowledge of the contents of this Addendum will be considered.

**ALL BIDDERS ARE ADVISED THAT RECEIPT OF THIS NOTICE MUST BE DULY
ACKNOWLEDGED ON THE BID PROPOSAL FORM OR BY THE INSERTION OF
THIS SHEET, SIGNED, AND SUBMITTED WITH YOUR PROPOSAL.**

**MATTHEW FITZGERALD
PURCHASING MANAGER**

Please see attached our follow-up response to questions received.

Receipt of **Addendum No. 1** to the City of Portland's RFP #1217: **Non-Union Classification and Pay Plan Department of Human Resources** is hereby acknowledged.

COMPANY: _____

NAME: _____

SIGNED BY: _____ DATE: _____

PRINT NAME & TITLE: _____

ADDRESS: _____

ZIP CODE

CITY OF PORTLAND, MAINE

**Non-Union Classification and Pay Plan Department of Human Resources
RFP #1217**

1. How many employees and separate job titles are include in the study?

There are 176 employees in 135 job classifications included in this study as is stated at the top of page of this RFP. A copy of the current classification plan is attached for your information.

2. Will the City accommodate a longer timeline than 3 months to complete the study? In our professional experience, this timeline is very short to allow for the decision-making process that will be required by the City.

We agree that the timeline is short and there is some flexibility. The goal is to be able to incorporate any recommended changes into the City Manager's FY18 budget. In order to do so, we need to have the classification structure, results of the salary survey and cost of implementation by the end of January. This will allow time for review with the management team in February and formulation of implementation plan if the cost is larger than available resources.

**APPENDIX A
NON-UNION CLASSIFICATION PLAN**

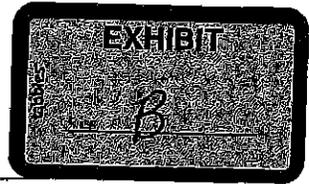
<u>SALARY GRADE</u>	<u>POSITION TITLE (Single Incumbent, unless otherwise noted)</u>
COUNCIL APPOINTEES	CITY CLERK CITY MANAGER CORPORATION COUNSEL
15	DEPUTY CITY MANAGER
14	AIRPORT DIRECTOR DIRECTOR OF HEALTH AND HUMAN SERVICES DIRECTOR OF HUMAN RESOURCES DIRECTOR OF PERMITTING & INSPECTIONS DIRECTOR OF PLANNING AND DEVELOPMENT DIRECTOR OF PARKS, RECREATION & FACILITIES ECONOMIC DEVELOPMENT DIRECTOR FINANCE DIRECTOR FIRE CHIEF IT DIRECTOR POLICE CHIEF PUBLIC WORKS DIRECTOR
13	TAX ASSESSOR ASSOCIATE CORPORATION COUNSEL {3}
12	ASSISTANT AIRPORT DIRECTOR ASSISTANT FINANCE DIRECTOR ASSISTANT FIRE CHIEF (2) ASSISTANT CHIEF OF POLICE LABOR RELATIONS MANAGER LONG-TERM CARE ADMINISTRATOR PLANNING DIVISION DIRECTOR POLICE COMMANDER
11	AIRPORT DEPUTY DIRECTOR-ADMINISTRATION & PROPERTIES AIRPORT DEPUTY DIRECTOR-ENGINEERING & FACILITIES ASSISTANT AIRPORT MANAGER ASSISTANT DIRECTOR/OPERATIONS BENEFITS MANAGER COMMUNITY JUSTICE ADVOCATE CONTROLLER DEPUTY FIRE CHIEF (4) DEPUTY FIRE CHIEF/EMS DIRECTOR OF NURSING DIRECTOR OF PUBLIC BUILDINGS ENGINEERING MANAGER FLEET MANAGER NEIGHBORHOOD PROSECUTOR PARKING DIVISION DIRECTOR PARKS DIRECTOR POLICE LEGAL ADVISOR POLICE MAJOR PUBLIC HEALTH ADMINISTRATOR RECREATION DIRECTOR SENIOR ADVISOR TO THE CITY MANAGER TREASURER WATER RESOURCES MANAGER

APPENDIX A
NON-UNION CLASSIFICATION PLAN

<u>SALARY GRADE</u>	<u>POSITION TITLE</u>
10	AIRPORT OPERATIONS MANAGER ASSISTANT IT MANAGER CITY COMMUNICATIONS DIRECTOR DIRECTOR OF PUBLIC ASSEMBLY FACILITIES EMERGENCY COMMUNICATIONS DIRECTOR EMPLOYMENT SERVICES MANAGER FINANCIAL MANAGER FINANCIAL SPECIALIST (2) HOUSING AND NEIGHBORHOOD SERVICES DIRECTOR HOUSING SAFETY ADMINISTRATOR PURCHASING MANAGER SOCIAL SERVICES ADMINISTRATOR TRANSPORTATION PROGRAM MANAGER TRANSPORTATION SYSTEM ENGINEER WATERFRONT COORDINATOR
9	AIRPORT SECURITY & COMMUNICATIONS CENTER MANAGER ASSISTANT AIRPORT OPERATIONS MANAGER ASSISTANT DIRECTOR NURSING SERVICES ASSISTANT PARKS DIRECTOR ASSISTANT RECREATION DIRECTOR ASSISTANT TO THE CITY MANAGER FOR CONSTITUENT SERVICES ASSISTANT TRANSPORTATION FACILITIES MANAGER ASSISTANT TREASURER BUDGET ANALYST DEVELOPMENT REVIEW SERVICES MANAGER DIRECTOR OF BUILDING TRADES DIRECTOR OF ELDER AFFAIRS DIRECTOR OF ENVIRONMENTAL SERVICES DIRECTOR OF NUTRITION AND CENTRAL MEDICAL SUPPLY SERVICES DIRECTOR OF OPERATIONS/MAINTENANCE DIRECTOR OF PROJECT MANAGEMENT DIRECTOR OF SOCIAL SERVICES/ADMISSIONS EMERGENCY MANAGEMENT COORDINATOR FINANCIAL ADMINISTRATOR (3) GIS MANAGER GOLF COURSE SUPERINTENDENT HR ADMINISTRATOR (4) INSPECTIONS MANAGER NETWORK ENGINEER PROGRAM MANAGER – PUBLIC HEALTH (3) PROGRAM MANAGER – SHELTER ADMINISTRATOR (1) PROGRAM MANAGER - SOCIAL SERVICES (1) SPECIAL ASSISTANT TO THE MAYOR SUSTAINABILITY COORDINATOR WORKERS' COMP AND SAFETY PROGRAM MANAGER
8	APPLICATIONS PROGRAM MANAGER AQUATIC AND RECREATION MANAGER BEHAVIORIAL HEALTH COORDINATOR BUSINESS DEVELOPMENT REPRESENTATIVE DIRECTOR OF OPERATIONS DIRECTOR OF LIFE ENRICHMENT & VOLUNTEERS EMPLOYEE ASSISTANCE COORDINATOR Equal Employment Opportunity Officer/HR Generalist FOOD SERVICE MANAGER GOLF COURSE MANAGER HOUSING SAFETY OFFICE PROGRAM COORDINATOR ICE ARENA MANAGER MIS COORDINATOR POLICE PLANNING AND RESEARCH COORDINATOR PRINCIPAL ADMINISTRATIVE OFFICER (3) PRINCIPAL FINANCIAL OFFICER

APPENDIX A
NON—UNION CLASSIFICATION PLAN

<u>SALARY GRADE</u>	<u>POSITION TITLE</u>
8	PROGRAM COORDINATOR (11) RESIDENT SERVICES DIRECTOR (11) SAFETY & TRAINING ADMINISTRATOR THERAPEUTIC RECREATION MANAGER
7	HUMAN RESOURCES ASSOCIATE PARALEGAL/INSURANCE CLAIMS ADMINISTRATOR PROGRAMMER ANALYST (2) SAFETY AND TRAINING OFFICER SUBSTANCE ABUSE DISORDER LIAISON
6	ASSISTANT PURCHASING MANAGER SENIOR ADMINISTRATIVE OFFICER (5) SENIOR HUMAN SERVICES COUNSELOR (5)
5	ADMINISTRATIVE OFFICER (2) AIRPORT OPERATIONS DUTY MANAGER HUMAN RESOURCES ASSISTANT SENIOR EXECUTIVE ASSISTANT (3)
4	EXECUTIVE ASSISTANT (8) PARALEGAL/LLEGAL ASSISTANT
3	ADMINISTRATIVE ASSISTANT (2)



Arthur J. Gallagher & Co.

September 28, 2016

Mr. Matthew F. Fitzgerald
Purchasing Manager
City Hall Room 103
389 Congress Street
Portland, ME 04101

RE: RFP #1217: Non-Union Classification & Pay Plan Proposal

Ladies and Gentlemen:

Gallagher Benefit Services, Inc.'s Fox Lawson Group (FLG) is pleased to submit our proposal to assist the City of Portland in conducting a classification and compensation study covering approximately 176 employees in 135 non-union classifications.

We believe a review of our proposal will demonstrate several characteristics that will be advantageous to the City, including:

- We specialize in job classification, job evaluation and compensation studies for public sector organizations.
- Our people are proven, experienced compensation professionals. Each has attained the CCP (Certified Compensation Professional) designation from *WorldatWork*, and/or the IPMA-CP (Certified Professional) designation from the *International Public Management Association for Human Resources*, and hold specialized degrees in HR Management/Industrial Relations or public/business administration.
- Our firm's team-based organizational structure and ongoing managing director interaction enables us to provide senior level consultants who have the experience to guide you through this project to its successful conclusion.
- Our project team has worked together on over 500 similar consulting engagements for cities, counties and other public agencies. We have worked with some of the largest counties in the country, as well numerous cities and public sector organizations throughout the United States.
- We take the time to understand your needs and our managing directors and consultants are available to guide you through all phases of the project.
- We have the technical experience, as well as sensitivity to the significant impact of classification, job evaluation, and compensation decisions to ensure results are appropriate for the City.



Our proposed approach is designed to supply the City with work products that are tailored to your needs and take advantage of the City's existing knowledge about the jobs we will study.

Our clients will attest to our ability to:

- Manage complex classification, compensation, and change assignments.
- Work with you as a team – we serve as mentors and technical experts to ensure things go right.
- Deliver projects that meet the distinct and unique needs of our clients for the future—we don't simply reorganize your current system.
- Meet project timelines and budgets.

We appreciate having the opportunity to submit this proposal and look forward to assisting the City in conducting this study. We are prepared to begin work at your instruction and look forward to developing a detailed schedule to address your needs as soon as possible. Should you require any further information or have questions regarding our proposal, please contact me at 602-840-1070 or Bruce_Lawson@ajg.com or Ronnie Charles at 651-234-0848 or Ronnie_Charles@ajg.com.

Although Gallagher has offices throughout the United States, services to Beaufort County will be coordinated out of our Richmond, VA Fox Lawson location.

Sincerely,

Bruce Lawson



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Firm Expertise and Experience

Arthur J. Gallagher & Company was established in 1927. The corporation was established in Delaware. Gallagher Benefit Services, Inc., a wholly owned subsidiary of Arthur J. Gallagher, was created in 1987 but formally established as a subsidiary corporation on April 20, 1999. Fox Lawson, our public sector compensation consulting group, began in 1981 as the public sector compensation consulting practice at Arthur Young & Company. In 1989, Arthur Young merged with Ernst & Whitney to become Ernst & Young. In January 1995, Ernst & Young elected to sell its public sector compensation consulting practice to Fox Lawson & Associates, LLC. By sale agreement with Ernst & Young, Fox Lawson became the successor firm to Ernst & Young LLP's public sector compensation and human resources consulting practice. On October 1, 2009, Fox Lawson was acquired by, and became a division of, Gallagher Benefit Services, Inc.

Gallagher Benefit Services, Inc. ranks among the top five compensation and benefits providers in the country with more than 2,000 employees nationwide. GBS was presented with Business Insurance's 2010 Readers Choice Award for best Employee Benefits Consultant. This award is determined by readers of Business Insurance and is their assessment of an organization's combination of service, value, quality and innovation. In addition, in 2012, 2013, and 2014, Arthur J. Gallagher was named by the Ethisphere Institute as one of the world's most ethical companies.

Consulting and insurance brokerage services to be provided by Gallagher Benefit Services, Inc. and/or its affiliate Gallagher Benefit Services (Canada) Group Inc. Gallagher Benefit Services, Inc. is a licensed insurance agency that does business in California as "Gallagher Benefit Services of California Insurance Services" and in Massachusetts as "Gallagher Benefit Insurance Services." Neither Arthur J. Gallagher & Co., nor its affiliates provide accounting, legal or tax advice.

We serve our public sector compensation and classification clients from the following locations:



PHOENIX, AZ		ST. PAUL, MN	
Post Office Box 32985 Phoenix, AZ 85064-2985 (602) 840-1070 bruce_lawson@ajg.com Managing Director: Bruce Lawson, MPA, CCP, IPMA-CP		1335 County Road D Circle East St. Paul, MN 55109-5260 651-635-0976 jim_fox@ajg.com Managing Director: James Fox, Ph.D., CCP, IPMA-CP	
RICHMOND, VA			
16064 Parsons Road Beaverdam, VA 23015 (651) 234-0848 ronnie_charles@ajg.com Principal Consultant: Ronnie Charles, SPHR, GPHR, IPMA-CP			

We serve our clients on a variety of classification, compensation, benefits and human resources issues, including:

- Classification and Compensation Studies
- Organizational Change Management
- Performance Planning and Evaluation
- Human Resources Planning and Audits
- Executive Compensation Planning
- Human Resources Re-engineering
- Benefits and Retirement

We have a broad understanding of human resource systems. Studies typically include developing new classification structures and job descriptions, assessing FLSA status, evaluating jobs with a job evaluation methodology to determine the internal equity, conducting a custom-tailored salary survey, developing a competitive pay system, recommending strategies to implement the new compensation structure, and ensuring appropriate administrative and procedural guidelines are in place to maintain the system. We address compliance with applicable laws and regulations, such as the Fair Labor Standards Act (FLSA), the Americans with Disabilities Act (ADA), and Equal Employment Opportunity (EEO) standards. Our practice represents leadership to municipalities who desire to obtain sustainable and proven classification and compensation systems.



Firm Services

Below are a few key points we would like to highlight about our firm.

JOB EVALUATION

Our staff excels at applying job evaluation methodologies to better meet our clients' needs in changing environments. Because no single method fits the needs of all clients, we offer a "family" of job evaluation methods, including the Decision Band™ Method, Flex/Point™, a point factor plan, and JFACS™, an automated job evaluation system which uses a scored questionnaire. In addition to these methods, our firm is experienced in fine-tuning various job evaluation methods by updating the language and/or the mathematical weighting schemes behind various systems to ensure they are free of bias and are valid and reliable.

SALARY AND BENEFITS DATABASES

We utilize an internet-based salary survey database that includes the major public and private sector salary surveys. In addition, we often obtain specialized surveys for our clients in the event that we do not have them in our database at the time of the engagement. We also have access to nationally accredited data banks typically utilized in the employee benefits industry, such as Mercer, Segal, Kaiser Foundation and Watson Wyatt.

STATE OF THE ART CLASSIFICATION AND COMPENSATION SOFTWARE

Our practice has continually utilized automated tools to streamline the processes and procedures required to develop and maintain classification and compensation systems. The proprietary compensation planning software that we utilize, Comp Manager™, has been installed in hundreds of organizations. JFACS, our proprietary automated job evaluation tool, has served for 20 years as the objective basis for classification and compensation designs for some of the country's largest government organizations.

INDUSTRY ASSOCIATIONS

We have a strategic alliance with the International Public Management Association for Human Resources (IPMA – HR), the National Public Employers Labor Relations Association (NPELRA), and the Colleges and Universities Professional Association for Human Resources (CUPA - HR) and have conducted training seminars and workshops on compensation, classification, job evaluation, and employee benefits management throughout the nation in conjunction with these organizations.

CLIENT SERVICE

In a survey of clients that we had served in the prior five years, the independent firm Dun & Bradstreet found that the **quality of client services Fox Lawson delivered exceeded services delivered by nearly 90 other competing firms, including many large national firms.** (The factors rated included cost, timeliness, quality,



responsiveness to problems, technical support, quantity delivered verses quantity requested, and the attitude of personnel.)

INDUSTRY LEADERSHIP

Fox Lawson consultants have demonstrated proven leadership in the compensation field. Each consultant has obtained their CCP, their IPMA-CP, and/or teaches courses through *WorldatWork*, including Job Analysis and Evaluation, Performance Management, Broad Banding, and Variable Pay seminars or through the International Public Management Association for Human Resources (IPMA - HR). In association with IPMA-HR, we designed, analyzed and sponsored the 2007 Compensation Benchmarking Survey of trends and best practices in compensation in public sector organizations, the 2008 Performance Management Survey, the 2011 Benefits Benchmarking Survey and the 2012 Compensation Benchmarking Survey that updated the findings from the 2007 survey.

NUMEROUS PRESENTATIONS

Our managing directors have been featured speakers at every IPMA-HR national conference for the past 30 years. We also have been featured speakers at every NPELRA (a public sector labor relations organization) national conference for the past 15 years. We are also often asked to speak at regional and national CUPA - HR and SHRM conferences.

PUBLISHED ARTICLES

We write a quarterly compensation Answer column called CompDoctor™ for the IPMA HRNews. We also have published articles in the American City and County, Public Management, Corporate Report Ventures, Corporate Board Member, and Benefits Planner and have been quoted in the Wall Street Journal and on CNN.

Fox Lawson has:

- Unparalleled (over 30 years) experience conducting compensation and classification and other human resource studies for public and education sector organizations.
- Big firm resources with small practice responsiveness and client service.
- Strict professional methodologies that have stood the test of time.
- Access to over 350 surveys and our own database of compensation data as well as access to our proprietary benefits database and benefits surveys. Reputation to serve as an independent source of recommendation for governing bodies.
- Multiple job evaluation system options.
- Experience to serve as a human resources business advisor.



Technical Specifications

Project Personnel

Services to the City will be under the direction of Bruce Lawson, Managing Director. The project will be locally managed by Ronnie Charles, Principal Consultant located in Richmond. Mr. Charles has a long history serving public sector organizations in the region in both consulting as well as management roles including the State of Virginia and the Cities of Washington, D.C., Baltimore, MD, and Suffolk, Virginia. As such, he has unparalleled understanding of the public sector environment as well as the human resources management needs of the region. Mr. Charles has extensive experience in public sector compensation and classification. Mr. Charles' significant local experience coupled with the depth of resources available through Gallagher's Fox Lawson practice provides the County a unique opportunity for consulting support directly targeted to the classification and compensation study needs.

Qualifications of Key Personnel

There are five critical concerns that must be addressed in organizing, staffing, and managing this project:

- Open communications must be maintained with employees and management.
- The consultants must secure high levels of acceptance from policy makers, employees and management, which is demonstrated through experience, professionalism, and quality work product.
- Work must be carefully planned and efficiently performed to meet your objectives.
- The consulting team must address the concerns of the City's Human Resources Department, managers and supervisors, and affected employees.
- The team must have the proper mix of project management skills, technical expertise, and public sector experience.

We have carefully considered these needs and have proposed a project team that will address these areas and facilitate successful project completion.

BRUCE G. LAWSON, MPA, CCP, IPMA-CP

Mr. Lawson is a Managing Director of the firm. In this capacity, Mr. Lawson serves as project director and/or technical advisor, providing technical direction and quality assurance. He is responsible for all consulting activities in the areas of job evaluation and compensation, organization analysis, personnel systems and policy development. Mr. Lawson has been directing classification and compensation studies for more than 25 years. Prior to forming Fox Lawson, he spent 15 years with the firm of Ernst & Young LLP where he served as the national director of their public sector compensation consulting practice. He also served as City Manager in two California cities (Los Altos



Hills and Belvedere), was the County Administrative Officer in Multnomah County (Portland) Oregon, Assistant City Manager/Personnel Director in Corvallis, Oregon, and Assistant to the City Administrator/Personnel Director in Placentia, CA. Mr. Lawson served on the City of Phoenix (AZ) Public Safety Employees Retirement Board for 12 years. Mr. Lawson has a Master's Degree in Public Administration from the California State University at Fullerton, is a.b.d. in Public Administration from Golden Gate University in San Francisco, and has earned his CCP certification from *WorldatWork*. He is also an active member of several professional associations including the College & University Professional Association for Human Resources, the International City & County Management Association, the International Public Management Association for Human Resources, the Society for Human Resources Management and *WorldatWork*. Mr. Lawson co-authors a quarterly compensation article called the *CompDoctor*TM.

JAMES C. FOX, Ph.D., IPMA-CP

Dr. Fox is a Managing Director of the firm. In this capacity, he serves as project director and/or technical advisor on all projects, providing technical direction and quality assurance. He is responsible for all consulting activities in the areas of personnel management, job evaluation and compensation, organization and management analysis, executive compensation, and survey research. Dr. Fox has been directing classification and compensation studies for more than 25 years. Prior to forming the firm, he was a Partner in the firm of Ernst & Young LLP and headed up the firm's regional compensation practice, with national responsibility for the public sector compensation practice. Dr. Fox holds both M.A. and Ph.D. Degrees in Sociology from the University of Minnesota. He has been an instructor at Metropolitan State University and the University of Minnesota, and has been a guest lecturer at regional conferences and meetings. He is a member of the Society of Human Resource Management, *WorldatWork*, where he is on the faculty, and was the Professional Development Coordinator of the Compensation Council of the Twin Cities Personnel Association. He is the Chairman of the Human Resources Committee of the Board of the Northern Star Council of the Boy Scouts, the past Chairman of the Board of Project Pathfinder and is a member of the Ramsey County Personnel Review Board. Dr. Fox co-authors a quarterly compensation article called the *CompDoctor*TM.

RONNIE E. CHARLES, SPHR, GPHR, IPMA-CP

Mr. Charles is a Principal Consultant with the firm. He is responsible for leading Gallagher's Public Sector consulting practice in the eastern region of the United States. Mr. Charles has over 30 years of Public Sector HR experience including Chief Human Resources Officer (CHRO) experience most recently in the City of Baltimore with additional professional stints in the District of Columbia, State of Virginia, and City of Suffolk, Virginia. Mr. Charles has a Bachelor's Degree in Management from Saint Paul's College. Mr. Charles is a member of several professional organizations, including the International Public Management Association for Human Resources (IPMA-HR) and currently chairs the International IPMA-HR Professional Development Committee. In addition, Mr. Charles also currently serves as the Board Chairman of the



Human Resources Institute (HRCI). He brings vast experience in domestic U.S., International, and Global HR Compensation practices.

SANDRA SPELLMAN, MPA, IPMA-CP

Ms. Spellman is a Senior Consultant with the firm. She is responsible for conducting classification, job evaluation, and human resource process consulting projects. She has been conducting studies for our firm for 10 years and specializes in the areas of classification, communications, human resource strategy and process, performance management and employee and management focus group meetings. Ms. Spellman has worked with various types of organizations including states, cities, counties, colleges and universities, and the federal government. Prior to joining the firm, Ms. Spellman spent 18 years with Ernst & Young's consulting practices where she was responsible for client and internal change management, communications, and training strategies. She has also held state executive and legislative positions addressing a wide range of human resource and related issues. Ms. Spellman has a Bachelor's Degree in Sociology/Political Science from Arizona State University and a Master's Degree in Public Administration with an emphasis in Organizational Development from the same institution. She is a member of several professional associations, including the College & University Professional Association for Human Resources, International Public Management Association for Human Resources, and *WorldatWork*.

LORI MESSER, MA, CCP

Ms. Messer is a Senior Consultant of the firm. She is responsible for conducting classification and compensation consulting projects. Ms. Messer has worked with and for a variety of public and private sector organizations, including states, cities, counties, school districts, colleges, universities, and special districts. Prior to joining the firm, Ms. Messer held positions with school districts and a variety of consultative human resources and compensation positions in high tech, distribution, healthcare and local government organizations. Ms. Messer has a Bachelor's Degree in Business Administration from Arizona State University and a Master's Degree in Education from the University of Phoenix. She is also a member of *WorldatWork* and has earned her CCP certification.

ANNETTE HOEFER, MBA, CCP

Ms. Hoefer is a Senior Consultant. She is responsible for conducting classification and compensation consulting projects. She has been conducting classification and compensation studies for our firm for 10 years and specializes in the areas of classification, job evaluation and compensation, personnel systems and policy development, performance management systems, employee communications, strategy discussions, pay administration planning, and focus group facilitation. Ms. Hoefer has worked with various types of organizations including states, cities, counties, colleges, universities, special districts, and private sector organizations. Prior to joining the firm, Ms. Hoefer worked for 9 years in the same capacity at Lee and Burgess Associates, a consulting firm based in Colorado, and prior to that, had held human resources



positions in energy and insurance companies. Ms. Hoefer has a Bachelor's Degree in Business Administration from the University of Iowa and a Master's Degree in Business Administration with an emphasis in Human Resources from same institution, and has earned her CCP certification from *WorldatWork*.

MIKE VERDOORN, MA-HRIR, CCP, IPMA-CP

Mr. Verdoorn is a senior consultant in our compensation and human resources management consulting practice. He is responsible for providing consulting services to clients in job analysis and compensation analysis. Mr. Verdoorn has a Bachelor of Arts Degree in History from the University of Minnesota and a Master's Degree in Human Resources and Industrial Relations (MA-HRIR) from the University of Minnesota. Prior to joining Fox Lawson & Associates, he was a compensation analyst at Imation and at the University of Minnesota. Mr. Verdoorn is a member of *WorldatWork* and has earned his CCP certification. He is also a Certified Professional from the International Public Management Association for Human Resources.

QUYANG PAN, MA-HRIR

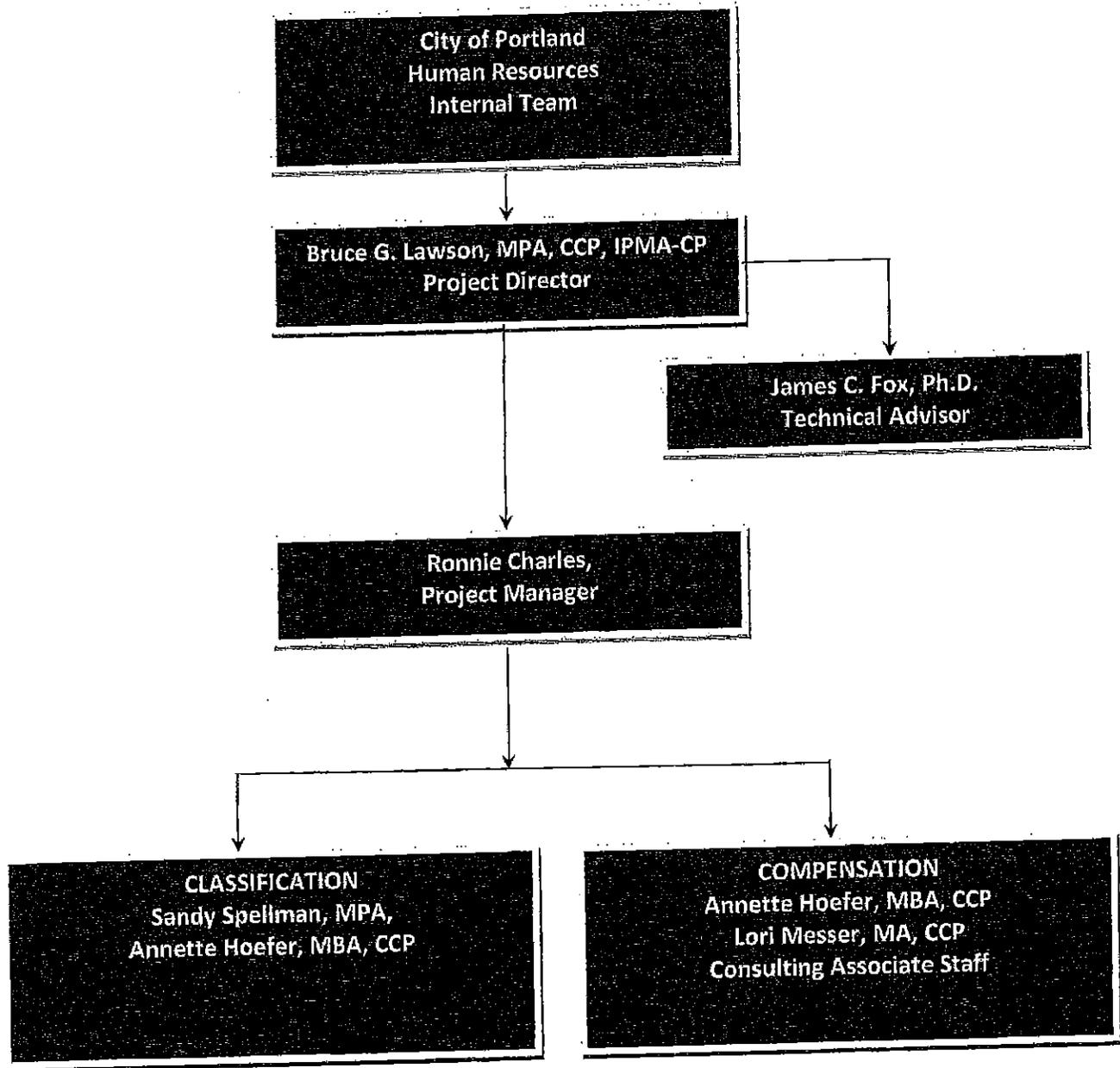
Ms. Pan is a Consulting Associate with the firm. She has conducted a variety of classification and compensation studies for cities, counties, higher education, school districts and quasi-government organizations. Prior to joining the firm, she worked for Maersk A.P. Moller Group for four years in market research and client service. She has broad exposure to all functional areas in the business environment. Ms. Pan has a Master's Degree in Human Resources and Industrial Relations from the University of Minnesota. She's member of the Twin Cities Human Resource Association.

AUGUST ZHU, MA-HRIR

Mr. Zhu is a Consulting Associate of the firm. He has consulted with non-for profit, colleges and universities, quasi-government organizations, as well as cities, counties and states. Mr. Zhu has a Bachelor of Science Degree in Human Resources from Shanghai Jiao Tong University and a Master's Degree in Human Resources and Industrial Relations from the University of Minnesota. Prior to joining Fox Lawson & Associates, he was a compensation analyst at BASF (China) and organization development consultant at Bovis Consulting.

DEEKSHA GARG, MA-HRIR

Ms. Garg will provide staff support during all phases of this study. Ms. Garg has a Bachelor's Degree in Psychology from Bangalore University, India and a Master's Degree in Human Resources and Industrial Relations from the University of Minnesota. She previously worked at Nielsen Company (India) as a consultant for 2 years and later joined Basix Microfinance (India) in talent acquisition.





Plan of Services

The project will contain the following phases and are established in accordance with the RFP's Scope of Work for Development of Classification and Pay Plan:

Phase I - Study Initiation and Compensation Philosophy

We find that a review of the compensation philosophy and related discussions to be extremely valuable during the course of the studies such as these and to assist in determining the implementation parameters. This phase is primarily used to determine the specifics and strategic/technical aspects of the project, including timelines, job evaluation tool, key dates, and survey details. We believe that initial strategy development addressing classification and compensation objectives is necessary to frame the project as a whole and provide for linkages between the classification approach, the handling of internal alignment, and the compensation study.

We will also meet with employees to introduce the study and the Position Description Questionnaire (PDQ) which will be used to capture information pertaining to the position they occupy within the City.

Phase II - Classification Review/Job Evaluation

The City is interested in a review of its job evaluation and classification structure including the development of new class specifications. We have extensive experience understanding the unique structures and jobs in the public sector. Based on the City's strategy developed during Phase I, we would work with the City to determine any needed updates to class structures or develop a new classification structure. We will also meet with members of each department's management team to explain the proposed structures and classifications. We will review, standardize and develop new current job descriptions consistent with the approved class structure. Using the Decision Band™ Method or alternative selected, we will rate the classes and provide training and a manual related to ongoing maintenance. Employees will also be allocated to new classifications.

Phase III - Compensation Study

The City is interested in the implementation of an internally and externally equitable pay system for its non-union classifications. We will use both published source data as necessary and agreed to and conduct a custom survey to address appropriate pay and pay administration data to develop pay structure recommendations for covered employees. We will analyze the data to provide an understanding of market parity and to identify and address related issues within current pay structures. We will provide the updated or new pay structure models to the City along with training on maintaining the pay system. We will also cost up to three (3) transition plans for the City.



Phase IV - Project Finalization and Final Report

We will develop a final report that includes recommendations on the classification and compensation system, including recommendations on implementation methods and costing analysis for the proposed salary structure(s). We will provide training for HR and management staff in the systems used to develop and maintain the system and prepare report presentations summarizing the process used in the studies and our recommendations to leadership and other affected groups.

Work Plan

Study Component	Summary Tasks/Deliverables
<p>I. Study Initiation and Compensation Strategy</p> <p>[Includes 2 total days on site to conduct project initiation and strategy and employee PDQ and introduction meetings.]</p>	<ul style="list-style-type: none"> ▪ Organization & salary material collected. ▪ Identification of possible barriers to implementing and maintaining change. ▪ Assessment of the strengths and weaknesses of the City's current classification & compensation systems. ▪ Review of current job evaluation approach and presentation of the DB™™ job evaluation methodology or alternatives for consideration. ▪ Development of, or facilitation of, an updated compensation philosophy and strategies with leadership and HR. ▪ Employee sessions to discuss the study process and the Position Description Questionnaire (PDQ) form. ▪ Project timetable confirmed. ▪ Communication plan confirmed.
<p>II. Classification and Job Evaluation</p> <p>[Includes 2 total days on site to explain classification structure and conduct job evaluation training.]</p>	<ul style="list-style-type: none"> ▪ Review of current organization material, PDQs, and other job documentation. ▪ Conduct of selected employee interviews by telephone. ▪ Development of draft classification structure and on-site meetings with management. ▪ Development of new job descriptions and one set of revisions allowed by the City. ▪ Job descriptions finalized ▪ Application of the DB™™ job evaluation tool, or other tool selected, to resulting City jobs. Training of HR staff on selected method. ▪ Allocation of employees to new, resulting job classifications. ▪ Appeals process recommended and conducted for allocation decisions.



<p>III. Compensation Study</p>	<ul style="list-style-type: none"> ▪ Labor market and survey participants confirmed. ▪ Benchmark jobs identified and summarized. ▪ Compensation custom survey developed and conducted. ▪ Published source data identified and approved for compensation research as necessary. ▪ Identification of hard to recruit positions and assessment of the relevance of compensation for recruiting. ▪ Competitive analysis performed. ▪ Diagnostic review of current salary structures conducted to identify opportunities for simplification. ▪ Recommended pay structure(s) or update of existing structures. ▪ Recommended compensation considerations. ▪ Participant summary developed and distributed. ▪ Transition options and next steps/costs outlined.
<p>VI. Draft and Final Report [On-site final presentation with management team and City Council.]</p>	<ul style="list-style-type: none"> ▪ Draft report developed and discussed and reviewed with the City ▪ Quality assurance reviews conducted. ▪ City review and feedback. ▪ Final report developed and provided in hard copy and file form to the City. ▪ Final presentation made to the Council as requested by the City.

Quality Assurance and Conduct of the Survey

In conducting salary studies, we follow professionally accepted compensation principles and practices as outlined by *WorldatWork*, SHRM, the U.S. Department of Justice and the Federal Trade Commission. Some of these guidelines are listed below.

- We follow guidelines for benchmark selection in terms of how many benchmarks should be selected; either at least 30% if utilizing a formal job evaluation methodology or at least 50% if using a pure market approach. We include representation of all job families and levels throughout the organization; highly populated jobs; jobs found in most comparator organizations; and jobs with recruitment or retention problems.
- We review job descriptions to ensure the duties and responsibilities are understood as well as to make sure we understand the level that the job is functioning at and that reporting relationships are understood so that participating organizations can



match their classifications to the benchmark jobs. We will draw on our 20+ years of salary and benefits survey experience to determine if we believe a comparable job can be found in the labor market.

- We follow guidelines for job matching (match only those jobs that match at least 70% of the duties, responsibilities and functions as outlined in the benchmark job summary).
- We follow professionally accepted guidelines for defining labor markets and selecting organizations to survey. We factor in that different jobs will have different recruiting markets, by type of organization, size of organization, and geographic location.
- Any published sources utilized must meet the following criteria:
 - Conducted by a reputable salary survey firm.
 - Survey data is not self-reported.
 - Survey is conducted on a continual basis instead of a one-time event.
 - Survey reports its data sources, the effective date of the data, and was tested to ensure accurate matches and data.
- For surveys, the questions in our data collection form have been field tested through over 30 years of salary and benefits experience to produce valid and accurate data. We pose questions in a fashion easy for participants to answer, as well as providing ease for quantification and analysis. Participants are given the option of completing the survey electronically or in hardcopy.
- We follow-up with participants to ensure data quality and validity of matches and data being reported. If there are questions, we seek job descriptions, organizational charts and other information and weekly status updates on the progress of the compensation study are provided.
- We perform several reviews of the data as well as statistical tests to identify any extreme data and to ensure the validity of the data.
- We utilize trend factors for aging data so that all data is consistent to a current point in time. The trend factors are derived from either the U.S. Department of Labor data or *WorldatWork* Surveys.
- We apply geographic differentials as appropriate and necessary to ensure that the data are reflective of your labor market and economic conditions. We use third party resources (Economic Research Institute) to identify the appropriate geographic differentials.



- We calculate various statistics for summarizing the data (means, medians, highs, lows, percentiles).
- We follow the U.S. Department of Justice and Federal Trade Commission guidelines that 5 matches should exist per job in order to draw reliable conclusions. Therefore, we do not calculate statistics (means, medians, etc.) on jobs with fewer than 5 job matches.
- We submit our survey analysis and draft report internally through our firm's quality control process for review before it is submitted to our clients.
- We document and explain our methodology and processes in written reports and also provide electronic copies of the reports. All of the data and conclusions are transparent and auditable.

FLG has comprehensive quality and performance standards. Each deliverable is reviewed by two individuals in the firm for quality control. If clients have issues that need to be addressed, the first contact is the project manager who will attempt to resolve the issues with, as necessary, the assistance of one of the Managing Directors.

Role and Involvement of City Staff

Our firm considers Senior Management, Human Resources and General Staff engagement essential to project success. We confirm with key stakeholders a communications approach to ensure staff are apprised of all project activities and provide periodic status updates on study progress throughout the engagement. In addition, we provide training to ensure staff awareness on adopted classification and compensation systems, utilization, and long term maintenance to assist the City following project implementation.

During projects, we serve as mentors to HR staff and provide work products that fit your needs. In order to accomplish classification and compensation studies, we usually anticipate reasonable support in the following areas, for example:

- Discussing the City's current systems.
- Completion, tracking, and submission of employee documentation, and other project required information.
- Scheduling of communication activities, such as orientation and management meetings.
- Timely and consolidated response to requests for information and the review and discussion of our work product.



Previous Studies

EXAMPLES OF OTHER RELATED CLIENTS	
Cities: City of Watertown, NY City of Keene, NH City of Boston, MA City of Clarksville, TN City of Newport Beach, CA City of Keene, NH City of Boston, MA City of Clarksville, TN City of Newport Beach, CA City of La Quinta, CA City of Rancho Mirage, CA City of Tacoma, WA	Counties: Manitowoc County, WI San Mateo County, CA Benton County, OR Nassau County, NY

Other Clients are listed below:

CITY CLIENTS	
Ann Arbor, MI, City of	Mandan, ND, City of
Arlington, MN, City of	Maplewood, MN, City of
Ashland, OR, City of	Medford, OR, City of
Atlanta Traffic Court, GA	Mercer Island, WA, City of
Barnesville, MN, City of	Mill Creek, WA, City of
Bellevue, WA, City of	Missoula, MT, City of
Bellingham, WA, City of	Montrose, CO, City of
Bend, OR, City of	Mount Pleasant, MI, City of
Beverly Hills, CA, City of	Mountain View, CA, City of
Billings, MT, City of	Murray City Corporation, UT
Bismarck, ND, City of	Newcastle, WA, City of
Burlington, IA, City of	North Branch, MN, City of
Butte-Silver Bow, MT, City & County of	North Lauderdale, FL, City of
Carlsbad, CA, City of	Northfield, MN, City of
Carson, CA, City of	Oceanside, CA, City of
Casper, WY, City of	Orinda, CA, City of
Cave Creek, AZ, Town of	Palo Alto, CA, City of
College Station, TX, City of	Paradise Valley, AZ, Town of



CITY CLIENTS	
Colorado Springs Attorney's Office, CO	Pella, IA, City of
Colorado Springs, CO, City of	Peoria, AZ, City of
Concord, NC, City of	Phoenix, AZ, City of
Cumberland, MD, City of	Plymouth, MN, City of
Dallas, TX, City of	Prescott, AZ, City of
Danville, VA, City of	Pulaski, VA, Town of
Davis, CA, City of	Queen Creek, AZ, Town of
Desert Hot Springs, CA, City of	Rancho Cucamonga, CA, City of
Des Plaines, IL, City of	Redmond, WA, City of
Dickinson, ND, City of	Richland, WA, City of
Durham, NC, City of	Riverside, CA, City of
Eden Prairie, MN, City of	Roanoke, VA, City of
Edmond, OK, City of	Rochester, MN, City of
Encinitas, CA, City of	Roseburg, OR, City of
Eugene, OR, City of	Sacramento, CA, City of
Fargo, ND, City of	San Clemente, CA, City of
Farmington, MN, City of	San Francisco, CA, City of
Fayetteville, NC, City of	San Jose, CA, City of
Federal Way, WA, City of	San Ramon, CA, City of
Fergus Falls, MN, City of	Santa Ana, CA, City of
Flagstaff, AZ, City of	Santa Cruz, CA, City of
Fremont, CA, City of	Schaumburg, IL, Village of
Fresno, CA, City of	Scottsdale, AZ, City of
Ft. Lauderdale, FL, City of	Seattle, WA, City of
Glen Ellyn, IL, Village of	Shakopee, MN, City of
Goodyear, AZ, City of	Sheboygan Falls, WI, City of
Grand Forks, ND, City of	Sioux City, IA, City of
Grand Junction, CO, City of	Sioux Falls, SD, City of
Grants Pass, OR, City of	Solano Beach, CA, City of
Greensboro, NC, City of	Springfield, OR, City of
Hamilton, OH, City of	Surprise, AZ, City of
Hanford, CA, City of	Tacoma, WA, City of
Hartford, CT, City of	Telluride, CO, Town of
Healdsburg, CA, City of	Thief River Falls, MN, City of
Hercules, CA, City of	Tucson, AZ, City of
Hilton Head, SC, Town of	Tukwila, WA, City of



CITY CLIENTS	
Huber Heights, OH, City of	Walnut Creek, CA, City of
Huron, SD, City of	Washington DC, City of
Issaquah, WA, City of	Upper Arlington, OH, City of
Jackson, MN, City of	Valley City, ND, City of
Kalamazoo, MI, City of	Vancouver, WA, City of
Kalispell, MT, City of	Walnut Creek, CA, City of
Kansas City, MO, City of	Washington DC, City of
Kennewick, WA, City of	Watertown, NY, City of
Kingman, AZ, City of	West Fargo, ND, City of
Kirkland, WA, City of	West Hollywood, CA, City of
Lake Havasu City, AZ, City of	West Jordan, UT, City of
Lake Oswego, OR, City of	Wichita, KS, City of
Lakewood, CO, City of	Wilmington, NC, City of
Litchfield Park, AZ, City of	Woodland Park, CO, City of
Longview, WA, City of	Yuma, AZ, City of

COUNTY CLIENTS	
Alameda County Office of Education, CA	Livingston County, MI
Baltimore Co., MD	Los Angeles County, CA
Becker County, MN	Maricopa County Attorney, AZ
Blue Earth County, MN	Maricopa County Superior Court, AZ
Broward County, FL	Maricopa County, AZ
Burleigh County, ND	Marin County, CA
Carver County, MN	Mecklenburg County, NC
Cass County, ND	Miami-Dade County, FL
Charleston County, SC	Mille Lacs County, MN
City/County of Denver, CO	Monterey County, CA
City/County of San Francisco, CA	Montgomery County, MD
Clay County, MN	Mower County, MN
Cochise County, AZ	New Hanover County, NC
Coconino County, AZ	Olmsted County, MN
Contra Costa County, CA	Pima County, AZ
Crow Wing County, MN	Pine County, MN
Dakota County, MN	Pipestone County, MN
Dodge County, MN	Polk County, MN



COUNTY CLIENTS	
Douglas County, WI	Polk County, WI
Durham County, NC	Ramsey County, MN
Eau Claire County, WI	Rice County, MN
El Dorado County, CA	Rockdale County, GA
Escambia County, FL	Santa Cruz County, CA
Faribault County, MN	Santa Rosa County, FL
Freeborn County, MN	Scott County, IA
Fulton County, GA	Scott County, MN
Greene County, OH	Sedgwick County, KS
Gwinnett County, GA	Sherburne County, MN
Hennepin County, MN	Solano County, CA
Itasca County, MN	St. Louis County, MN
Johnson County, KS	Stearns County, MN
Kern County, CA	Unified Gov't of Wyandotte Co./KCK, KS
King County Superior Court, WA	Ventura County, CA
King County, WA	Watonwan County, MN
Klickitat County, WA	Yakima County, WA
Lane County, OR	Yavapai County, AZ
Le Sueur County, MN	Yuma County, AZ



STATE CLIENTS	
Alaska	New Mexico
Arizona	New York
Arkansas	North Carolina
California	North Dakota
Colorado	Ohio
Georgia	Oklahoma
Hawaii	Rhode Island
Illinois	Utah
Iowa	Vermont
Kansas	Virginia
Michigan	Washington
Minnesota	Wisconsin
Montana	Wyoming
Nevada	

Project Timeline

The City desires that the study be completed in three (3) month. In our over 30 years of professional experience in completing similar studies for the public sector, we find that a minimum of 5 to 6 months are needed to allow the organization sufficient time to review and approve the deliverables and recommendations of this type of study.

The schedule presented below employs a sequential process of conducting a study of this nature although some tasks can be conducted simultaneously. A detailed schedule will be developed with the City during Phase I: Study Initiation and Strategy in accordance with the RFP 10-day specification.



PHASE	DESCRIPTION	Month					
		1	2	3	4	5	6
I	Study Initiation and Strategy						
II	Classification & Job Evaluation Review						
III	Compensation Study						
IV	Project Finalization and Final Report						

Cost of Services

We understand the importance of this study as one of many strategies to address current human resource issues and realize the delicate nature of City spending. Therefore, we have proposed a sensible fee schedule that generates project results destined to add value to the City. It will provide the flexibility necessary to attract, retain, and motivate employees to provide quality services and ensure the system is not an administrative and/or costly burden to the City, now or in the future.

Our fees to conduct the project outlined for City positions (including out of pocket expenses) will not exceed \$70,000* excluding job description development and employee appeals which are priced separately below*. These fees assume a total of six on-site day visits by Fox Lawson staff as outlined in the work plan. Job description development and employee appeals are invoiced according the schedule (*) below.

PHASE	DESCRIPTION	FEES
I	Study Initiation, Strategy Communication & Project Administration	\$10,000
II	Classification & Job Evaluation Review	\$25,000
III	Compensation Study	\$25,000
IV	Project Finalization (final Report, documentation, and presentation)	\$10,000
Total Cost:		\$70,000*

*Employee appeals, if consultant support is desired, are billed at \$350 per position since we have no way of estimating the number of employees that may decide to utilize the appeal process.



***Job Description development** is based on a per job descriptions basis because we are unable to estimate the number of classifications that the City will approve within the development of a new classification structure. Job descriptions are invoiced at \$375 per job description.

Additional Post Study Assistance

Following the completion of the study the following services are available to the City of Portland:

- Update the salary schedules based on market changes.
- Review of procedures and decisions made during the year to make sure that the system is maintained appropriately.
- Review any new or changed jobs to determine the correct pay grade assignment.
- Develop new job descriptions.
- Conduct special market survey for difficult to hire jobs.

References

Our firm has assisted several hundred public, not for profit and private sector clients throughout the country with a variety of human resources issues. These projects have included from less than 100 to more than 100,000 employees. Below is a sampling of clients we have recently assisted with similar needs. These projects are relevant in demonstrating our ability to meet the needs of the City and show considerable experience reviewing and developing functional total classification and compensation systems. Our references will attest to the timeliness, quality and responsiveness of services we provide, as well as our knowledge of public sector organizations, the functions under study, and our skill and ability of dealing with organizations of your size and needs. We continue to provide ongoing services and complete additional projects for many of our clients.

BEAUFORT COUNTY, SC

In 2015 we were engaged to assist the County in conducting a comprehensive Classification & Compensation Study covering approximately 840 full-time and 130 part-time positions. This ongoing engagement includes a review of the County's job evaluation and classification structure, position description updates and a market survey to determine internal and external competitiveness. Ms. Suzanne Gregory, Director of Human Resources, at 843-255-2982 or suzanneg@bcgov.net, PO Box 1228, Beaufort, SC 29901-1228.



CITY OF RALEIGH, NC

In 2015, we assisted the City in conducting a comprehensive Compensation System Study which provided for the development of a formal compensation philosophy, identified appropriate labor markets and benchmark jobs, recommendations for alternative pay structures, and enterprise wide employee and key stakeholder communication strategies. In 2016 we are currently engaged with the City in conducting a full Compensation and Classification Study. Mr. C. Stephen Jones, Jr. MBA, SPHR at 919-996-4708 or C.Stephen.Jones@raleighnc.gov, 222 W. Hargett Street, First Floor, Raleigh, NC 27601.

STATE OF VERMONT

In 2016 we were engaged to conduct a Diagnostic Study of the State's Job Evaluation, Classification and Compensation System. Mary Beth Spellman, Director of State Human Resources, Email: MaryB.Spellman@Vermont.gov Phone: 802-828-3517.

STATE OF RHODE ISLAND

In 2014, we contracted with the State of Rhode Island to provide a comprehensive update to its compensation and classification system covering over 14,000 employees. We are currently engaged with the State as of this date. Deborah Dawson, Director of Human Resources, Deborah.Dawson@hr.ri.gov, P: 401.222.3454

UNIVERSITY OF MAINE SYSTEM, ME

We were retained to conduct a complete classification and compensation study of all FLSA non-exempt jobs throughout the university system. The study involves a complete job analysis of about 2,000 employee positions across 7 campuses, the creation of a new consolidated classification structure, the development of new job descriptions the application of a job evaluation system and conducting a market survey of similar employers to develop an effective pay system. Noah Lundy, Labor Relations Coordinator, 207 973 3376, noah.lundy@maine.edu. We have continued to provide consulting services to the University System through job evaluations and market pricing since the project completion in 2011. The original project was completed within the expected time frame and within budget.

MONTGOMERY COUNTY, OH

In 2012, we were engaged to conduct a custom survey of the 300 professional County job titles in the County to determine the market competitiveness of their pay structure, make recommendation on internal equity based on market data and provide recommendation on the cost of implementing a new salary structure that was simplified and consistent with the market. David Holbrook, Compensation and Benefits Manager, (937) 225-4718, holbrookd@mcoho.org



ALLEGHENY COUNTY AIRPORT AUTHORITY

In 2011, we were hired to conduct a compensation survey for the top 72 administrative positions in this independent airport authority and determine the appropriate pay range and level of pay. Lisa Morrow, Director of Human Resources, (412) 472-3795, LMorrow@PITAIRPORT.com

CITY OF ROANOKE, VA

Fox Lawson conducted an audit of the classification and compensation system of this City to determine competitive rates of pay for its 2,000 employees. We also conducted a comprehensive salary and benefits survey of similar-sized organizations in Virginia and surrounding cities and counties to determine the competitive rates of pay for similar positions. Recommendations were made to update the current compensation grades and ranges. Ken Cronin, Manager of Human Resources, (434) 799-5240.

CITY OF ASHEVILLE, NC

Currently and since 2007, we continue to provide ongoing classification and compensation support for the City. In 2007, FLA conducted a classification study and made recommendations regarding restructured broad classes for approximately 75% of the City's positions. We conducted pay plan reviews for all positions and developed compensation structure recommendations for public safety and other positions. Kelley Dickens, Human Resources Director (828) 259-5682 or kdickens@ashevillenc.gov.

CITY OF BALTIMORE, MD

We were retained in 2007 and in 2012 to conduct a comprehensive classification and compensation study for the City of positions within the "Managerial and Professional Society", with approximately 1,000 employees in 800 job classifications across a number of City departments and agencies. We continue to work with the city currently. Louis LaRicci, Director of Classification and Compensation. Louis.LaRicci@baltimorecity.gov 410-396-1565.

MONTGOMERY COUNTY, MD

We assisted the Montgomery County Human Resources Department in conducting job classification audits. These studies involve interviews, job documentation review, application of the County's job evaluation system, and determination of pay grades. We have conducted numerous studies for the County. Kaye Beckley, Business Operations and Performance Division Manager, (240) 777-5041, kaye.beckley@montgomerycountymd.gov.

DISTRICT OF COLUMBIA

We were engaged in 2002 by the District to conduct a review and analysis of the District's classification and compensation programs covering about 20,000 employees under direct control of the Mayor. The analysis reviewed the manner in which jobs were classified, the process used to determine the grade of the job, and the management



processes used to maintain the system. Recommendations were made to install a new job evaluation system, to reorganize the manner in which they organized their occupational groups and job families and the manner in which they developed and maintained their pay program. The recommendations were a blueprint to radically revitalize the classification and compensation system. Milou Carolan, former Director of Human Resources, reachable at 202-364-9690 (home phone).

CITY OF ROANOKE, VA

FLA conducted an audit of the classification and compensation system of this City to determine competitive rates of pay for its 2,000 employees. We also conducted a comprehensive salary and benefits survey of similar-sized organizations in Virginia and surrounding cities and counties to determine the competitive rates of pay for similar positions. Recommendations were made to update the current compensation grades and ranges. Ken Cronin, Manager of Human Resources, (434) 799-5240. Additionally, we evaluated and made recommendations related to appropriate pay range spreads between select employee groups (executive and senior management as well as supervisors and subordinates). Kelley Bacon, Human Resources Director, 619-691-5096 or kbacon@chulavistaca.org.

CITY OF DETROIT, MI

Fox Lawson conducted a comprehensive classification and compensation study of all City positions, including fire and police, with the intent of streamlining the classification structure and bringing the compensation system to market levels. The study was performed under the auspices of the City's Emergency Manager as the City works its way through the bankruptcy process. Gail Gillespie, Classification and Compensation Project Team Leader, 313-224-3108.

RFP Variances or Exceptions

GBS provides additional insured coverage for General Liability only.

Proposal Documents



Arthur J. Gallagher & Co.

CITY OF PORTLAND, MAINE
Non-Union Classification and Pay Plan Department of Human Resources
RFP#1217

Current Date: September 16, 2016

The attention of firms submitting proposals for the work named in the above Invitation is called to the following modifications to the documents as were issued.

The items set forth herein, whether of clarification, omission, addition and/or substitution, shall be included and form a part of the Contractor's submitted material and the corresponding Contract when executed. No claim for additional compensation, due to lack of knowledge of the contents of this Addendum will be considered.

ALL BIDDERS ARE ADVISED THAT RECEIPT OF THIS NOTICE MUST BE DULY ACKNOWLEDGED ON THE BID PROPOSAL FORM OR BY THE INSERTION OF THIS SHEET, SIGNED, AND SUBMITTED WITH YOUR PROPOSAL.

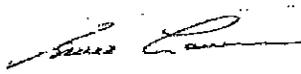
**MATTHEW FITZGERALD
PURCHASING MANAGER**

Please see attached our follow-up response to questions received.

Receipt of Addendum No. 1 to the City of Portland's RFP #1217: Non-Union Classification and Pay Plan Department of Human Resources is hereby acknowledged.

COMPANY: Gallagher Benefit Services, Inc.

NAME: Bruce Lawson

SIGNED BY: 

DATE: 09/28/16

PRINT NAME & TITLE: Bruce Lawson, Managing Director

ADDRESS: P.O. Box 32985

Phoenix, AZ

85064-2985
ZIP CODE



Arthur J. Gallagher & Co.

Gallagher Benefit Services, Inc.
16064 Parsons Road
Beaverdam, VA 23015

p 651.234.0848
f 651.234.084929
ajg.com



Arthur J. Gallagher & Co.

Appendix: Sample Report

Gallagher Benefit Services, Inc.
16064 Parsons Road
Beaverdam, VA 23015

p 651.234.0848
f 651.234.084930
ajg.com



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/28/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 300 S. Riverside Plaza, Suite 1900 Chicago IL 60606	CONTACT NAME: Direct All Inquiries to Email PHONE (A/C, No, Ext): E-MAIL ADDRESS: Chi_Certificates@ajg.com	FAX (A/C, No): NAIC # : 11150
	INSURER(S) AFFORDING COVERAGE INSURER A: Arch Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

INSURED ARTHJGA113
 Gallagher Benefit Services, Inc.
 P O Box 32985
 Phoenix, AZ 85064-2985

COVERAGES **CERTIFICATE NUMBER:** 1485937023 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL(SUBR) INSD WVD		POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
		Y	Y					
A	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOG OTHER:			41GPP4938409	10/1/2016	10/1/2017	EACH OCCURRENCE	\$1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$1,000,000
							MED EXP (Any one person)	\$10,000
							PERSONAL & ADV INJURY	\$1,000,000
							GENERAL AGGREGATE	\$3,000,000
							PRODUCTS - COMP/OP AGG	\$3,000,000
								\$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS			41CAB4939009 (MA) 41CAB4938309 (AOS)	10/1/2016 10/1/2016	10/1/2017 10/1/2017	COMBINED SINGLE LIMIT (Ea accident)	\$3,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	41WC4938108 (AOS) 44WC10501909 (NY, TX, CA)	10/1/2016 10/1/2016	10/1/2017 10/1/2017	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	\$1,000,000 \$1,000,000 \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 General Liability:
 General Aggregate Per Location Subject to \$10 Mil Policy aggregate.

 The City of Portland, ME its elected, appointed Boards, officers, agents, and employees are shown as Additional Insured solely with respects to General Liability as evidenced herein as required by written See Attached...

CERTIFICATE HOLDER City of Portland, ME Attn: Mr. Michael Goldman Associate Corporation Counsel 389 Congress Street Portland ME 04101	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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AGENCY CUSTOMER ID: ARTHJGA113

LOC #: _____

Page 1 of 1



ADDITIONAL REMARKS SCHEDULE

AGENCY Arthur J. Gallagher Risk Management Services, Inc.		NAMED INSURED Gallagher Benefit Services, Inc. P O Box 32985 Phoenix, AZ 85064-2985	
POLICY NUMBER		EFFECTIVE DATE:	
CARRIER	NAIC CODE		

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: 25 FORM TITLE: CERTIFICATE OF LIABILITY INSURANCE

contract per form 00 GL0596 00 04 10. Waiver of subrogation applies in favor of the additional insured with respects to General Liability as evidenced herein as required by written contract per form #CG 2404 0509.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

BLANKET ADDITIONAL INSURED

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE FORM
LIQUOR LIABILITY FORM
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE FORM

SECTION II – WHO IS AN INSURED is amended to include as an additional insured the person or organization who is required under a written contract with you to be included as an insured under this policy, but only with respect to liability arising out of your operations or premises owned by or rented to you.

All other terms and conditions of this policy remain unchanged.

Endorsement Number:

Policy Number: **41GPP4938409**

Named Insured: **ARTHUR J GALLAGHER & COMPANY**

This endorsement is effective on the inception date of this Policy unless otherwise stated herein:

Endorsement Effective Date: **10/1/2016**

POLICY NUMBER: 41GPP4938409

COMMERCIAL GENERAL LIABILITY
CG 24 04 05 09

WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

SCHEDULE

Name Of Person Or Organization:

ANY PERSON OR ORGANIZATION WHERE WAIVER OF OUR RIGHT TO RECOVER
REQUIRED BY WRITTEN CONTRACT WITH SUCH PERSON OR ORGANIZATION
PROVIDED SUCH CONTRACT WAS EXECUTED PRIOR TO THE LOSS.

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

The following is added to Paragraph 8. **Transfer Of Rights Of Recovery Against Others To Us** of Section IV - Conditions:

We waive any right of recovery we may have against the person or organization shown in the Schedule above because of payments we make for injury or damage arising out of your ongoing operations or "your work" done under a contract with that person or organization and included in the "products-completed operations hazard". This waiver applies only to the person or organization shown in the Schedule above.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/28/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 300 S. Riverside Plaza, Suite 1900 Chicago IL 60606	CONTACT NAME: Direct All Inquiries to Email	
	PHONE (A/C, No, Ext): E-MAIL: chf_certificates@ajg.com	FAX (A/C, No):
INSURED ARTHJGA113 Arthur J. Gallagher & Co. and its Subsidiaries The Gallagher Centre Two Pierce Place Itasca IL 60143-1203	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Lexington Insurance Company	NAIC # 19437
	INSURER B: XL Specialty Insurance Company	NAIC # 37885
	INSURER C:	
	INSURER D:	
	INSURER E:	

COVERAGES **CERTIFICATE NUMBER:** 1339824511 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL SUBROGATION (INSR WVD)	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:					EACH OCCURRENCE	\$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident)	\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE	\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A			PER STATUTE	OTHER
A	Primary E&O Liability	N	017788170	9/1/2016	9/1/2017	Per Claim/Aggregate	\$17,000,000
B	Excess E&O Liability	N	ELU14606816	9/1/2016	9/1/2017	Per Claim/Aggregate	\$3,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Coverage extends to:
Gallagher Benefits Services, Inc.
P.O. Box 32985
Phoenix
AZ 85064-2985.

CERTIFICATE HOLDER City of Portland 389 Congress Street c/o Michael J. Goldman, Associate Corporation Counsel Portland ME 04101	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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*Order 214 - 11/18
Tab 17 5-14-18*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER DESIGNATING FISCAL YEAR 2019 FUNDS FOR
SPECIFIC ISLAND SERVICES**

ORDERED, that \$40,000 from the Fiscal Year 2019 municipal budget is hereby designated to pay for the Peaks Island services specified in list attached hereto.

Peaks Island Council
 FY 2019 Budget Request Summary
 Approved by PIC February 28, 2018

	Request
Ferry tickets, passes, vouchers, loading control	
A. Middle & High school passes	5,208
B. College students	500
C. Private school tickets	450
D. Needs-based tickets	3,000
E. Bicycle tickets	500
On-Island transportation	
F. ITS ("The Taxi")	16,000
G. Cadet	2,067
Islanders in need	
H. PITEA (for PIC, heating assistance only)	4,000
Parks, recreation, open space	
I. PEAT brochure	400
Island services	
J. Peaks Library, A/V equipment	2,500
K. Peaks Assisted Living Facility	2,000
PIC Administrative	
L. Administrative	3,375
Total	40,000



**Peaks Island Council
FY 2019 Budget Request
Approved for Submission
February 28, 2018**

Motion: The Peaks Island Council requests the Portland City Council to allocate the following funds to the **PIC FY 19** Parking and Transportation Fund in the amount of \$40,000 in accordance with the following items:

Item A: The Peaks Island Council requests the City Manager or his designee to transfer to the Portland School Department \$5,208.00 to cover the cost of extending Portland School Department issued 10-month Casco Bay Lines passes for Peaks Island public middle and high schools students to 12-month passes. *(5th year)*

Jon Jennings, Portland City Manager

Date

Item B: The Peaks Island Council requests the City Manager or his designee to expend monies from the Parking and Transportation Fund payable to Casco Bay Lines for Island resident college students: for up to 3 monthly stickers per student @ \$82.45/sticker, not to exceed \$500.00 . For the purposes of PIC transportation support, a college student shall be defined as a full-time island resident carrying a full-time course load (12 credits) at a Portland-area institution of higher education. *(4th year)*

Jon Jennings, Portland City Manager

Date

Item C: The Peaks Island Council requests the City Manager or his designee to issue vouchers in the amount of \$84 per voucher per student to the parents of children attending private schools off-island. Criteria for determination of residency will be directed through the Island/Neighborhood Administrator's Office. Total cost allocated is \$450.00 . *(5th year)*

Jon Jennings, Portland City Manager

Date

Item D: The Peaks Island Council requests the City Manager or his designee to expend monies from the Parking and Transportation Fund payable to Casco Bay Lines to purchase tickets for needs-based Peaks Island residents. To receive **Needs-Based tickets**, recipients must fit defined criteria developed by the Peaks Island Council. The total is not to exceed \$3,000. (5th year)

Jon Jennings, Portland City Manager

Date

Item E: The Peaks Island Council requests the City Manager or his designee to expend monies from the Parking and Transportation Fund payable to Casco Bay Lines to purchase bicycle tickets for a **summer bike ticket program** on Peaks Island. This program was approved last year and was very successful. The total is not to exceed \$500.00 . (5th year)

Jon Jennings, Portland City Manager

Date

Item F: ITS: a.k.a., Island "Taxi" The Peaks Island Council requests the City Manager or his designee to provide an allocation of \$16,000.00 to the **Island Transportation System** for continued support of the only transportation service available to residents. (5th year)

Jon Jennings, Portland City Manager

Date

Item G: ITS: Cadet Funding

The Peaks Island Council requests that the Portland City Manager allow the allocation of authorized PIC FY 18 funds to reimburse the Portland Police Department for the cost of establishing a Police Cadet on Peaks Island for the period from **July 1, 2018 – Sept 17, 2018, and for the period from May 25, 2019- June 30, 2019.** The Cadet will be assigned a four-day per week schedule and will focus on the Island Avenue/Welch Street area. The Cadet will assist with congestion issues in and around the Peaks Island ferry landing. The total FY 18 cost of the cadet for the four-day per week schedule is \$8,269.00, of which \$2067.00 is to be paid from PIC funds, and \$6,202.00 from the City Budget. (3rd year)

Jon Jennings, Portland City Manager

Date

*Order 215-17/18
Tab 18 5-14-18*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER FOR FISCAL YEAR 2019 APPROPRIATING \$350,000
FROM THE CASCO BAY ISLAND TRANSIT DISTRICT EXCESS FUND**

ORDERED, that the City Council hereby authorizes and appropriates \$350,000 from the Casco Bay Island Transit District Excess Fund pursuant to the lease agreement between the City of Portland and the Casco Bay Island Transit District, of which \$350,000 is hereby appropriated to provide support of the \$862,500 local match needed for the construction and design of replacement vessels.

Casco Bay Lines request for FY2016 Garage Excess Funds

Brendan T O'Connell <boconnell@portlandmaine.gov>
To: Henry Berg <hankb@casco baylines.com>

Thu, May 10, 2018 at 3:12 PM

Hi Hank

We are finalizing the draft orders for FY19 and will be having the City Council authorize \$350,000 of excess funds usage this year, going 100% to CBITD. Just wanted to give you a heads up so you can utilize this in your financial planning.

Regards,

Brendan T O'Connell
Finance Director
City of Portland

On Tue, Feb 13, 2018 at 3:10 PM, Henry Berg <hankb@casco baylines.com> wrote:

Hi Brendan,

Casco Bay Island Transit District (CBITD) is requesting for the City of Portland to consider, during the FY2019 annual budgeting process, providing funding from the Casco Bay Ferry Garage Excess fund in support of the \$862,500 local match needed for the construction and design of replacement vessels. Two vessels in the fleet are at or close to end of life and both need to be replaced. The Federal Transit Administration (FTA) will provide \$9,461,600 for the design and construction of the first vessel and MaineDOT will provide \$750,000 for the construction of first vessel. It is anticipated that the FTA will also provide \$637,500 for the design of the second vessel. This capital improvement project is included in the approved CBITD Long Range Capital Improvement Plan and the Portland Area Comprehensive Transportation (PACTS) Transit Six Year Capital Plan.

As you know CBITD provides essential public transportation services to the City of Portland by providing service to the Casco Bay Islands but unlike Metro, CBITD receives no subsidization from Portland with the exception of the Casco Bay Garage Maintenance fund, when available. Any assistance in the local match requirements of CBITD's capital grants is greatly appreciated and would help the District continue to provide safe and reliable service to the Casco Bay Islands.

Please do not hesitate to let me know if you have any questions.

Thank you in advance for your consideration of this request.

– Hank

Hank Berg
General Manager
Casco Bay Lines
p: 207-774-7872

LEASE AGREEMENT

BY AND BETWEEN

CITY OF PORTLAND

AND CASCO BAY ISLAND TRANSIT DISTRICT

AGREEMENT made this 5th day of March, 1985, by and between the CITY OF PORTLAND, a body politic and corporate located in the County of Cumberland, State of Maine (hereinafter the "CITY") and CASCO BAY ISLAND TRANSIT DISTRICT, a body politic and corporate duly organized under the laws of the State of Maine and located in the city of Portland (hereinafter the "TENANT").

WHEREAS, the CITY has received federal and state funds to build a new Casco Bay Ferry Terminal and parking garage on the west side of the Maine State Pier (hereinafter the "Project") and

WHEREAS, the TENANT requires new terminal facilities and has worked with the CITY in obtaining said funding, and

WHEREAS, the CITY and TENANT desire to enter into a lease agreement for the new terminal facility and facilities related thereto;

NOW THEREFORE, in consideration of the mutual promises herein, CITY and TENANT do hereby agree as follows:

ARTICLE 1. CONSTRUCTION OF PREMISES; PARKING GARAGE

Pursuant to the Agreement dated September 24, 1984, between CITY and Stevens, Rose & Morton, which is on file in the CITY'S Finance Department, CITY agrees to design and construct the following on the west side of the Maine State Pier (all of which shall be hereinafter known as the "PREMISES"):

- A. A Ferry Terminal Building, including a freight area;
- B. Pedestrian waiting area and walkway;
- C. Vehicle staging area;
- D. Passenger and vehicle loading and unloading and short-term parking area;
- E. Vehicle Transfer Bridge;
- F. Four vessel berthing spaces and ramps on the west side of the Pier; and
- G. A boat utility area.

CITY'S obligation hereunder shall be to design and construct the Premises to the extent of the decisions and directions of the Casco Bay Island Ferry Terminal Construction Committee, which TENANT participates. Said design and construction and CITY'S obligation to proceed therewith is contingent upon the continued availability of adequate federal and state funds for such design and construction.

CITY shall proceed diligently with said design and construction with the intent that TENANT will be able to occupy the Ferry Terminal Building during calendar year 1986, but CITY shall not be liable for any delay in occupancy beyond said date.

TENANT agrees to participate and assist CITY throughout design and construction of the Project and of the Ferry Terminal in particular. TENANT agrees to maintain membership on the Casco Bay Island Ferry Terminal Construction Committee and to appear before said Committee as requested. TENANT shall be responsible for bringing its operational needs to the attention of the ARCHITECT and the CITY in a timely fashion throughout design and construction and a good faith reasonable effort shall be made to serve those needs.

TENANT shall be responsible for carrying out, at its expense, all improvements to the Premises in excess of those included in the Project and approved by the above Construction Committee, including but not limited to furnishing the Ferry Terminal Building. In the event TENANT wishes to make any additions or improvements, other than repair and maintenance, to the exterior of the Premises, or permanent interior improvements or additions, during the term of this Agreement, said additions or improvements shall be subject to the prior written approval of the City Manager, which approval shall not be unreasonably withheld.

In addition to the Premises, CITY intends to construct a parking garage with a minimum of One Hundred Ninety (190) parking spaces as part of the overall Project. Said garage shall be adjacent to, but not a part of, the Premises leased to TENANT hereunder. Construction of said garage shall be contingent upon the continued availability of adequate federal and state funds to permit such construction. If said garage is constructed, TENANT shall have no rights therein but CITY shall, to the extent feasible, coordinate the hours of operation of the parking garage with the hours of operation of TENANT'S transportation services in Casco Bay. Nothing herein shall prevent CITY and TENANT from entering into a separate agreement for management and/or leasing of the parking garage, however, should they mutually agree to do so.

ARTICLE 2. GRANTING OF LEASEHOLD; PREMISES

CITY hereby agrees to lease to TENANT and TENANT does hereby agree to lease of and from CITY the PREMISES above-described upon the terms and conditions specified herein. Said PREMISES are located on the westerly side of the Maine State Pier and shall be bounded as shown as Lot 1 on Sheet 2 of 2 of the City's Subdivision Plan entitled, "Amended Revised Subdivision Plan of Maine State Pier and Vicinity, City of Portland, Cumberland County," drawn by Stevens, Morton, Rose & Thompson and dated September 20, 1988, which Amended Revised Plan is to be recorded in the Cumberland County Registry of Deeds simultaneously with this Lease Amendment. The Premises shall include, in addition to the original Leased Premises, the additional area depicted as "New Leased Area" on the plans entitled CBITD Lease Properties, dated September 29, 2003, and prepared by Woodard & Curran (the "Freight Shed Area").

TENANT's leasehold in the PREMISES as provided in ARTICLE 2, and the permission granted under this Amendment, is subject to the following easements:

- A. Easement Deed, dated March 5, 1987, to Portland Water District which is to be recorded in the Cumberland County Registry of Deeds simultaneously with the recording of the Memorandum of Lease;
- B. Easement Deed, dated March 5, 1987, to New England Telephone which is to be recorded in the Cumberland County Registry of Deeds simultaneously with the recording of the Memorandum of Lease;

- C. Easement Deed, dated March 5, 1987, to New England Telephone which is to be recorded in the Cumberland County Registry of Deeds simultaneously with the recording of the Memorandum of Lease;
- D. TENANT's leasehold in the PREMISES as provided in ARTICLE 2, is subject to the Amended and Restated Deed Indenture, dated September 20, 1988, which Amended and Restated Deed Indenture describes reciprocal easements by and among the CITY of Portland, Casco Bay Island Transit District and Bath Iron Works, for pedestrian and vehicular rights of way and navigational rights.

Except as provided below for a public right-of-way, TENANT shall have the exclusive use of the Premises for the purposes provided herein. TENANT may control and restrict the public use of the Premises as it deems necessary in carrying out its operations under this Agreement.

Notwithstanding the foregoing, TENANT shall permit and maintain public rights of way for pedestrian and/or vehicular traffic over the Premises in order to permit the public with safe access to the outer end of the Maine State Pier. The locations and types of said public rights of way shall be subject to final design of the Project and shall be located in such a way as not to interfere with TENANT'S operations hereunder. TENANT agrees to execute any documents necessary to identify and effectuate said right of way.

CITY intends to design the Ferry Terminal Building to permit the addition of a second story and CITY reserves the right to make such addition during the term of this Agreement. The design and construction of any such addition shall take the needs of the TENANT into account and CITY shall consult with TENANT a reasonable time prior to said design and construction. CITY reserves the right to use or to sublet any such addition, and said addition shall not be part of the Premises leased hereunder unless made so by later amendment. Any construction or use of a second story addition, either by the CITY or a lessee thereof, shall not interfere with or restrict TENANT in its uses of the Premises permitted hereunder.

ARTICLE 3. TERM

This Agreement shall be effective immediately upon execution hereof by CITY and TENANT. TENANT'S right to occupy the Premises shall begin as of the first day of the first full month following the date of notice of beneficial occupancy to TENANT and this Agreement and TENANT'S interest hereunder shall be terminated on the last day of the month thirty (30) years following the date of the notice of beneficial occupancy.

CITY shall send TENANT the notice of beneficial occupancy provided hereunder after receipt thereof from the Casco Bay Island Ferry Terminal Construction Committee via CITY'S Architect and/or Construction Manager on the Project. Said notice and occupancy by TENANT shall not diminish CITY'S obligations to finish any punch list of items remaining to be done as of the date of said notice.

ARTICLE 4. USE OF PREMISES

A. TENANT shall have the right to use the Premises solely for activities which it is legally authorized to undertake in providing public water transportation services between and among the islands of Casco Bay and the mainland.

Notwithstanding the foregoing, the principal use of the Premises under this Agreement shall be provision of public waterborne passenger, vehicle, freight and mail transportation to,

from and between said Casco Bay Islands, and related waterborne activities including tours and cruises, charters and catering.

In addition, TENANT may perform routine maintenance and repair of its vessels at the Premises, so long as such repair does not result in excessive noise or disruption to the public, to other users of them Maine State Pier or to other water activities, and so long as such activities meet all federal, state and local pollution, safety and other applicable standards. If the CITY determines that boat repair activities are in violation of this paragraph, CITY shall give TENANT notice of said violation and TENANT shall immediately come into conformity under this subsection or shall cease its offending repair activities. CITY'S determinations as to a violation under this paragraph shall be final but shall not be arbitrary or capricious.

B. All services provided by TENANT on or from the Premises shall be available to the public on a non-discriminatory and equal basis and shall be accessible as required to the handicapped.

C. In addition to the foregoing uses, TENANT may install vending machines for candy, buy, cigarettes, snacks, drinks and other similar vendable items and/or a souvenir concession stand for the sale of souvenirs related specifically to the Casco Bay Islands. Said souvenirs may include postcards, maps, key chains, tee-shirts, ash trays, mugs and other similar souvenir items and identified in some manner with the Casco Bay Islands and/or the Casco Bay Island Transit District. Said concession activities shall be incidental only to TENANT'S primary use of the Premises for mass transportation services.

D. All uses of the Premises other than as provided herein shall be subject to the prior written approval of the CITY'S Director of Transportation and Waterfront Facilities (hereinafter the "Director") or successor thereto.

ARTICLE 5. NET LEASE

It is the intention of the parties that all amounts payable hereunder shall be net to the CITY so that this Agreement shall yield to CITY the net annual payment specified herein during each year of the Term, and that all costs, expenses, and obligations of every kind and nature whatsoever relating to the Premises shall be paid by TENANT, except as specifically provided herein.

ARTICLE 6. RENT

A. TENANT covenants and agrees to pay to CITY for its use of the Premises, without offset or deduction except as provided herein, an annual rent equal to Five and Four Tenths Percent (5.4%) of all of TENANT'S gross revenues from the following:

- i. Tours and cruises; and
- ii. Charter operations.

B. The above rent shall be subject to a minimum annual rent which shall be credited against the total amount of rent due to CITY under Section A above. The minimum rent shall be as follows:

<u>Calendar Year</u>	<u>Minimum</u>
10/01/95 thru 12/30/95	\$833.33 per month
01/01/96 thru 12/30/96	\$12,000 per year
01/01/97 thru 12/30/97	\$12,000 per year

01/01/98 thru 12/30/98	\$12,000 per year
01/01/99 thru 12/30/99	\$14,000 per year
01/01/00 thru 12/30/00	\$14,000 per year
01/01/01 thru 12/30/01	\$14,000 per year
01/01/02 thru 12/30/02	\$16,000 per year
01/01/03 thru 12/30/03	\$16,000 per year
01/01/04 thru 12/30/04	\$16,000 per year
01/01/05 thru 12/30/05	\$16,000 per year

Said minimum rent shall be paid in equal monthly installments in advance, and shall be paid to CITY on the first day of the month. The minimum rent shall be increased by eight percent (8.0%), commencing on the day a certificate of occupancy issues, until the end of the term of this Lease.

C. No later than November 15th of each year, or part thereof in the first year, TENANT shall pay to CITY an amount equal to 5% of its gross revenues as provided in Section A above for the prior full year from October 1 to September 30th, or part thereof if applicable in the first year. CITY shall credit against the amount so due any rental amount already paid for the applicable year pursuant to Section B above. Starting and pro-rated as of the day a certificate of occupancy issues for the freight shed, the above stated five percent (5%) shall be increased to five and four tenths percent (%.4%). This provision shall be in effect until the end of the term of this Lease.

All amounts due as a percentage of gross revenues shall be subject to a final audit determination. In the event of any overpayment, CITY shall repay TENANT the amount so overpaid within sixty (60) days of said final audit determination and in the event of an underpayment, TENANT shall pay CITY any amount unpaid within sixty (60) days of said final audit determination.

D. A late charge of One and One-Half (1-1/2%) per month shall be charged and applied to any amount not paid when due. Collection costs, legal fees, and administration costs associated with collection of late payments shall also be charged to the party who has made the late payment, who shall pay such costs within ten (10) days of receipt of a bill therefor.

E. No later than October 1, 2005, CITY and TENANT agree to meet to reopen and to bargain in good faith on the issue of Rent, including both the percentage and source of gross revenues to be included therein and the minimum rental payment. Said minimum rental payment shall be adjusted by no less than annual rate of inflation for the twelve (12) months immediately preceding September 1, 2005. Said annual rate of inflation shall be the overall percentage change in the United States Bureau of Labor Statistics Consumer Price Index for all Urban Consumers, Boston, Massachusetts (all items = 100) (hereinafter "CPI - Boston") from August 2004 to August 2005. In the event the United States Bureau of Labor Statistics discontinues the issuance of said Consumer Price Index, the parties shall choose another broad-based cost of living index which is substantially equivalent to the discontinued index and which is then issued by the equivalent to the discontinued index and which is then issued by the United States or the State of Maine.

If the parties have not agreed to a new rental payment prior to October 1, 2005, the existing rent shall remain in effect, adjusted for inflation as provided above, and payments shall continue to be due and payable as provided herein, and good faith negotiations shall continue at the request of either party.

F. In no event shall the annual rental due hereunder be less than the minimum rental.

ARTICLE 7. UTILITIES; ASSESSMENTS

A. As of the first day of the month following the month of the notice of beneficial occupancy to TENANT from CITY, TENANT shall be responsible for all electric, water, sewer, gas, heat, or any other utility charge, fee, or assessment whatsoever, including any late fees, interest or penalties, and for any assessment, tax, or other charge, which TENANT is, or may be, subject to under State law, related to TENANT'S interest in, use of, and activities on the Premises.

CITY shall bring all utilities to the Premises and into the Ferry Terminal Building as part of its construction of the Premises, but TENANT will be responsible for all charges related to hooking up to said utilities, for example, telephone hook-up charges.

TENANT shall have the right to enter into reasonable agreements with utility companies, municipal corporations, and other government agencies creating easements in favor of such companies as are required in order to service the Premises and CITY covenants and agrees to join therein, if legally required or to consent thereto, and to execute any and all documents, agreements, and instruments and to take all other actions in order to effectuate the same, all at TENANT'S cost and expense.

B. If any taxes are assessed or levied upon TENANT, they shall be paid directly to the taxing authority. TENANT shall be deemed to have complied with the covenants of this Article if payment of such taxes shall have been made either within any period allowed by law, or by the governmental authority imposing the same, during which payment is permitted without penalty or interest or before the same shall become a lien upon the Premises, and TENANT shall produce and exhibit to CITY satisfactory evidence of such payment.

The TENANT shall have the right to contest or have reviewed all of such taxes by legal proceedings, or in such other manner as it may deem suitable (which, if instituted, TENANT shall conduct promptly at its own cost and expense and at no expense to CITY, and if required by law, in the name of and with the cooperation of the CITY, and CITY shall execute all documents reasonably necessary to accomplish the foregoing.) Notwithstanding the foregoing, TENANT shall promptly pay all such taxes if at any time the Premises, improvements thereon, or any part of them, shall be imminently subject to forfeiture or if CITY shall be subject to any criminal or civil liability arising out of the non-payment thereof.

ARTICLE 8. REPAIRS AND MAINTENANCE

A. TENANT shall, after the date of beneficial occupancy of the Premises, at its sole cost and expense, except as herein provided, keep the Premises in as good order and repair as on the completion of construction, reasonable wear and tear excepted. TENANT shall be responsible for all costs and expenses associated with its operation and maintenance of all of the Premises, including but not limited to custodial services, security services, minor and major repairs and replacement, (unless said repairs or replacements are covered by the new construction warranties to CITY), plowing, shoveling, sanding, salting, and clearing the Premises, except as otherwise provided in Section B below.

B. Notwithstanding the foregoing, CITY agrees to provide snow plowing, sanding, salting and clearing of all of the access road and traffic turn-around and the vehicle staging area, all approximately as indicated on Appendix A, and the pedestrian walkway along the west side

of the Pier from Commercial Street to the Premises. TENANT agrees to pay CITY for said snow services an annual fee of Twelve Hundred Dollars (\$1200.00) beginning October 1, 1986, and adjusted annually for inflation by the percentage change in the CPI-Boston in the same manner as provided in Article 6, Section E above, said annual adjustment not to exceed Five Percent (5%) per year.

C. The CITY by its authorized officers, employees, agents, contractors, subcontractors and other representatives shall have the right (at such times as may be reasonable under the circumstances and with as little interruption of TENANT'S operations as is reasonably practicable) to enter upon and in the Premises without charge for the following purposes:

1. Inspection. To inspect the Premises to determine whether TENANT has complied and is complying with the terms and conditions of this Agreement.

2. Maintenance. To perform maintenance and make repairs in any case where TENANT has failed to carry out its obligation to do so, but only after the CITY has given TENANT reasonable notice under the circumstances to perform its maintenance obligation. In that event, TENANT shall promptly upon demand reimburse the CITY for the reasonable cost of the CITY'S performing TENANT'S maintenance or repair obligation as Additional Rental.

ARTICLE 9. MAINTENANCE FUND

A. In order to assist TENANT with expenses associated with major repair and maintenance of the Premises, CITY agrees to establish a Maintenance Fund (hereinafter the "Fund") as provided herein. Said Fund shall be established by the CITY'S Finance Director in a manner he deems to be in accord with generally accepted accounting principles, except to the extent that said principles may be modified by urban Mass Transportation Administration (hereinafter "UMTA") requirements. Said Fund will consist of Fifty Percent (50%) of the annual net revenues, less the City's annual cost of all casualty insurance purchased by the City covering the Premises and improvements thereon, up to a maximum amount of One Hundred Fifty Thousand Dollars (\$150,000), received by the CITY from the One Hundred and Ninety (190) parking spaces funded by UMTA in the parking garage adjacent to the Ferry Terminal, as described in Article 1. "Net revenues" means gross revenues minus operating costs as defined by the CITY'S Finance Director using generally accepted accounting principles, except as modified by UMTA requirements. TENANT, upon reasonable notice to CITY'S Finance Director and during regular business hours, may review and copy, at its own cost and expense, CITY'S records on the Fund.

B. Use of Funds. The Fund will be available to TENANT to cover the cost, in whole or in part, of any major repairs or maintenance of or on the Premises. Prior to requesting assistance from the Fund, however, TENANT will make a good faith, diligent effort to obtain any State or federal funds available for capital or similar assistance. CITY will cooperate with and assist TENANT in that effort. If, after reasonable effort, such external funds are not available to TENANT, CITY will disburse funds to TENANT for said major repairs and maintenance under procedures to be established by the CITY'S Finance Director. If said funds are not adequate, then TENANT may request assistance of the City Council of the CITY, but nothing herein shall obligate said City Council to provide assistance to TENANT.

Amounts in the Fund may also be used as matching funds for federal or State capital assistance grants, and may be available to TENANT for short-term loans, on terms and interest rates acceptable to the CITY, provided that CITY shall not unreasonably withhold its approval thereof.

C. Eligible Expenditures. The Maintenance Fund will be available for use by TENANT for major capital costs related to its public transportation operations on or from the Premises, with first priority for capital costs for repair and maintenance of the Premises themselves. Such eligible costs may include, but are not limited to, the following:

1. Replacement of capital equipment;
2. Replacement of motor vehicles used regularly in TENANT'S operations;
3. Major rehabilitation of the Ferry Terminal of Vehicle Transfer Bridge;
4. Major resurfacing or rehabilitation of the paved surfaces and the covered walkway within the Premises;
5. Major pier repairs;
6. Energy retrofitting; and
7. Other major repairs and maintenance of a similar kind.

The following are examples of expense which are not eligible for funding from the Maintenance Fund and are part of TENANT'S operating expenses: Spot roof repairs, touchup painting, minor redecking and pavement patching, spot repairs and/or replacement of fixtures, custodial, security or other services, plowing, sanding, or salting of the Premises. Said examples are illustrative only and are not intended to be an exhaustive listing.

D. Excess Fund. In addition to the foregoing, upon repayment to the CITY of all of its debt service costs associated with acquisition of the west side of the Maine State Pier, CITY shall set aside One Hundred Percent (100%) of the net revenues from all of the UMTA funded parking spaces (i.e., 190 garage parking spaces), and the TENANT'S rental payments, exclusive of the \$150,000 for the Maintenance Fund, and shall make such funds available on a priority basis:

First, to the TENANT for capital costs associated with its public transportation operations in Casco Bay; and

Then, to be disbursed by the CITY to all other mass transportation needs and not limited to capital expenditures.

Decisions as to the distribution and disbursement of said funds shall be made annually as part of the CITY'S budget process and the burden will be on TENANT to justify its need for funds in excess of the Maintenance Fund which shall continue to be available solely for TENANT'S use.

ARTICLE 10. FEDERAL AND STATE FUNDS; APPROVALS

A. It is understood by TENANT that CITY'S construction of the Project is contingent upon receipt of adequate funds from both the United States and the State of Maine. As of the execution date of this Agreement, federal, State, and local approval has been given to a total of Three Million Six Hundred Fifty-Nine Thousand Three Hundred Ninety-Seven Dollars (\$3,659,397.00) for the design and construction of the Project, and it is expected that said funds will be available and adequate to accomplish the Project. In the event that said funds are not finally available, or are not adequate to construct the Project, CITY may, at its option, terminate this Agreement. In such event, CITY shall give TENANT as much notice as is reasonable under the circumstances, and shall, if requested, assist TENANT in locating an alternative terminal site, if such is necessary. CITY shall not, however, be under any obligation to finish the design or construction of the Project in the event of the inadequacy or loss of federal or State funds, regardless of the reason for such inadequacy or loss of funds, including but not limited to termination for cause by the federal or state governments.

B. It is specifically understood and agreed by TENANT that this Agreement is subject to approval by UMTA, the State of Maine Public Utilities Commission, and Department of Transportation prior to its execution. Both parties agree to work in good faith with said federal and State agencies and to execute any amendments to this Agreement which are required by said agencies. TENANT, as a subrecipient of the federal and State grant funds under Section A above, agrees to comply with all applicable existing and future federal and State grant requirements, including but not limited to, those attached to this Agreement as Appendix B, which by this reference are incorporated herein.

ARTICLE 11. COMPLIANCE WITH LAWS

A. Upon execution of this Agreement and throughout the Term hereof, TENANT shall, at its own cost and expense, promptly observe and comply with all existing and future laws, ordinances, requirements, order, directives, rules and regulations of the federal, state and county and city governments, and of all other governmental authorities affecting the Premises or appurtenances thereto, or any part thereof, whether the same are in force at the commencement of the term of this Agreement or may in the future be passed, enacted or directed, and TENANT shall pay all costs, expenses, liabilities, losses, damages, fines, penalties, claims, and demands, including reasonable counsel fees, that may in any manner arise out of or be imposed on CITY because of failure to TENANT to comply with the covenants of this Article.

B. TENANT shall have the right but not the obligation to contest by appropriate legal proceeding conducted diligently and in good faith in the name of the TENANT or CITY (if legally required), or both (if legally required), without cost or expense to CITY, the validity or application of any law, ordinance, rule, regulations, or requirement of the nature referred to in the preceding Section A, and if by the terms of any such law, ordinance, order, rule, regulation or requirement, TENANT may delay such compliance therewith until the final determination of such proceeding.

C. CITY agrees to execute and deliver any appropriate papers or other instruments which may be reasonably necessary or proper to permit TENANT so to contest the validity or application of any such law, ordinance, order, rule, regulation or requirement.

D. Notwithstanding Section A, the CITY agrees to refrain from passing any ordinance, order, or regulation in derogation of the express terms of this Agreement.

E. In the event that a law, rule, or other requirement is finally determined to apply to TENANT, TENANT agrees to execute any amendment to this Agreement to the extent such amendment is made necessary by the applicability of said law, rule or other requirement.

ARTICLE 12. AGENCY

The CITY agrees that TENANT may act as the agent of the CITY for the limited purpose of obtaining any necessary permits or approvals required by law to be applied for by the Owner of the real property. The CITY further agrees to execute any such application upon the request of TENANT.

ARTICLE 13. INDEMNITY

To the fullest extent permitted by law, TENANT shall at its own expense defend, indemnify, and hold harmless CITY, its City Council, its officers, agents, and employees from

and against any and all liability, claims, damages, penalties, losses, expenses, or judgment, just and unjust, arising from injury or death to any person or property damage sustained by anyone in and about the Premises or as a result of activities or service at or from the Premises and resulting from any negligent act or omission of TENANT, its officers, agents, servants, employees, or persons in privity with TENANT, except to the extent that such injury, death, or property damage results from any negligent act or omission of the CITY, its officers, agents, employees or persons, other than TENANT, in privity with City. TENANT shall, at its own cost and expense defend any and all suits or actions, just or unjust, which may be brought against CITY or which CITY may be impleaded with others upon any such above-mentioned matter, claim or claims, including claims of contractors, employees, laborers, materialmen, and suppliers. CITY shall have the right to participate in such suits or actions at its own discretion and at its own expense, and no such suit or action shall be settled without prior consent of the CITY as the case may be. Such obligation of indemnity and defense shall not be construed to negate or abridge any other right of indemnification or contribution running to the CITY which would otherwise exist. The extent of this indemnity provision shall not be limited by any requirement of insurance contained herein.

ARTICLE 14. INSURANCE

A. Prior to occupancy of the Premises, TENANT shall procure and maintain throughout the Term of this Agreement the following insurance coverages:

1. Public liability insurance in the amount of not less than Three Hundred Thousand Dollars (\$300,000) combined single limit for bodily injury, death and property damage;
2. Contractual liability insurance covering the obligation of indemnification under this Agreement in an amount not less than Three Hundred Thousand Dollars (\$300,000);
3. Motor vehicle liability insurance in an amount of not less than Three Hundred Thousand Dollars (\$300,000) combined single limit for bodily injury, death and property damage;
4. Workers' Compensation insurance in the statutory amount; and
5. Watercraft coverage covering public liability and property damage for all TENANT'S watercraft and those authorized to use the Premises by TENANT, said insurance to be in an amount not less than \$ _____.

All such insurance shall name CITY as an additional insured. TENANT shall, prior to occupancy of the Premises, deliver to CITY certificates evidencing such insurance coverages which shall state that such insurance is non-cancellable without thirty (30) days prior written notice to the CITY. Replacement certificates shall be delivered to CITY prior to the effective date of cancellation, termination or expiration of any policy.

TENANT and CITY understand and agree that the minimum limits of the insurance herein required may become inadequate during the Term of this Agreement and TENANT agrees that it will increase such minimum limits by reasonable amounts within thirty (30) days of receipt of notice in writing from the CITY'S Director. In no case shall such insurance be less than the statutory limits of the Maine Tort Claims Act (14 M.R.S.A. §8101 et seq.) or any successor statute thereto.

B. It shall be the responsibility of CITY to provide such all-risk casualty insurance coverage for the Premises as CITY deems necessary. The full cost of said insurance shall be deducted from the Maintenance Fund established under Article 9 above. TENANT shall be responsible for obtaining and maintaining such personal property insurance covering property owned by TENANT as it deems necessary and CITY shall have no responsibility therefor.

C. If the Ferry Terminal Building or any space leased to TENANT for its use shall be partially damaged by fire or other casualty but not rendered untenable, the same shall be repaired with due diligence by the CITY at its own cost and expense; if the damage shall be so extensive as to render the premises untenable, the rent payable hereunto with respect to the TENANT'S Premises shall be proportionately paid up to the time of such damage and shall thenceforth cease until such time as the Premises shall again be made tenantable by CITY, provided that, if the Premises are more than 50% destroyed by fire or other casualty, this Agreement may, at the election of either the CITY or TENANT, upon written notice thereof to be given within sixty (60) days after such destruction, thereby be terminated and ended as of the date of destruction.

ARTICLE 15. COVENANTS AGAINST LIENS

A. If in TENANT'S construction or installation of improvements on the Premises, any mechanics' lien or other lien, charge or order for payment of money shall be filed against CITY, TENANT, or any portion of the Premises, TENANT shall, at its own cost and expense, cause the same to be discharged of record or secure such payment by posting a bond with the Cumberland County Superior Court in such form and amounts satisfactory to the CITY within thirty (30) days after written notice to TENANT of the filing thereof, and TENANT shall defend, indemnify, and save harmless the CITY against and from all costs, liabilities, suits, penalties, claims and demands including reasonable counsel fees, resulting therefrom. In the event TENANT shall not cause such lien, charge or order to be discharged of record or bonded within said thirty (30) day period, CITY may thereafter cause the same to be discharged and the expense thereof shall be immediately paid to CITY by TENANT as additional rent.

B. If, in the CITY'S construction or purchase of the Premises, any mechanics' lien or other lien, charge or order for payment of money shall be filed against the TENANT or any portion of the Premises, the CITY shall, at its own cost and expense, cause the same to be discharged of record or secure such payment by posting a bond with Cumberland County Superior Court within thirty (30) days of receipt of notice in writing from TENANT to the CITY of the filing thereof. The CITY shall defend, indemnify and save harmless the TENANT from and against all costs, liabilities, suits, penalties, claims, and demands, including reasonable counsel fees, resulting therefrom.

ARTICLE 16. SUBLETTING AND ASSIGNMENT

A. TENANT shall not sublet any part or parts of the Premises, except as specifically provided herein, without the prior written approval of the CITY.

Notwithstanding the foregoing, TENANT may sublet or permit the use of space within the interior of the Ferry Terminal Building for advertising by third parties and may sublet or permit the use of its berthing spaces by third parties.

To the extent TENANT is allowed to operate vending machines or a souvenir concession facility under this Agreement, TENANT may sublet its rights to a third party to do so.

All sublessees of TENANT under this provision shall be required to comply with all applicable terms of this Agreement and with all federal, state and local laws and regulations in their operations on the Premises. Copies of all subleases or permit agreements shall be provided to CITY.

B. TENANT shall not assign this Agreement, its rights hereunder, or the Premises or any portion thereof, without the prior written approval of CITY. Notwithstanding this Article, CITY agrees to give written consent to assignment of TENANT'S leasehold interest as defined herein to a Trustee for the benefit of TENANT'S bondholders to the extent said assignment is required by TENANT'S bond indenture.

C. The CITY shall not assign, sublet or convey its interest in the Premises or this Agreement unless such assignment, sublease or conveyance is expressly subject to this Agreement. CITY shall give TENANT no less than thirty (30) days' prior written notice of any such assignment, sublease or conveyance.

ARTICLE 17. EMINENT DOMAIN

If the Premises, or any significant portion thereof, are taken by eminent domain by any governmental authority or corporation having the power of eminent domain so as to prevent TENANT from continuing its operations on the Premises in substantially the same manner as it operated prior to such condemnation, then at the option of the TENANT, this Agreement shall terminate without penalty or termination charge and TENANT shall be entitled to share in any award of damages made by the condemning authority to the extent of its interest in the Premises.

In the event TENANT can continue its operations in substantially the same manner as prior to the condemnation, or at TENANT'S option despite said condemnation, TENANT may elect to continue in possession of any portion of the Premises remaining after condemnation for the balance of the Term upon the same terms and conditions here, if it gives notice of such election to CITY within thirty (30) days of the taking of possession by the condemning authority.

In the event this Agreement terminates pursuant to this Article, the rental paid to CITY shall be equitably adjusted to the date TENANT is relieved of possession.

ARTICLE 18. DEFAULT BY THE CITY

A. CITY'S Obligations as Landlord

Upon expiration of the period to cure provided in Section B immediately below, the CITY shall be in Default hereunder if during the Term:

1. CITY fails to provide the Premises to TENANT for TENANT'S quiet use and enjoyment, during the Term, without hindrance or molestation by CITY or any person claiming by or through the CITY, except as provided in Article 26 below regarding the rights of Bath Iron Works;
2. It is determined that the CITY does not have the power and authority to execute and deliver this Agreement and to carry out and perform all covenants to be performed by it hereunder, except as provided for loss of adequate federal or state funds for design and construction of the Project; or
3. The CITY fails to observe or perform any of its covenants, agreements, or obligations of this Agreement.

B. Opportunity to Cure; Remedy for Default

1. If CITY is in violation of this Agreement, TENANT shall give CITY written notice of such violation, and no less than thirty (30) days in which to cure said violation.

2. In the event the CITY fails or refuses to cure such violation within the thirty (30) days or any period allowed under subsection (3) immediately below, TENANT may take whatever action at law or in equity may appear necessary or desirable to enforce performance and observance of any obligation, agreement, or covenant of CITY under this Agreement, or it may, at its option, also terminate this Agreement upon no less than thirty (30) days' written notice to City after expiration of the applicable period in which to cure.

3. In the event the TENANT gives notice of a violation of such a nature that it cannot be cured within the time specified by the notice, then such violation shall not be deemed to continue as long as CITY, after receiving such notice, gives written notice to TENANT of CITY'S inability to cure such violation within the specified time, describing in detail its reasons therefore and proceeds to cure the violation within as soon as reasonably possible and diligently continues to take all steps necessary to complete the same within a period of time which under all prevailing circumstances shall be reasonable, but in no event to exceed one (1) year from receipt of notice of violation. No violation shall be deemed to continue if and so long as the CITY shall be delayed in or prevented from curing the same by any cause specified in and in accordance with the terms of Article 22 hereinafter.

C. General Provisions

No delay or omission by TENANT to exercise any right or power accruing upon any violation or Default of this Agreement shall impair any such right or power or shall be construed to be a waiver thereof but any such right or any power may be exercised from time to time and as often as may be deemed expeditious, and unless otherwise expressly provided herein the exercise of any one right or remedy shall not impair the right of the TENANT to any or all of the remedies.

ARTICLE 19. DEFAULT BY THE TENANT

A. TENANT'S Obligations

Upon expiration of the period to cure provided in Section B immediately below, the TENANT shall be in default hereunder if during the Term:

1. TENANT fails to pay when due any amount or installment of Rent, or any other sums specified herein;

2. TENANT fails to observe or perform any of its covenants, agreements, or obligations of this Agreement;

3. To the fullest extent permitted by law, if there shall occur the dissolution of the TENANT or the TENANT shall file any petition or institute any proceedings under the Bankruptcy Code, either as such Code now exists or under any amendment thereof which may hereafter be enacted, or under any act or acts, state or federal, dealing with, or relating to the subject or subjects of bankruptcy or insolvency, or under any amendment of such act or acts, either as a bankrupt or as an insolvent, or as a debtor, or in any similar capacity, or any involuntary petition in bankruptcy is filed against the TENANT and the same is not stayed or

discharged within ninety (90) days from such filing or any other petition or any other proceedings of the foregoing or similar kind or character filed or instituted or taken against the TENANT, or a receiver of the business or of the property or assets of the TENANT shall be appointed by any court except a receiver appointed at the insistence or request of the CITY, or TENANT shall make a general or any assignment for the benefit of the TENANT'S creditors;

4. The TENANT shall substantially abandon or vacate the Premises or fail to sue the Premises for the provision of services set forth in Article 4 for a period in excess of ninety (90) days; or

5. TENANT shall use the Premises, or any part thereof, for uses not set forth herein.

B. Opportunity to Cure; Remedy for Default

1. If TENANT shall be in violation under this Article, or terms or conditions of this Agreement, CITY shall give written notice of such violation, and no less than thirty (30) days in which to cure said violation. However, violations in the payment of Rent must be cured within ten (10) calendar days of the notice of violation.

2. In the event TENANT fails or refuses to cure such violation within the thirty (30) days or any period allowed under subsection (3) immediately below, the CITY may take whatever action, at law or in equity, may appear necessary or desirable to collect the Rent then due or accrued, or to enforce performance and observance of any obligation, agreement, or covenant of TENANT under this Agreement. CITY may also, at its option, terminate this Agreement upon no less than thirty (30) days' written notice to TENANT after expiration of the applicable period in which to cure.

In the alternative, upon expiration of the period for cure, the CITY may proceed to cure TENANT'S violation provided CITY shall give TENANT ten (10) additional days notice of its intent to cure on TENANT'S behalf. CITY may thereafter proceed to cure and deliver receipts and records reflecting the costs of cure, which costs shall constitute Additional Rent. TENANT shall pay said Additional Rent within fifteen (15) days of receipt of said bill, if TENANT agrees to the existence of the violation and the reasonableness of the steps and costs of curing. TENANT shall be entitled to a reimbursement for payments to CITY which it subsequently claims were not reasonable in amount or justified by the terms of this Agreement. All disputes arising under this subsection not resolved by mutual agreement shall be submitted for arbitration pursuant to Article 21.

3. In the event CITY gives notice of a violation of such a nature that it cannot be cured within such a reasonable period of time, then such violation shall not be deemed to continue provided TENANT, after receiving such notice, gives written notice to CITY of TENANT'S inability to cure such violation within the specified time; describing in detail its reasons therefor and proceeds to cure the violation as soon as reasonably possible; and so long as TENANT diligently continues to take all steps necessary to complete the same within a period of time, which under all prevailing circumstances, shall be reasonable but in no event to exceed one (1) year from receipt of notice of violation. No violation shall be deemed to continue if and so long as the TENANT shall be delayed in or

prevented from curing the same by any cause specified in and in accordance with the terms of Article 22 hereinafter. This subsection shall not apply to violation in the payment of any Rents or charges owing by TENANT hereunder.

C. Notices

In addition to the foregoing remedies for Default, CITY reserves the right to provide to any bond holders or mortgagees of TENANT a copy of any notice to TENANT from CITY that TENANT is in violation of its obligations hereunder.

D. General Provisions

No delay or omission by CITY to exercise any right or power accruing upon any violation or Default of this Agreement shall impair any such right or power or shall be construed to be a waiver thereof but any such right or any power may be exercised from time to time and as often as may be deemed expeditious, and unless otherwise expressly provided herein the exercise of any one right or remedy shall not impair the right of the CITY to any or all of the remedies.

ARTICLE 20. TERMINATION

No notice to quit possession at the expiration date of the Term of this Agreement need to be given by the CITY, and TENANT covenants and agrees that upon expiration of the Term of this Agreement, or upon earlier Termination for Default by either party as hereinabove provided, it will peaceably surrender possession of the Premises leased hereunder in good condition, reasonable wear and tear, acts of God, fire, public enemy, and other casualties over which TENANT has no control excepted and CITY shall have the right to take possession of said Premises and all permanent improvements thereto. TENANT shall have the right, at any time during the Term of this Agreement or upon termination and within sixty (60) days thereafter, to remove all trade fixtures, equipment and other personal property installed or placed by it at its expense, in, on, or about the Premises, subject, however, to any valid lien which the CITY may have thereon for unpaid rents or fees. Any and all property not removed by TENANT within the said sixty (60) day period shall thereupon become a part of the land on which it is located and title thereto shall thereupon vest in the CITY. All removal shall be at TENANT'S sole cost and expense and all property damaged by or as the result of the removal of TENANT'S property shall be restored by TENANT at its expense to the condition existing prior to such damage.

ARTICLE 21. ARBITRATION

All claims, disputes, and other matters in question between the parties arising out of or relating to this Agreement or the breach thereof shall be decided by Arbitration in accordance with the General Arbitration Rules of the American Arbitration Association then obtaining and the Maine Uniform Arbitration Act, unless the parties mutually agree otherwise. Notwithstanding the foregoing, any claims, disputes, and other matters in question arising out of this Agreement which by the express terms of this Agreement are reserved for binding resolution by means other than arbitration shall not be arbitrable.

In the event that the parties shall not resolve an arbitrable dispute within the time reserved for resolution by the terms of this Agreement, and if no time has been reserved, then after a period of ninety (90) days, either party may request in writing that the dispute be submitted to arbitration. The CITY and TENANT shall mutually agree upon an arbitrator within ten (10) days of said request. In the even they are unable to agree, an arbitrator shall be selected through the American Arbitration Association in accordance with its rules as aforesaid.

Thereafter, arbitration shall be had in accordance with said rules. The Arbitrator shall have no authority to add to, subtract from, or modify the provisions of this Agreement. The Arbitrator may order reasonable discovery. The Arbitrator's decision shall be final and binding on the parties. The cost of the Arbitrator and arbitration shall be borne equally by the parties, however the Arbitrator may award all costs of Arbitration to the prevailing party if he/she determines that the other party acted in bad faith. Each party shall be responsible for the cost of presenting its own case.

ARTICLE 22. FORCE MAJEURE

Neither the CITY nor TENANT shall be deemed in violation of this Agreement if it is prevented from performing any of the obligations hereunder by reasons of strikes, boycotts, labor disputes, embargoes, shortage of material, acts of God, acts of the public enemy, acts of superior governmental authority, riots, rebellion, sabotage, or other reason for which it is not responsible and which is beyond its control, provided that:

A. The non-performing party, within ten (10) calendar days after the occurrence of the FORCE MAJEURE gives the other party written notice describing the particulars of the occurrence;

B. The suspension of performance be of no greater scope and of no longer duration than is required by the Force Majeure; and

C. The non-performing party use good faith, diligent efforts to remedy its inability to perform.

ARTICLE 23. "FAVORED NATION"

To the extent permitted by law, the CITY agrees that it will not charge a more favorable rental, fee or charge to any other water transportation service offering the same services as TENANT to and between the Casco Bay Islands and operating to and from the west side of the Maine State Pier under lease with the City, than that being paid by TENANT hereunder, unless said rental, fee, or charge is offered to TENANT.

ARTICLE 24. SIGNS

As part of its construction of the Project, CITY shall provide basic public signage for the Project, including but not limited to directional signs to the Premises and the Ferry Terminal Building. All other signs to or on the Premises shall be installed by TENANT at its own cost and expense, and all such signage shall be subject to the prior approval of the Director.

ARTICLE 25. RECORD-KEEPING

TENANT generally shall keep records of its operations and finances according to generally accepted accounting principles and in accord with any applicable federal or state requirements and CITY shall have the right, upon reasonable notice, to inspect all data and records relating to TENANT'S performance under this Agreement, such inspection to be done during normal business hours and at CITY'S expense.

ARTICLE 26. BATH IRON WORKS OPERATIONS

Pursuant to Article 18 of the "Pier Lease" dated January 18, 1982, by and between the City of Portland and Bath Iron Works, a copy of which is on file in CITY'S Finance Department, TENANT agrees that it will not use the Premises in a manner which interferes with or creates a hazard to Bath Iron Works operations upon its property on the Maine State Pier adjacent to TENANT'S Premises. TENANT and CITY each agree that they shall notify the other party promptly of any such complaint.

ARTICLE 27. GOVERNING LAW

This Agreement and the performance thereof shall be governed, interpreted, construed, and regulated by the laws of the State of Maine.

ARTICLE 28. PARTIAL INVALIDITY

If any term, covenant, condition, or provision of this Agreement or the application thereof to any person or circumstance shall, at any time or to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term, covenant, condition, and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

ARTICLE 29. MEMORANDUM OF AGREEMENT

The parties shall at any time, at the request of either one, promptly execute an instrument, or instruments, in recordable form, which constitutes a Memorandum of Agreement setting forth a description of the Premises, the Term, and any other portions thereof, as either party may request or as may be required by an applicable law, ordinance, or governmental rule or regulation.

ARTICLE 30. PARTIES

The covenants, conditions, and agreements contained in this Agreement shall bind and inure to the benefit of the CITY and TENANT and their respective successors, and assigns.

ARTICLE 31. WAIVERS

Failure of the CITY or TENANT to complain of any act or omission on the part of the other party no matter how long the same may continue, shall not be deemed to be a waiver by said party of its rights hereunder. No waiver by the CITY or TENANT at any time, express or implied, of any breach of any provision of this Agreement shall be deemed a waiver or a breach of any other provision of this Agreement or a consent to any subsequent breach of the same or any other provision.

ARTICLE 32. NOTICES

Every notice, demand, request, approval, consent, or other communication authorized or required by this Agreement shall be in writing and shall be deemed to have been properly given

when delivered in hand or sent postage prepaid by United States registered or certified mail, return receipt requested, addressed as follows:

If to the CITY, to the attention of the City manager, City of Portland, 389 Congress Street, Portland, ME 04101, with a copy to the Director of Transportation and Waterfront Facilities; and,

If to the TENANT, to the General Manager, P.O. Box 4656, D.T.S., Portland, ME 04112. or such other persons or addresses as such party may designate by notice given from time to time in accordance with this Article. The Rent payable by TENANT hereunder shall be paid to CITY at the place to be designated in writing by the City Manager.

ARTICLE 33. ENTIRE AGREEMENT

This Agreement (including exhibits hereto) expresses the entire understanding and all agreements of the CITY and the TENANT with each other, and neither the CITY nor the TENANT has made or shall be bound by any agreement with or any representation to the other which is not expressly set forth in this Agreement (including the exhibits hereto). This Agreement (including the exhibits hereto) may be modified only by an agreement approved and signed by the CITY and the TENANT.

IN WITNESS WHEREOF, the said CITY OF PORTLAND has caused this Lease to be signed in its corporate name and sealed with its corporate seal by Stephen T. Honey, its City Manager, thereunto duly authorized, and CASCO BAY ISALDN TRANSIT DISTRICT, has caused this Agreement to be signed by _____, its _____, duly authorized, as of the day and date first stated above.

WITNESS:

CITY OF PORTLAND

By: _____
Its City Manager

CASCO BAY ISLAND TRANSIT DISTRICT

By: _____
Its

STATE OF MAINE
CUMBERLAND, ss.

February 28, 1985

Personally appeared the above-named Stephen T. Honey, City Manager of said City of Portland, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of the City of Portland.

Before me,

Notary Public

STATE OF MAINE
CUMBERLAND, ss.

March 5, 1985

Personally appeared the above-named Patrick R. Christian as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of Casco Bay Island Transit District.

Before me,

Notary Public

CASCO BAY FERRY TERMINAL LEASE

APPENDIX B

INCORPORATION OF FEDERAL RULES AND REGULATIONS

This Appendix consists of "Form UMTA F 2018", dated 10/1/83, and "Form UMTA F 5G", rev. 4/1/83, a copy of which is attached hereto.

TENANT agrees to comply with all rules and regulations herein which are determined to be applicable to TENANT as lessee of the Premises, including but not limited to, the following:

Form UMTA F 2018:	Sections 5 through 8
Form UMTA F 5G:	Sections 108 through 110; Sections 117 through 121

Order 216-17/18
Tab 19 5-14-18

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROPRIATING \$500,000 FROM ASSIGNED FUND BALANCE FOR
WORKERS COMPENSATION SELF INSURANCE**

ORDERED, that \$500,000 from the Assigned Fund Balance is hereby appropriated for use within the City's Workers' Compensation and Self-Insurance program; and

BE IT FURTHER ORDERED, that the City Manager or his or her designee is hereby authorized to sign whatever documents are necessary to effect the intent and purpose of this order.

Order 217-17/18
Tab 20 5-14-18

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

AMENDMENT TO PORTLAND CITY CODE
Re: **VARIOUS FEE INCREASES FOR FISCAL YEAR 2019**
IN CHAPTERS 10, 14, 15, 24, 25 and 28

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Section 10-18 is hereby amended to read as follows:*

Sec. 10-18. Amendments.

The Fire Prevention Code adopted by section 10-16 is amended, modified and deleted in the following respects:

(a) Section 1.10 (Board of Appeals); *delete.*

...

(c) Section 1.12.7 is amended to read as follows:

...

Permit	Fire Prevention Code Section	Permit Fee
...		
Dry Cleaning Plants	1.12.7	\$62.00 (D)
Fire Alarm Inspections Sticker	1.12.7	\$20.00 <u>25.00</u> each
Fireworks Display	1.12.7	\$141.00**

...

2. *That Sections 14-54 and 14-530 are hereby amended to read as follows:*

Sec. 14-54. Zone change/zone map fees.

(a) One or more of the following fees will be charged by the city for applications for changes of zone according to the following major zoning classifications and pertinent data relating to the specific zone change:

- (1) Zoning Map Amendments: ~~\$3,000.00~~ \$7,500.00
- (2) Zoning Text Amendments: ~~\$3,000.00~~ \$7,500.00
- (3) Combination Zoning Map and Text Amendments: ~~\$4,000.00~~ \$10,000.00
- (4) Conditional Rezoning: ~~\$5,000.00~~ \$10,000.00

...

Sec. 14-530. Development review fees and post approval requirements.

(a) *Development Review Fees.*

1. Payment of fees and costs: Prior to the issuance of permits of any kind or the release of a signed subdivision plat for recording for any project whose permit fee is governed by this ordinance, all current charges due under this ordinance shall be paid and the developer must otherwise be in compliance with the provisions of the City Code.

...

4. Site Plan Review Expenses.

- a. Level I: Minor Residential \$300 (flat fee)
- b. Level I: Site Alteration ~~\$200~~ \$600.00
- c. Level II: Site Plan ~~\$400~~ \$800.00
- d. Level III: Site Plan
 - i. Under 50,000 sf ~~\$750~~ \$2,750.00
 - ii. 50,000-100,000 sf ~~\$1,000~~ \$3,000.00
 - iii. 100,000-200,00 sf ~~\$2,000~~ \$4,000.00

- iv. 200,000-300,000 sf ~~\$3,000~~5,000.00
- v. Over 300,000 sf ~~\$5,000~~7,000.00
- vi. Parking lots over 100 spaces ~~\$1,000~~1,600
- e. Master Development Plan \$1,000
- f. After the Fact Review ~~\$1,000~~2,000.00 plus application fee
- g. Amendment to Site Plans
 - i. Planning Board Review ~~\$500~~1,500.00
 - ii. Administrative Review \$250
- h. Other Site Plan Reviews
 - i. Administrative Authorization \$50
 - ii. Special Exception Sign Review \$75
 - iii. Section 14-403 Street Extensions \$400 plus \$25 per lot
- i. Fee for Development Review Services
 - i. Planning fee per hour ~~\$5~~254
 - ii. Legal fee per hour \$75
 - iii. Third-party Review Fees assessed by the Third Party Professional
- j. State Delegated Review Fees
 - i. Site Location of Development \$3,500, except for residential projects which will be \$200 per lot.
 - ii. Traffic Movement Permit \$1,500
 - iii. Stormwater Quality Permit \$250
- k. Performance Guarantee

1. As required in Section 14-530 (b) (4).

1. Inspection Fees, as required in Section 14-530 (b) (5)

i. Level I: Site Alteration, Level II and Level III: 2% of the performance guarantee or as assessed by Planning or Public Works Engineer at \$5254 an hour with minimum inspection fee of \$300 Level I: Minor Residential Inspection Fee \$100 (flat fee).

m. Street vacation \$2,000

3. That Section 15-6 is hereby amended to read as follows:

Sec. 15-6. Fees.

(a) *Application fees.* Except as expressly provided, all applications for original licenses or for the consent of the city council, other than a flea market seller, temporary FSE or auction license, shall be accompanied by an administrative fee of thirty-five dollars (~~\$35.00~~45.00) to defray the cost of processing the application. All applications for renewal of licenses shall be accompanied by the fees for issuance and an administrative fee of twenty-five dollars (~~\$25.00~~35.00), except for a flea market seller to defray the cost of processing the application. In any case where notice by publication or mail is required, the applicant shall pay the cost of publication and postage in advance. Application fees shall not be refundable.

...

4. That Sections 24-72, 24-83 and 24-84 are hereby amended to read as follows:

Sec. 24-72. Sanitary sewer user charges.

(a) *Applicability.* There are levied upon all parcels of land charges for cost of treatment of wastewater and stormwater and for the operation and maintenance of the wastewater system.

...

(c) *Computation.* The user charges shall be computed in accordance with the following schedule, as from time to time

amended, which shall be sufficient to meet costs of the eligible purposes for which such charges may be used. Beginning July 1, 2017/2018, user charges under this section for both dwelling units and commercial units shall be nine dollars and sixtyninety-five cents (~~\$9.659.95~~) per hundred cubic feet of volume for connected parcels of land. The user charge for developed but unconnected parcels of land shall be one dollar and seventy-one cents (\$1.71) per hundred cubic feet of volume. Each metered billing unit shall have a minimum charge of at least one hundred (100) cubic feet per month.

...

Sec. 24-83. Exemptions.

Exemptions from stormwater charges established under this article are not allowed, except as provided in this section. Exemptions shall be allowed for:

(a) All roads owned or maintained by the State of Maine, including the Maine Turnpike; and all accepted City roads and all roads maintained by the City; all private roads and ways serving more than two dwelling or structures, but not driveways; all public pedestrian walkways. However, parking lots, buildings, or other developed land within the right-of-ways shall not be exempt from storm water service charges;

(b) Undeveloped land;

(c) Railroad rights-of-way (tracks). However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from storm water service charges;

(d) Airport runways, taxiways and aprons upon which public and private aircraft operate;

(e) With the exception of Peaks Island all islands are exempted from the fee due to the limited services provided to the islands.

(f) All City-owned land, buildings and other real property.

Sec. 24-84. Stormwater Service Charge.

(a) There is levied upon all developed land stormwater service charges for the cost of providing stormwater services. All developed land shall be charged six dollars and thirty cents (~~\$6.00~~6.30) per month per one thousand two hundred (1,200) square feet of impervious surface area, rounded to the nearest one thousand two hundred (1,200) square feet of impervious surface area.

(b) The basis for this charge is the measured amount of impervious surface area on the developed land as determined by the city. This measured area may be updated from time to time at the discretion of the Department of Public Works upon evidence of impervious surface area change or the availability of updated or more accurate information.

(c) Fees collected hereunder to fund stormwater services can also be supplemented by other revenues available to the city, including but not limited to state, federal, general and special city funds, and private grants and loans.

5. That Sections 25-27 and 25-119 are hereby amended to read as follows:

Sec. 25-27. Fees and fines.

(a) The following fees are hereby established for the issuance of a revocable street and sidewalk occupancy permit:

- (1) Objects other than portable signs, including but not limited to tables, chairs, barricades and bollards, eighty-eight dollars (\$88.00) for one (1) fiscal year or any portion thereof;
- (2) Portable signs, twenty-five dollars (\$25.00) plus twenty cents (\$0.20) per square foot of signage. Square footage is calculated pursuant to section 14-369(b) of the land use ordinance. Permits remain valid until there is a change:
 - a. In the sign dimensions; or
 - b. In the use, lessee or ownership of the business causing a change in the business name, design or dimensions.
- (3) Vehicles, equipment, or construction materials, ~~fifteen dollars (\$15.00) per day or any portion~~

thereof as follow;

a. The Parking Space Permit shall be \$20.00 per day or any portion thereof;

b. The Sidewalk Permit shall be \$20.00 per day or any portion thereof;

c. The Single Lane Closure Permit shall be \$50.00 per day or any portion thereof; and

d. the Street Closure Permit shall be \$100.00 per day or any portion thereof.

- (4) Use of city property (including but not limited to festivals, events, promotions, demonstrations, parades, marches, road races, walkathons, fundraisers, press conferences, rallies, protests, sampling, poll taking, banners and public displays), fee as provided by annual order of the city council;

...

(c) The following violation fines are hereby established for the failure to obtain a street occupancy permit or follow an approved management plan for vehicle traffic and/or pedestrian detours:

- (1) ~~\$75.00~~ 125.00 per day for failure to obtain a revocable street and sidewalk occupancy permit; and
- (2) ~~\$50.00~~ 100.00 a day for failure to follow an approved management plan for vehicle traffic and/or pedestrian detours

...

Sec. 25-119. Excavator license.

No person or utility shall excavate in a public place without holding a valid excavator's license and obtaining a street opening permit as provided in division 2 of this article, for such work from the city. The public works authority shall issue the excavator's license upon receipt of an application therefor and the annual license fee of ~~\$596.00~~ 600.00, after having satisfied himself or herself of the competency and ability of the applicant to carry on the business of excavating. Persons or utilities without a previous work history with the

city may be required at the discretion of the director to submit references from responsible municipal officials from other municipalities. No person or utility possessing such license shall allow his or her name to be used by any person or utility, directly or indirectly, either to obtain a permit or to do any work under this license; provided, however, that nothing herein shall be construed to prohibit a licensed excavator from doing such work through an authorized agent or employee who is directly and continuously supervised by him while in the performance thereof. A license issued to an excavator may be revoked after notice and hearing, if it is determined by the city that the licensed excavator has willfully disobeyed any portion of this article or the rules and regulations.

...

6. That Section 28-86 is hereby amended to read as follows:

Sec. 28-86. Parking meter rates.

The rate for parking at a meter in the city shall be one dollar and ~~twenty-five~~fifty cents (~~\$1.25~~1.50) per hour as follows: ~~three-two~~ (~~32~~) minutes for the first nickel (\$0.05), ~~two~~ (~~2~~) minutes for the second nickel; ~~five-four~~ (~~54~~) minutes for a dime (\$0.10); and ~~twelve-ten~~ (~~1210~~) minutes for a quarter.

BE IT FURTHER ORDERED, that this amendment shall be effective on
July 1, 2018.



Keith N. Gautreau
Interim Fire Chief, Fire Department

To: Brendan O'Connell, Finance Director
Jennifer Lodge, Budget Analyst
Anne Bilodeau, Deputy Finance Director
From: Keith Gautreau, Interim Chief of Department
Date: 4/24/2018
RE: Fee Changes for Chapter 10 – Fire Prevention and Protection

The Fire Department is proposing raising our fire alarm inspection sticker fee from \$20 to \$25. The sticker fee has remained the same since the inception of the Fire Alarm Sticker program in 2010. We anticipate bringing in an additional \$5,000.00 in revenue for FY 2019.

Fee Type	Current Fee	Proposed Fee	Est Additional Revenue
Fire Alarm Sticker (Chapter 10-18 (C))	\$20.00	\$25.00	\$5,000.00

Sincerely,

Keith Gautreau
Interim Fire Chief of Department



Planning & Urban Development Department

To: Jon Jennings, City Manager
Brendan O'Connell, Finance Director

From: Jeff Levine, Planning & Urban Development Director

Date: April 20, 2018 - Revised

RE: Fee Changes for Chapter 14- Land Use Ordinance

Based on conversations with the City Manager, we are proposing to adjust our application fees to add clarity and certainty to the Planning Board process. The result would be a higher up-front permit fee that presents a closer estimate of the full cost of the review process.

Currently, we charge a base application fee and then additionally charge for staff review time, mailing of notices, and some administrative expenses. We are proposing to move to a "one-time fee" approach as much as feasible. We would still charge for third party consultant time, additional noticing and staff time far in excess of typical amounts.

The proposed application fee would include the cost of mailing the receipt of application notice to abutters, planner's review time up to 20 hours and administrative time for preparation of additional public noticing. Continued invoicing will be done monthly for planner's time over 20 hours, third party reviews, additional public noticing and legal ad costs.

We are also proposing to increase the billable hourly rate for staff review time. The increase in fees in Chapter 14 will help cover the annual COLA increase along with salary and fringe benefit costs associated with the charge to the city for staff reviews on development projects. We are proposing to increase fees annually based on the annual salaries including step increases and COLA %. This is the fairest way to recover these costs from applicants. As mentioned above, the new proposed fees for many applications will incorporate some staff review time, so we anticipate much less billing of staff time at the hourly rate.

<i>Fee Type</i>	<i>Current Fee</i>	<i>Proposed Fee</i>	<i>Est. Additional Revenue</i>
Staff Time (Planners) (Based on 1,200 hrs per yr) Chapt. 14-530(A)(4)(i)(i)	\$52	\$54	\$2,400
DRC Billing (Based on 350 hrs per yr) Chapt 14-530(A)(4)(l)(i)	\$52	\$54	\$700

FY19 REVENUE FEE SCHEDULE CHANGE

Department: Planning and Urban Development

Account #	Revenue Description	Current Fee	FY19 Proposed Fee
<u>Ordinance Fee Change</u>			
100-2404-341-00-00	*Zone change/zone map fees (Sec. 14-54)		
	*Zoning Map Amendments	\$3,000	\$ 7,500
	*Zoning Text Amendments	\$3,000	\$ 7,500
	*Combination Zoning Map and Text Amendments	\$4,000	\$10,000
	*Conditional Rezoning	\$5,000	\$10,000
100-2404-342-11-00	Development Application Fees (Sec. 14-530 (A)(4))		
	(b)* Level I: Site Alteration	\$ 200	\$ 600
	(c) *Level II: Site Plan	\$ 400	\$ 800
	(d) *Level III: Site Plan:		
	*i. Under 50,000 sf	\$ 750	\$2,750
	*ii. 50,000 to 100,000 sf	\$1,000	\$3,000
	*iii. 100,000 to 200,000 sf	\$2,000	\$4,000
	*iv. 200,000 to 300,000 sf	\$3,000	\$5,000
	*v. Over 300,000 sf	\$5,000	\$7,000
	*vi. Parking Lots over 100 spaces	\$1,000	\$1,600
	(f) *After the Fact	\$1,000	\$2,000
	(g) *Amendment to Site Plan		
	*(i) Planning Board Review	\$ 500	\$1,500
100-2404-342-12-00	Fee for Development Review Services (Sec. 14-530 (A)(4)(i)(i))		
	i. Planning fee per hour	\$ 52	\$ 54
100-2404-342-13-00	Inspection Fees, as required in Section 14-530 (b) (5)		
	i. Level I: Site Alteration, Level II and Level III: 2% of the performance guarantee or as assessed by Planning or Public Works Engineer at \$52 an hour with minimum inspection fee of \$300 Level I: Minor Residential Inspection Fee \$100 (flat fee).	\$ 52	\$ 54
	(Sec. 14-530 (A)(4)(l)(i))		

****Increase in billable hourly rate (\$52 to \$54) to cover annual COLA increases. Increased application fees to include cost of mailing for receipt of application notice, planners review time up to 20 hours and administrative time for preparation of additional public noticing. Additional review time beyond 20 hours and additional third party and noticing costs will be invoiced separately****



Permitting and Inspections Department
Michael A. Russell, MS, Director

MEMORANDUM

To: Jon Jennings, City Manager
CC: Jennifer Lodge, Budget Analyst
From: Michael Russell, Director, Permitting and Inspections *MR*
Samantha Chapin, Principal Administrative Officer
Subject: Fee Increase **FY19**
Date: April 19, 2018

Recommendation: Increase the cost of Business License application fees, new and renewal, by \$10 per application.

Executive Summary: Business License Application fees are established by ordinance in Chapter 15 Sec. 15-6, and referenced in the Revenue Projections in the Permitting and Inspections Department; Business Licensing Division; account number 100-2504-322-00-00, section E, items 1 and 2.

Current fees:
\$35 for original applications and \$25 for renewal applications.

Proposed fees:
\$45 for original applications and \$35 for renewal applications

Impact: FY19 projections include 203 original applications and 1,294 renewal applications.

The total increase in FY19 revenue as a result of the \$10 increase will be \$14,970.

Justification: Current application fees were established in FY11 by Council Order no. 224-09/10. With the increased staffing costs since that time, the administrative cost of processing applications has also increased. The new fees will be more appropriately aligned with actual cost of administrative time.

FY19 REVENUE FEE SCHEDULE CHANGE

Department: Permitting & Inspections

Ordinance fees: Chapter 15 15-6(a)

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
100-2504-322-00-00	New Application Fee	\$35.00	\$45.00
100-2504-322-00-00	Renewal Application Fee	\$25.00	\$35.00

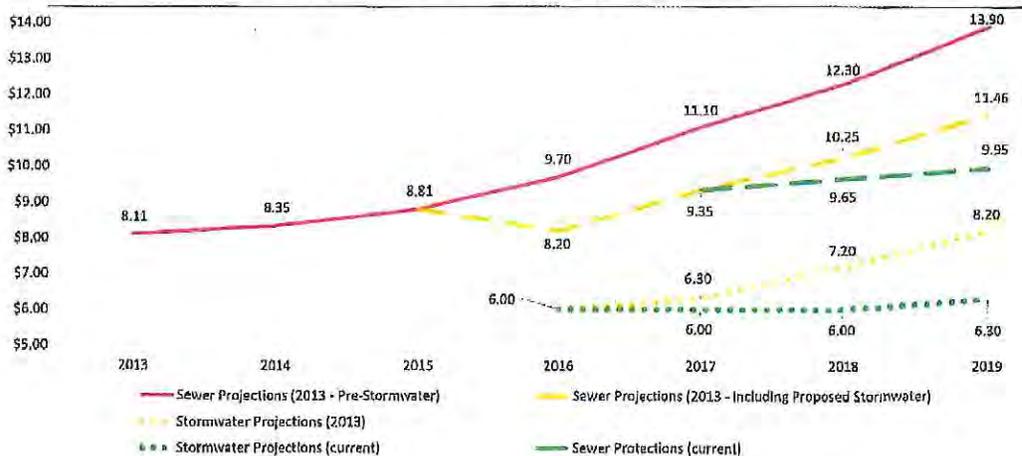


TO: Members of the City Council, Jon Jennings, City Manager;
 FROM: Brendan T. O'Connell, Director of Finance **BTO**
 DATE: May 9, 2018
 RE: Sewer Rate and Stormwater Service Charge Rate for FY19

The City continues to fund projects related to the Department of Environmental Protection ("DEP") mandated Combined Sewer Overflow ("CSO") requirements through first the Tier II and now the Tier III approved projects. This includes financing several hundred million in capital costs over an approximate 20 year time period, paid for through the Sewer user fees, and beginning in 2016 also by Stormwater Service Charges. As illustrated below the rate increases currently being proposed for FY19 are significantly lower than the rates projected by Sustainable Storm Water Funding Task Force when the Stormwater Service Charge was originally being contemplated several years ago. The lower rates are a result of lower than anticipated borrowings for CSO from 2015 through 2017.

The existing Sewer Rate of \$9.65 will need to be increased to \$9.95 per hcf from July 1, 2018 through June 30, 2019 due to increasing debt service repayments resulting from DEP mandated projects. This is approximately a 3.1% increase. For the first time since it was implemented there will be an increase in the Stormwater Service Charge. It will rise to \$6.30 per month for every 1,200 square feet of impervious area, an approximately 5% increase. As illustrated by the chart below, the current rate is significantly lower than projected Sewer Rates if no Stormwater Service Charge had been implemented. Residents should have noticed a decrease in their Sewer bill when the Stormwater Service Charge was implemented. The increase will be used to fund the additional debt service generated by DEP mandated projects and some projects will be funded with operating budget funds.

Sewer and Stormwater Rate Increases FY13 through FY19 (Projected and Actual)



FY19 REVENUE FEE SCHEDULE CHANGE

Department: Stormwater Fund (571)

Ordinance Chapter 24 § 84(a)

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
571-3100-344-6500	Stormwater Service Charges (per 1,200 sf of impervious surface area)	\$6.00	\$6.30

***Effective July 1, 2018**

FY19 REVENUE FEE SCHEDULE CHANGE

Department: Sewer Fund (570)

Ordinance Chapter 24 § 72(c)

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
570-3100-344-xxxx	Sewer User Fees	\$9.65 hcf	\$9.95 hcf

***Effective July 1, 2018**



Christopher C. Branch, P.E.
Director of Public Works

To: Jon P. Jemmings, City Manager
 From: Christopher C. Branch, P.E. *CCB*
 Date: April 27, 2018
 Subject: Ordinance Fee Increase Request for FY19

The Department of Public Works is requesting the following fee increase in the Street Occupancy Program as part of our FY19 budget request.

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
<u>Ordinance 25-27</u>			
100-3135-321-00-00	Parking Space Permit	\$15.00	\$20.00
	Sidewalk Permit	\$15.00	\$20.00
	Single travel lane closure	\$15.00	\$50.00
	Street Closure	\$15.00 (per lane)	\$100.00
100-3135-351-00-00	Failure to Acquire Permit	\$75.00	\$125.00
	Non Compliance	\$50.00	\$100.00

The original document indicates \$00.00 as current fees. This is an error as each lane closure is \$15.00 per lane. The average street in Portland has two lanes of traffic with an average fee of \$30.00 charged to the customer. The suggested fee increase is directly related to recover a portion of the extra administration cost for the coordination review of the traffic control plans, with the Transportation Engineer, Police and Fire Departments and Development Review. These funds should be returned to the appropriate account.

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
<u>Ordinance 25-119</u>			
247-3100-321-02-00	Excavator License	\$596.00	\$600.00
	Paving License	.00	\$100.00

FY19 REVENUE FEE SCHEDULE CHANGE

Department: Public Works
Ordinance Fees

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
<u>Street Occupancy Ordinance 25-27:</u>			
(a) (3): Vehicles, equipment, Construction materials, fifteen dollars (\$15.00) Per day or any portion thereof,			
100-3135-321-00-00	Parking space Permit	\$15.00	\$20.00
	Sidewalk Permit	\$15.00	\$20.00
	Single Lane Closure	\$15.00	\$50.00
	Street Closure	\$15.00	\$100.00
<u>Street Occupancy Ordinance 25-27:</u>			
(c) (1): Failure to obtain permit \$75.00			
100-3135-351-00-00	Failure to acquire permit	\$75.00	\$125.00
<u>Street Occupancy Ordinance 25-27:</u>			
(c) (2): Non Compliance \$50.00			
100-3135-351-00-00	Non-Compliance	\$50.00	\$100.00
 <u>Street Opening Ordinance 25-119:</u>			
247-3100-321-02-00	Excavator License	\$596.00	\$600.00
	Paving License	\$.00	\$100.00

CITY OF PORTLAND

MEMORANDUM

TO: JENNIFER LODGE
FROM: JOHN PEVERADA, PARKING MANAGER
DATE: APRIL 23, 2018
RE: FY19 REVENUE PROPOSALS

Per the result of the Budget Review with the City Manager, attached is the FY19 Revenue Fee Schedule Change for the Parking Division. Listed below is the affected revenue code and the amount of increase.

Revenue Code	Increase
---------------------	-----------------

Parking

100-1801-351-20-00 Code Violations / Parking Tickets	
Expired Parking Meter from \$15 to \$20	\$150,000
Prolonged Parking Ticket from \$20 to \$25	\$13,000

ORD FEE (Chapter 28-51) Last Revision: ORD CO #240-13/14

100-1801-364.10-00 Garages, Lots, Meters / Parking Meters	
Hourly rate from \$1.25 to \$1.50 per hour	\$600,000

Propose Chapter 28-86 of the Ordinance will need to be changed to read

The rate for parking at a meter in the city shall be One Dollar and Fifty cents (\$1.50) per hour as follows: two (2) minutes for a nickel (\$0.05), four (4) minutes for a dime (\$0.10), and ten (10) minutes for a quarter (\$0.25).

ORD FEE (Chapter #28-86) Last Revision: ORD CO #245-16/17

Parking Admin Total Increase: \$763,000

FY19 REVENUE FEE SCHEDULE CHANGE

Department: Parking

Ordinance Fees

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
100-1801-351.20-20 ORDINANCE FEE Chapter 28-51	Code Violation / Parking Tickets Expired Parking meter Ticket	\$15.00	\$20.00
100-1801-351.20-20 ORDINANCE FEE Chapter 28-51	Code Violation / PARKING Tickets Prolonged Parking Ticket	\$20.00	\$25.00
100-1801-364.10-00 ORDINANCE FEE Chapter 28-86	Garages, Lots, Meters / Parking Meters	\$1.25 / hr	\$1.50 / hr

Propose Chapter 28-86 of the Ordinance will need to be changed to read

The rate for parking at a meter in the city shall be One Dollar and Fifty cents (\$1.50) per hour as follows: two (2) minutes for a nickel (\$0.05), four (4) minutes for a dime (\$0.10), and ten (10) minutes for a quarter (\$0.25).

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

CITY OF PORTLAND
IN THE CITY COUNCIL

Order 218-17/18
Tab 21 5-14-18

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

FISCAL YEAR 2018-2019 APPROPRIATION RESOLVE

RESOLVED, that the sum of **\$247,954,999** is hereby appropriated for Fiscal Year 2019 for General Municipal purposes; and

BE IT FURTHER RESOLVED, that the sum of **\$110,578,716** is hereby appropriated for Fiscal Year 2019 for School purposes; and

BE IT FURTHER RESOLVED, that the Assessor of Taxes of the City of Portland be and hereby is directed to assess a tax upon all real estate liable to be taxed therein and to assess the owner of, or such other persons as may be liable by law for, personal property liable to be taxed therein on the first day of April, 2018 and not exempt from taxation, to the aggregate amount of **\$89,574,350** for municipal purposes and **\$88,003,431** for school purposes for a total tax levy of **\$177,577,781** resulting in a tax rate of **\$22.48** per \$1,000 of valuation (a **3.8%** increase) and in accordance with the provisions of the Statutes of Maine; and

BE IT FURTHER RESOLVED, all taxes assessed as above and committed to the Director of Finance shall be due on September 14, 2018, and payable in two equal installments, the first due on the 14th day of September, 2018, and the second installment due on the 8th day of March, 2019. The delinquency rate of interest shall be seven percent (8%) per annum on all payments received after the respective due dates and the abatement rate of interest shall be three percent (4.0%) per annum.

TAX RATE COMPUTATION--FY2019
Finance Committee's Recommendation

	General Fund	Enterprise Funds	County Tax	TOTAL CITY	School Dept	GRAND TOTAL
Total Expenditures	\$188,074,053	\$53,592,101	\$6,288,845	\$247,954,999	\$110,578,716	\$358,533,715
Less: Revenues	(104,788,548)	(57,828,357)	0	(162,616,905)	(21,795,015)	(184,411,920)
Surplus	0	4,236,256	0	4,236,256	(780,270)	3,455,986
Tax Levy	\$83,285,505	\$0	\$6,288,845	\$89,574,350	\$88,003,431	\$177,577,781
				50.4%	49.6%	100.0%
Valuation	7,900,000,000					
Tax Rate:						
FY19	\$10.54	\$0.00	\$0.80	\$11.34	\$11.14	\$22.48
FY18	\$10.28	\$0.00	\$0.76	\$11.04	\$10.61	\$21.65
\$ Increase	0.26	0.00	0.04	0.30	0.53	0.83
% of Total Increase	2.4%	0.0%	0.4%	2.7%	5.0%	3.8%

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2019
July 1, 2017 - June 30, 2018
July 1, 2018 - June 30, 2019
Finance Committee's Recommendation

	FY 18	FY 19	\$ +/()	%
CITY GENERAL FUND REVENUES				
31 Property Taxes	\$ 86,095,197	\$ 89,574,350	\$ 3,479,153	4.0%
31 Other Local Taxes	9,860,925	10,099,009	238,084	2.4%
32 Licenses & Permits	5,422,322	5,767,244	344,922	6.4%
33 Intergovernmental Revenue	9,860,357	10,464,979	604,622	6.1%
34 Charges for Services	36,661,015	35,867,048	(793,967)	-2.2%
35 Fines, Forfeits and Penalties	2,090,250	2,107,635	17,385	0.8%
36 Use of Money and Property	10,070,840	11,175,951	1,105,111	11.0%
39 Other Sources	29,245,462	29,306,682	61,220	0.2% ¹
Fund Balance Use (Restoration)	0	0	-	
Total General Fund Revenues	<u>189,306,368</u>	<u>194,362,898</u>	<u>5,056,530</u>	<u>2.7%</u>
GENERAL FUND EXPENDITURES				
100-1100 City Council	322,232	331,904	9,672	3.0%
100-1200 City Clerk	555,291	536,522	(18,769)	-3.4%
100-1300 City Manager	940,556	954,305	13,749	1.5%
Office of Economic Opportunity	208,166	0	(208,166)	-100.0%
Total Executive	<u>1,148,722</u>	<u>954,305</u>	<u>(194,417)</u>	<u>-16.9%</u>
100-1400 Assessor	479,633	404,377	(75,256)	-15.7%
100-1500 Finance Administration	1,124,070	1,155,368	31,298	2.8%
Treasury	705,331	684,733	(20,598)	-2.9%
Total Finance	<u>1,829,401</u>	<u>1,840,101</u>	<u>10,700</u>	<u>0.6%</u>
100-1600 Legal	620,971	709,403	88,432	14.2%
100-1700 Human Resources Admin	1,035,380	1,063,158	27,778	2.7%
100-1800 Parking	1,383,858	1,460,024	76,166	5.5%
Elm Street Garage	305,525	302,962	(2,563)	-0.8%
Spring Street Garage	461,961	449,378	(12,583)	-2.7%
Temple Street Garage	124,300	125,000	700	0.6%
Total Parking/Garages	<u>2,275,644</u>	<u>2,337,364</u>	<u>61,720</u>	<u>2.7%</u>
100-1900 Economic Development	491,047	633,989	142,942	29.1%
100-2100 Police Administration	1,075,847	1,207,316	131,469	12.2%
Jetport Security	558,351	572,198	13,847	2.5%
Uniformed Operations Group	9,925,829	10,062,663	136,834	1.4%
Bureau Investigative Services	1,845,493	1,928,235	82,742	4.5%
Operations Support Services	849,498	828,086	(21,412)	-2.5%
Dispatch Services	2,233,291	2,262,115	28,824	1.3%
Total Police	<u>16,488,309</u>	<u>16,860,613</u>	<u>372,304</u>	<u>2.3%</u>

*See General Fund Note References

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2019
July 1, 2017 - June 30, 2018
July 1, 2018 - June 30, 2019
Finance Committee's Recommendation

		FY 18	FY 19	\$ +/- ()	%
100-2200	Fire Administration	604,786	572,319	(32,467)	-5.4%
	Code Enforcement & Comm Svcs	247,879	270,157	22,278	9.0%
	Field Operations	14,657,948	14,685,959	28,011	0.2%
	Air Rescue	963,251	1,013,282	50,031	5.2%
	Operations Support Services	772,032	754,688	(17,344)	-2.2%
	Total Fire	17,245,896	17,296,405	50,509	0.3%
100-2400	Planning & Urban Dev. Admin	463,028	381,094	(81,934)	-17.7% 1
	Planning	1,290,368	1,408,378	118,010	9.1%
	Housing & Comm Development	190,928	0	(190,928)	-100.0% 1
	Total Planning & Urban Development	1,944,324	1,789,472	(154,852)	-8.0%
100-2500	Permitting & Inspections Administration	169,020	181,334	12,314	7.3%
	Inspections	985,252	980,841	(4,411)	-0.4%
	Housing Safety	251,388	346,993	95,605	38.0%
	Business Licensing	238,492	250,544	12,052	5.1%
	Total Permitting & Licensing	1,644,152	1,759,712	115,560	7.0%
100-2900	Information Technology	2,432,904	2,799,922	367,018	15.1%
100-3100	Public Works Administration	697,315	728,174	30,859	4.4%
	Districting	1,616,370	1,660,057	43,687	2.7%
	Solid Waste	1,689,277	1,769,118	79,841	4.7%
	Communications	124,588	128,226	3,638	2.9%
	Portland Downtown District	358,761	363,628	4,867	1.4%
	Transportation Operations	3,027,720	2,310,357	(717,363)	-23.7%
	Engineering	1,200,715	1,216,314	15,599	1.3%
	Winter Operations	1,370,058	1,329,559	(40,499)	-3.0%
	Fleet Services	3,713,605	3,818,936	105,331	2.8%
	Island Services	658,567	647,042	(11,525)	-1.8%
	Total Public Works	14,456,976	13,971,411	(485,565)	-3.4% 2
100-3300	Parks Rec & Facilities Admin	435,157	601,090	165,933	38.1%
	Merrill Auditorium	482,953	176,098	(306,855)	-63.5%
	Ice Arena	570,448	571,810	1,362	0.2%
	Public Assembly Facilities	1,001,715	1,056,708	54,993	5.5%
	Concessions	382,943	403,498	20,555	5.4%
	Athletic Facilities	764,638	767,343	2,705	0.4%
	Recreation	1,916,155	1,831,867	(84,288)	-4.4%
	Aquatics	623,895	643,899	20,004	3.2%
	Golf Course & Restaurant	1,451,041	1,584,537	133,496	9.2%
	Custodial Services	0	956,460	956,460	
	Cemeteries	842,811	874,369	31,558	3.7%
	Forestry	713,171	686,850	(26,321)	-3.7%
	Parks	952,576	1,001,603	49,027	5.1%
	Total Parks Rec & Facilities	10,137,503	11,156,132	1,018,629	10.0% 3

*See General Fund Note References

CITY OF PORTLAND, MAINE
 COMPARATIVE BUDGET PLAN FY2019
 July 1, 2017 - June 30, 2018
 July 1, 2018 - June 30, 2019
 Finance Committee's Recommendation

	FY 18	FY 19	\$ +/-	%
100-3500 Public Bldgs & Waterfront Admin	0	358,671	358,671	
Trades	1,127,867	719,605	(408,262)	-36.2%
Public Safety Bldg.	408,039	290,700	(117,339)	-28.8%
City Hall	448,512	322,100	(126,412)	-28.2%
Merrill Auditorium (PB)	0	196,550	196,550	
Hadlock Stadium	300,681	321,681	21,000	7.0%
Other Public Buildings	514,049	310,989	(203,060)	-39.5%
Expo Building	439,140	207,875	(231,265)	-52.7%
Waterfront	1,166,489	1,337,110	170,621	14.6%
School HVAC	521,703	521,703	0	0.0%
Canco Road Buildings	331,383	432,820	101,437	30.6%
Total Public Buildings & Waterfront	5,257,863	5,019,804	(238,059)	-4.5% 3
100-4001 HHS - Administration	401,930	419,772	17,842	4.4%
100-4100 Public Health Administration	220,419	221,597	1,178	0.5%
Family Health	232,099	53,125	(178,974)	-77.1% 1
Chronic Disease Prevention	504,143	101,397	(402,746)	-79.9% 1
India Street Clinic	646,139	474,841	(171,298)	-26.5% 1
Health Equity	129,874	110,976	(18,898)	-14.6% 1
Research & Evaluation	0	73,211	73,211	
Total Public Health	1,732,674	1,035,147	(697,527)	-40.3% 1
100-4200 Social Services Administration	430,565	612,379	181,814	42.2%
General Assistance	6,418,633	6,787,843	369,210	5.8%
Housing & Support Services	141,318	0	(141,318)	-100.0%
Portland Community Support Fund	250,000	200,000	(50,000)	-20.0%
Oxford Street Shelter	2,833,371	1,750,524	(1,082,847)	-38.2% 1
Family Shelter	1,130,829	562,492	(568,337)	-50.3% 1
Total Social Services	11,204,716	9,913,238	(1,291,478)	-11.5% 1
107-4300 Barron Center	16,977,542	15,630,623	(1,346,919)	-7.9% 4
100-4700 Debt Service	37,522,031	41,818,036	4,296,005	11.4%
100-4800 Public Library	3,936,725	4,062,000	125,275	3.2%
100-5100 Pension	7,401,409	8,126,801	725,392	9.8%
100-5200 Health Insurance	18,056,340	20,110,956	2,054,616	11.4%
Workers' Comp	1,850,774	1,786,778	(63,996)	-3.5%
Group Life	202,854	205,822	2,968	1.5%
Unemployment	100,000	100,000	0	0.0%
FICA	1,091,100	1,138,099	46,999	4.3%
Total Employee Benefits	21,301,068	23,341,655	2,040,587	9.6%
100-6100 Contingent	275,820	275,850	30	0.0%
100-6200 Liability Insurance	782,418	774,458	(7,960)	-1.0%

CITY OF PORTLAND, MAINE
 COMPARATIVE BUDGET PLAN FY2019
 July 1, 2017 - June 30, 2018
 July 1, 2018 - June 30, 2019
 Finance Committee's Recommendation

	FY 18	FY 19	\$ +/-	%
100-6500 Regional Transportation Program	72,380	72,380	0	0.0%
Contributions	364,194	365,850	1,656	0.5%
Total Memberships/Contributions	436,574	438,230	1,656	0.4%
100-6700 Wage Adjustment	419,835	60,000	(359,835)	-85.7%
Total General Fund Expenditures	180,758,990	185,360,404	4,601,414	2.5%
100-6300 County Tax	5,907,743	6,288,845	381,102	6.5%
100-6502 Metro Assessment	2,639,635	2,713,649	74,014	2.8%
Total General Fund and Assessments	\$ 189,306,368	\$ 194,362,898	\$ 5,056,530	2.7%

Notes:

- 1 Reflects a change in accounting for grant funded programs, not a true reduction
- 2 Taking into account a savings of \$821,000 for LED street lights, the Public Works budget is actually increasing by 2.5%
- 3 When combined, these two budgets are increasing 5%, however, taking revenues into account, there is a 4.8% reduction in net city cost
- 4 Reflects a decline in patients due to market forces

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2019
July 1, 2017 - June 30, 2018
July 1, 2018 - June 30, 2019
Finance Committee's Recommendation

	FY 18	FY 19	\$ +/-	%
ENTERPRISE FUND REVENUES				
31 Property Taxes, Current Year	\$ -	\$ -	\$ -	
32 Licenses & Permits	28,850	22,850	(6,000)	-20.8%
33 Intergovernmental	116,800	116,800	-	0.0%
34 Charges for Services	32,252,496	33,567,185	1,314,689	4.1%
36 Use of Money and Property	22,461,391	23,747,326	1,285,935	5.7%
39 Other Sources	410,809	374,196	(36,613)	-8.9%
Fund Balance	(4,220,518)	(4,236,256)	(15,738)	0.4%
Total Enterprise Fund Revenues	51,049,828	53,592,101	2,542,273	5.0%
ENTERPRISE FUND EXPENDITURES				
530-3300 Fish Pier	382,210	398,213	16,003	4.2%
570-1503 Sewer - Finance Admin	91,337	134,810	43,473	47.6%
570-3101 Public Works Admin	807,783	780,653	(27,130)	-3.4%
570-3112 Districting	2,850,513	3,019,206	168,693	5.9%
570-3115 Communications	64,056	67,687	3,631	5.7%
570-3137 Sewer Engineering	353,808	618,211	264,403	74.7%
570-3155 Debt Service	7,095,098	7,745,068	649,970	9.2%
570-3156 Fringe Benefits	1,347,424	1,493,120	145,696	10.8%
570-3158 Assessment from Portland Water District	12,149,862	12,462,772	312,910	2.6%
Total Sewer	24,759,881	26,321,527	1,561,646	6.3%
571-1502 Stormwater - Finance Admin	250,965	265,463	14,498	5.8%
571-3140 Stormwater Management	2,083,537	1,817,499	(266,038)	-12.8%
571-3155 Debt Service	350,726	389,797	39,071	11.1%
571-3156 Fringe Benefits	355,025	286,855	(68,170)	-19.2%
Total Stormwater	3,040,253	2,759,614	(280,639)	-9.2%
583-2801 Jetport Admin	952,896	1,047,618	94,722	9.9%
583-2802 Field	3,814,776	4,091,912	277,136	7.3%
583-2803 General Aviation	17,168	17,168	-	0.0%
583-2804 Fringe, Indirects & Chargebacks	3,640,664	3,960,802	320,138	8.8%
583-2805 Jetport Operations	2,375,139	2,595,898	220,759	9.3%
583-2806 Terminal	5,514,516	5,970,545	456,029	8.3%
583-2808 Marketing	545,740	501,890	(43,850)	-8.0%
583-2809 Parking	4,469,974	4,447,615	(22,359)	-0.5%
583-2810 Airfield Deicing	689,206	700,661	11,455	1.7%
583-2807 Jetport Anticipated Surplus	847,405	778,638	(68,767)	-8.1%
Total Jetport	22,867,484	24,112,747	1,245,263	5.4%
Total Enterprise Fund Expenditures	51,049,828	53,592,101	2,542,273	5.0%
TOTAL CITY EXPENDITURES	\$ 240,356,196	\$ 247,954,999	\$ 7,598,803	3.2%

CITY OF PORTLAND, MAINE
 COMPARATIVE BUDGET PLAN FY2019
 July 1, 2017 - June 30, 2018
 July 1, 2018 - June 30, 2019
 Finance Committee's Recommendation

	FY 18	FY 19	\$ +/- ()	%
SCHOOL DEPARTMENT REVENUES				
Property Taxes	82,787,921	88,003,431	5,215,510	6.3%
Local Revenue	7,410,851	5,455,679	(1,955,172)	-26.4%
State Subsidy	14,799,817	16,339,336	1,539,519	10.4%
Surplus Use	750,000	780,270	30,270	4.0%
Total School Revenues	\$ 105,748,589	\$ 110,578,716	\$ 4,830,127	4.6%
SCHOOL DEPARTMENT EXPENDITURES				
Public Schools	\$105,748,589	\$110,578,716	\$4,830,127	4.6%
TOTAL CITY AND SCHOOL EXPENDITURES	\$ 346,104,785	\$ 358,533,715	\$ 12,428,930	3.6%

City of Portland, Maine

Finance Committee's Recommended Budget



FY19 Budget

July 1, 2018 – June 30, 2019

**FY2019 BUDGET
FINANCE COMMITTEE'S RECOMMENDATION
CITY OF PORTLAND, MAINE**

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City of Portland Finance Committee Minutes - May 9, 2018

Attendees: Chair Nick Mavodones (NM), Committee Members Justin Costa (JC) and Ethan Strimling (ES), City Councilors Duson, Thibodeau, Cook and Ray. School Board Members Trevorrow, Davis, Vendil, Balfantz and Atkinson, Members of City and School Staff, Media and Public

Meeting Called to Order

Brief presentation from Portland Public School (PPS) Staff on Q&A Received at 4-26-18 Meeting including additional Q&A from Councilors
Presentation of follow up Q&A from City Finance Director including additional Q&A from Councilors

Motion to approve PPS budget as presented made by ES, Seconded by JC, discussion begins.

Amendment to PPS budget to reduce overall appropriation to \$110,578,716 from JC, seconded by NM - Passes 2-1 (ES opposed)

Motion to table PPS budget made by ES, seconded by JC, passes 3-0

Motion to take up FY19 City Manager Recommended budget: ES 1st, JC 2nd - discussion

Amendments to the main motion

- That the Building Permit Fee increase to 1.75%, instead of the recommended 1.5% increasing revenues by \$400,000 in the Inspections & Permitting Department, account 100-25- 02; Motion made by ES, seconded by JC - Fails 1-2 (ES in favor)
- That Business Licensing Fees be increased 10%, increasing revenues by \$120,000 in the Permitting and Inspections Department, account 100-25-04; Motion made by ES, seconded by NM - Fails 1-2 (ES in favor)
- That the payment for Supplemental Services from Portland Downtown be increased by \$200,000, increasing revenues in the Public Works Department, account 100-31-16; Motion made by ES, seconded by NM - Fails 1-2 (ES in favor)
- That Youth League fees be eliminated, decreasing revenues by \$47,000 in the Parks while raising expenditures by \$9,000, for a gain of \$56,000 in Recreation and Facilities Department, account 100-33-13; Motion made by ES, seconded by JC Passes 3-0
- That the increase in Before and After School Fees be eliminated, decreasing revenues by 100,000 in the Parks, Recreation and Facilities Department, account 100-33- 14; Fails 1-2 (ES in favor)
- That the increase in summer camp fees be eliminated, decreasing revenues by 12,000 in the Parks, Recreation and Facilities Department, account 100-33- 14; Passes 3-0
- That the fees for registering short term rental units be increase to \$500.00 for the 1st unit, \$1,000 for the 2nd unity; \$2,000 for the 3rd unit, \$3,000 for the 4th unit and \$5,000 for the 5th unit, increasing revenues by \$250,000 in the Permitting and Inspections Department account 100-25-03; Motion made by ES, seconded by JC Fails 1-2 (ES in favor)
- That dues for the Greater Portland Council of Governments be eliminated, reducing expenditure by \$67,850, in Memberships and Contributions, account 100-65-07; Motion made by ES, seconded by JC Fails 1-2 (ES in favor)
- That the expenditure for July 4th fireworks be eliminated, reducing that expenditure by \$35,000, in the Parks, Recreation and Facilities Department, account 100-33-10; Motion made by ES, seconded by JC Fails 1-2 (ES in favor)
- That implementation of wage increases in the wage study be reduced by \$100,000 and be made only to those making less than \$100,000, only in fiscal year 2019, in various departments; Motion made by NM, seconded by ES Fails 1-2 (ES in favor)
- That one new Office of Economic Opportunity Program Coordinator be added, increasing by \$63,686 the budget in the Executive Department, account 100-19- 20; Motion made by ES, seconded by JC Fails 1-2 (ES in favor)

Motion from JC to pass the FY19 City Manager Recommended budget as amended, ES seconds - Passes 3-0

Motion from ES to un-table the PPS budget, JC seconds - Passes 3-0

Motion from JC to pass the FY19 PPS budget as amended, NM seconds - Passes 2-1 (ES opposed)

Move to adjourn JC, seconded by ES. Passes 3-0

CITY OF PORTLAND, MAINE
FY2019 BUDGET SUMMARY--REVENUE
Finance Committee Recommendation

	FY18 Budget	FY19 CM Recomm.	FY19 Fin Comm Recomm.	FC Changes	\$+/-	%+/-
CITY GENERAL FUND REVENUE						
31 Property Taxes	\$ 86,095,197	\$ 89,506,350	\$ 89,574,350	\$ 68,000	\$ 3,479,153	4.0%
31 Other Local Taxes	9,860,925	10,099,009	10,099,009	-	238,084	2.4%
32 Licenses & Permits	5,422,322	5,767,244	5,767,244	-	344,922	6.4%
33 Intergovernmental Revenue	9,860,357	10,464,979	10,464,979	-	604,622	6.1%
34 Charges for Services	36,661,015	35,879,048	35,867,048	(12,000)	(793,967)	-2.2%
35 Fines, Forfeits and Penalties	2,090,250	2,107,635	2,107,635	-	17,385	0.8%
36 Use of Money and Property	10,070,840	11,222,951	11,175,951	(47,000)	1,105,111	11.0%
39 Other Sources	29,245,462	29,306,682	29,306,682	-	61,220	0.2%
Fund Balance Use (Restoration)	-	-	-	-	-	
Total General Fund Revenue	\$ 189,306,368	\$ 194,353,898	\$ 194,362,898	\$ 9,000	\$ 5,056,530	2.7%

ENTERPRISE FUND REVENUE

31 Property Taxes	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%
32 Licenses & Permits	28,850	22,850	22,850	-	(6,000)	-20.8%
33 Intergovernmental Revenue	116,800	116,800	116,800	-	-	0.0%
34 Charges for Services	32,252,496	33,567,185	33,567,185	-	1,314,689	4.1%
36 Use of Money and Property	22,461,391	23,747,326	23,747,326	-	1,285,935	5.7%
39 Other Sources	410,809	374,196	374,196	-	(36,613)	-8.9%
Surplus	(4,220,518)	(4,236,256)	(4,236,256)	-	(15,738)	
Total Enterprise Fund Revenue	\$ 51,049,828	\$ 53,592,101	\$ 53,592,101	\$ -	\$ 2,542,273	5.0%

	FY18 School Budget	FY19 Board of Education Recomm.	FY19 Fin Comm Recomm.	FC Changes	\$+/-	%+/-
SCHOOL DEPARTMENT REVENUE						
Property Taxes	\$ 82,787,921	\$ 89,222,327	\$ 88,003,431	\$ (1,218,896)	\$ 5,215,510	6.3%
Local Revenues	7,410,851	5,455,679	5,455,679	-	(1,955,172)	-26.4%
State Subsidy	14,799,817	16,339,336	16,339,336	-	1,539,519	10.4%
Surplus Use	750,000	780,270	780,270	-	30,270	
Total School Department Revenue	\$ 105,748,589	\$ 111,797,612	\$ 110,578,716	\$ (1,218,896)	\$ 4,830,127	4.6%

CITY OF PORTLAND, MAINE
FY2019 BUDGET SUMMARY--EXPENDITURES
Finance Committee Recommendation

		FY18 Budget	FY19 CM Recomm	FY19 Fin Comm Recomm	FC Changes	\$+/-	%+/-
GENERAL FUND EXPENDITURES							
100-1100	City Council	\$ 322,232	\$ 331,904	\$ 331,904	\$ -	\$ 9,672	3.0%
100-1200	City Clerk	555,291	536,522	536,522	-	(18,769)	-3.4%
100-1301	Executive	1,148,722	954,305	954,305	-	(194,417)	-16.9%
100-1400	Assessor	479,633	404,377	404,377	-	(75,256)	-15.7%
100-1500	Finance	1,829,401	1,840,101	1,840,101	-	10,700	0.6%
100-1600	Legal	620,971	709,403	709,403	-	88,432	14.2%
100-1700	Human Resources	1,035,380	1,063,158	1,063,158	-	27,778	2.7%
100-1800	Parking	2,275,644	2,337,364	2,337,364	-	61,720	2.7%
100-1900	Economic Development	491,047	633,989	633,989	-	142,942	29.1%
100-2100	Police	16,488,309	16,860,613	16,860,613	-	372,304	2.3%
100-2200	Fire	17,245,896	17,296,405	17,296,405	-	50,509	0.3%
100-2400	Planning & Development	1,944,324	1,789,472	1,789,472	-	(154,852)	-8.0%
100-2500	Permitting & Inspections	1,644,152	1,759,712	1,759,712	-	115,560	7.0%
100-2900	Information Technology	2,432,904	2,799,922	2,799,922	-	367,018	15.1%
100-3100	Public Works	14,456,976	13,971,411	13,971,411	-	(485,565)	-3.4%
100-3300	Parks, Recreation & Facilities	10,137,503	11,147,132	11,156,132	9,000	1,018,629	10.0%
100-3500	Public Buildings & Waterfront	5,257,863	5,019,804	5,019,804	-	(238,059)	-4.5%
100-4000	HHS Administration	401,930	419,772	419,772	-	17,842	4.4%
100-4100	Public Health	1,732,674	1,035,147	1,035,147	-	(697,527)	-40.3%
100-4200	Social Services	11,204,716	9,913,238	9,913,238	-	(1,291,478)	-11.5%
107-4300	Barron Center	16,977,542	15,630,623	15,630,623	-	(1,346,919)	-7.9%
100-4700	Debt Service	37,522,031	41,818,036	41,818,036	-	4,296,005	11.4%
100-4800	Library	3,936,725	4,062,000	4,062,000	-	125,275	3.2%
100-5100	Pension	7,401,409	8,126,801	8,126,801	-	725,392	9.8%
100-5200	Employee Benefits	21,301,068	23,341,655	23,341,655	-	2,040,587	9.6%
100-6100	Contingent	275,820	275,850	275,850	-	30	0.0%
100-6200	Insurance	782,418	774,458	774,458	-	(7,960)	-1.0%
100-6500	Memberships & Contributions	436,574	438,230	438,230	-	1,656	0.4%
100-6700	Wage Adjustment	419,835	60,000	60,000	-	(359,835)	-85.7%
	Total General Fund Expenditures	180,758,990	185,351,404	185,360,404	9,000	4,601,414	2.5%
100-6300	County Tax Assessment	5,907,743	6,288,845	6,288,845	-	381,102	6.5%
100-6502	Metro Assessment	2,639,635	2,713,649	2,713,649	-	74,014	2.8%
	Total General Fund and Assessments	\$ 189,306,368	\$ 194,353,898	\$ 194,362,898	\$ 9,000	\$ 5,056,530	2.7%

CITY OF PORTLAND, MAINE
FY2019 BUDGET SUMMARY--EXPENDITURES
Finance Committee Recommendation

		FY18 Budget	FY19 CM Recomm	FY19 Fin Comm Recomm	FC Changes	\$+/-	%+/-
ENTERPRISE FUND EXPENDITURES							
530-2800	Fish Pier	382,210	398,213	398,213	-	16,003	4.2%
570-3100	Sewer	24,759,881	26,321,527	26,321,527	-	1,561,646	6.3%
571-3100	Stormwater	3,040,253	2,759,614	2,759,614	-	(280,639)	-9.2%
583-2800	Jetport	22,867,484	24,112,747	24,112,747	-	1,245,263	5.4%
Total Enterprise Fund Expenditures		\$ 51,049,828	\$ 53,592,101	\$ 53,592,101	\$ -	\$ 2,542,273	5.0%
TOTAL CITY EXPENDITURES		\$ 240,356,196	\$ 247,945,999	\$ 247,954,999	\$ 9,000	\$ 7,598,803	3.2%

		FY18 School Budget	FY19 Board of Education Recomm.	FY19 Fin Comm Recomm	FC Changes	\$+/-	%+/-
SCHOOL DEPARTMENT EXPENDITURES							
	Public Schools	\$ 105,748,589	\$ 111,797,612	\$ 110,578,716	\$ (1,218,896)	\$ 4,830,127	4.6%
TOTAL CITY AND SCHOOL EXPENDITURES		\$ 346,104,785	\$ 359,743,611	\$ 358,533,715	\$ (1,209,896)	\$ 12,428,930	3.6%

TAX RATE COMPUTATION--FY2019
Finance Committee's Recommendation

	General Fund	Enterprise Funds	County Tax	TOTAL CITY	School Dept	GRAND TOTAL
Total Expenditures	\$188,074,053	\$53,592,101	\$6,288,845	\$247,954,999	\$110,578,716	\$358,533,715
Less: Revenues	(104,788,548)	(57,828,357)	0	(162,616,905)	(21,795,015)	(184,411,920)
Surplus	0	4,236,256	0	4,236,256	(780,270)	3,455,986
Tax Levy	\$83,285,505	\$0	\$6,288,845	\$89,574,350	\$88,003,431	\$177,577,781
				50.4%	49.6%	100.0%
Valuation	7,900,000,000					
Tax Rate:						
FY19	\$10.54	\$0.00	\$0.80	\$11.34	\$11.14	\$22.48
FY18	\$10.28	\$0.00	\$0.76	\$11.04	\$10.61	\$21.65
\$ Increase	0.26	0.00	0.04	0.30	0.53	0.83
% of Total Increase	2.4%	0.0%	0.4%	2.7%	5.0%	3.8%

CITY OF PORTLAND, MAINE
FY2019 Non-Tax Revenue
(without surplus or TIF reimb)
Finance Committee's Recommendation

Department	FY17 Collected	FY18 Est (budget)	FY18 Proj	FY19 Est (budget)	FY19 Est vs FY18 Est (budget)	%
General Fund Revenues:						
City Council	\$5,000	\$5,000	\$5,000	\$5,000	\$0	0.0%
City Clerk	235,162	233,234	226,613	227,688	(5,546)	-2.4%
Executive	1,007,564	1,054,701	936,361	1,040,370	(14,331)	-1.4%
Assessor	1,154	500	2,076	2,076	1,576	315.2%
Finance	18,220,471	17,586,273	17,463,969	18,549,047	962,774	5.5%
Legal	105,772	95,857	95,286	136,320	40,463	42.2%
Human Resources	112,775	118,043	118,043	76,056	(41,987)	-35.6%
Parking	8,139,957	8,613,070	8,639,790	9,620,120	1,007,050	11.7%
Econ Dev	190,177	218,601	217,499	567,949	349,348	159.8%
Police	2,747,007	2,806,671	2,968,665	2,947,159	140,488	5.0%
Fire	4,531,349	4,407,633	4,324,618	4,583,430	175,797	4.0%
Planning & Development	972,884	891,285	928,112	746,261	(145,024)	-16.3%
Permitting & Inspections	4,405,424	4,365,465	4,352,372	4,440,366	74,901	1.7%
Information Technology	362,198	376,725	381,829	422,254	45,529	12.1%
Public Works	4,579,328	4,628,980	4,577,148	5,061,526	432,546	9.3%
Parks, Rec & Facilities	10,636,652	9,812,539	10,276,039	7,333,134	(2,479,405)	-25.3%
Public Bldgs & Waterfront	-	-	-	3,459,596	3,459,596	
HHS--Administration	-	10,560	10,560	10,560	-	0.0%
HHS--Public Health	1,731,493	1,004,848	970,466	155,065	(849,783)	-84.6%
HHS--Social Services	9,567,403	6,983,728	7,554,104	5,276,465	(1,707,263)	-24.4%
HHS--Barron Center	18,449,748	20,581,632	17,190,368	18,628,031	(1,953,601)	-9.5%
Employee Benefits	6,627,287	6,519,959	6,462,059	7,293,735	773,776	11.9%
Insurance	152,257	156,578	144,705	154,587	(1,991)	-1.3%
Debt Service Reimb.	15,190,464	15,023,364	15,511,578	16,979,744	1,956,380	13.0%
Total General Fund:	\$107,971,526	\$105,495,246	\$103,357,260	\$107,716,539	\$2,221,293	2.1%
Enterprise Funds Revenue:						
Fish Pier Authority	536,829	527,937	524,572	546,380	18,443	3.5%
Sewer	22,954,678	25,585,001	25,395,767	26,292,128	707,127	2.8%
Stormwater	6,480,759	6,289,924	6,572,469	6,877,102	587,178	9.3%
Jetport	22,210,797	22,867,484	22,286,154	24,112,747	1,245,263	5.4%
Total Enterprise Funds:	52,183,063	55,270,346	54,778,962	57,828,357	2,558,011	4.6%
Total City Revenue	\$160,154,589	\$160,765,592	158,136,222	\$165,544,896	\$4,779,304	3.0%

FY2019 CITY BUDGET SUMMARY

by category

Finance Committee's Recommendation

	FY18 Approp.	FY19 Proposed	\$ +/-	% +/-	% Of Total
01 Personnel--General Fund	\$78,778,907	78,226,975	(\$551,932)	-0.7%	40.2%
--Ent Funds	6,404,427	6,581,376	176,949	2.8%	12.3%
Total	85,183,334	84,808,351	(374,983)	-0.4%	34.2%
02+ Contractual--General Fund	60,661,739	63,680,517	3,018,778	5.0%	32.8%
--Ent Funds	27,362,368	29,151,634	1,789,266	6.5%	54.4%
Total	88,024,107	92,832,151	4,808,044	5.5%	37.4%
55 Supplies--General Fund	7,388,679	6,745,872	(642,807)	-8.7%	3.5%
--Ent Funds	1,261,765	1,306,943	45,178	3.6%	2.4%
Total	8,650,444	8,052,815	(597,629)	-6.9%	3.2%
63 Utilities--General Fund	4,713,116	3,700,433	(1,012,683)	-21.5%	1.9%
--Ent Funds	1,546,712	1,452,022	(94,690)	-6.1%	2.7%
Total	6,259,828	5,152,455	(1,107,373)	-17.7%	2.1%
70 Capital--General Fund	241,896	191,065	(50,831)	-21.0%	0.1%
--Ent Funds	2,035,066	2,202,152	167,086	8.2%	4.1%
Total	2,276,962	2,393,217	116,255	5.1%	1.0%
75 Debt Svc--Total GF	37,522,031	41,818,036	4,296,005	11.4%	21.5%
--Ent Funds	7,452,797	7,976,373	523,576	7.0%	14.9%
Total	44,974,828	49,794,409	4,819,581	10.7%	20.1%
75 Jetport Rev Bond Debt Svc	4,139,288	4,142,963	3,675	0.1%	7.7%
Jetport Surplus	847,405	778,638	(68,767)	-8.1%	1.5%
<hr/>					
Total General Fund	189,306,368	194,362,898	5,056,530	2.7%	100.0%
Total Enterprise Funds	51,049,828	53,592,101	2,542,273	5.0%	100.0%
Total	\$240,356,196	\$247,954,999	\$7,598,803	3.2%	100.0%

City of Portland
Staffing FTE Change
FY2019 Finance Committee's Recommendation

Department	FY14	FY15	FY16	FY17	FY18	FY19	+/- Chg
General Fund:							
City Council	-	-	-	1.0	-	-	-
City Clerk	9.2	9.2	8.9	7.4	7.8	7.9	0.1
Executive	9.0	10.0	14.0	10.0	13.0	10.0	(3.0)
Assessor	4.9	4.9	4.9	5.9	5.9	5.9	-
Finance	25.0	26.0	24.3	24.0	25.0	25.0	-
Legal	5.5	6.0	6.0	6.0	6.0	7.0	1.0
Human Resources	10.0	10.0	10.0	10.5	11.0	11.0	-
Parking	29.6	29.6	29.6	29.6	29.6	29.6	-
Economic Development	3.0	3.0	4.0	5.8	5.8	7.1	1.3
Police	220.5	225.3	223.3	227.3	232.3	226.3	(6.0)
Fire	235.0	235.7	228.1	229.6	229.2	226.0	(3.2)
Planning & Urban Dev.	32.3	35.4	34.7	21.5	24.0	24.0	-
Permitting & Inspections	-	-	-	25.0	28.0	28.0	-
IT	16.8	17.3	17.0	17.0	17.0	17.3	0.3
Public Works	152.0	152.5	132.0	125.0	129.0	131.0	2.0
Parks Rec & Fac	118.1	121.6	136.5	155.2	161.5	142.0	(19.5)
Pubic Bldgs & Waterfront	-	-	-	-	-	24.5	24.5
HHS Administration	-	-	-	5.0	5.0	5.0	-
Public Health	92.4	70.0	62.3	38.2	25.0	27.1	2.1
Social Services	76.1	79.4	90.7	78.3	80.1	87.8	7.7
Barron Center	264.1	266.2	266.7	260.7	263.7	244.0	(19.7)
<i>Total HHS:</i>	<i>432.6</i>	<i>415.6</i>	<i>419.7</i>	<i>382.2</i>	<i>373.8</i>	<i>363.9</i>	<i>(9.9)</i>
General Fund Subtotal:	1,303.5	1,302.1	1,293.0	1,283.0	1,298.9	1,286.5	(12.4)
Enterprise Funds:							
Sewer Fund	38.0	39.0	32.0	31.0	30.0	33.0	3.0
Stormwater Fund	-	-	11.5	11.0	13.0	10.0	(3.0)
Jetport	47.0	49.0	49.5	50.5	52.5	56.0	3.5
Enterprise Subtotal:	85.0	88.0	93.0	92.5	95.5	99.0	3.5
Total City Employees:	1,388.5	1,390.1	1,386.0	1,375.5	1,394.4	1,385.5	(8.9)

City of Portland, Maine
Tax Levy by Budget Category
Finance Committee's Recommendation

Department	FY19 Tax Levy	FY19 Tax Rate	% of Taxes
Education	88,003,431	\$11.14	49.6%
Debt Service	24,838,292	\$3.14	14.0%
Police	16,496,584	\$2.09	9.3%
Fire	15,013,860	\$1.90	8.5%
Public Works	9,578,319	\$1.21	5.4%
Parks, Rec & Facilities	4,878,772	\$0.62	2.7%
Public Buildings & Waterfront	1,382,377	\$0.18	0.8%
County Tax	6,288,845	\$0.80	3.5%
Library	4,062,000	\$0.51	2.3%
Health & Human Services	4,278,971	\$0.54	2.4%
Metro	2,713,649	\$0.34	1.5%
General Government	42,681	\$0.01	0.0%
Total:	\$177,577,781	\$22.48	100.0%