MICHAEL F. BRENNAN. (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK(A/L)
NICHOLAS M. MAVODONES, JR (A/L).

# AGENDA
# REGULAR CITY COUNCIL MEETING
# MAY 19, 2014

The Portland City Council will hold a regular City Council Meeting at 7:00 p.m. in the City Council Chambers, City Hall. The Honorable Michael F. Brennan, Mayor, will preside.

## PLEDGE OF ALLEGIANCE:

## ROLL CALL:

## ANNOUNCEMENTS:

## RECOGNITIONS:

## APPROVAL OF MINUTES OF PREVIOUS MEETING:

**(Tab 1)** May 5, 2014

## PROCLAMATIONS:

| | |
|---|---|
| **Proc 32-13/14 (Tab 2)** | **Proclamation Honoring Michael Taylor, Public Services Department, as Employee of the Month for May, 2014 – Sponsored by Mayor Michael F. Brennan.** |
| **Proc 33-13/14 (Tab 3)** | **Proclamation Honoring Arbor Week – Sponsored by Mayor Michael F. Brennan.** |
| **Proc 34-13/14 (Tab 4)** | **Proclamation Declaring Public Works Week – May 18-24, 2014 – Sponsored by Mayor Michael F. Brennan.** |
| **Proc 35-13/14 (Tab 5)** | **Proclamation Honoring Portland Fire Department Emergency Medical Services Providers – Sponsored by Mayor Michael F. Brennan.** |

## APPOINTMENTS:

| | |
|---|---|
| **Order 245-13/14 (Tab 6)** | **Order Appointing Police Cadets as Constables for 2014 – Sponsored by Mark H. Rees, City Manager.** |

This order appoints the following Police Cadets as Constables:

Aaron Costar and Dylan Matthews

Police Cadets provide necessary enforcement assistance to the Portland Police Department during the summer month in the Old Port, addressing primarily quality of life issues and enforcing city ordinances.

Constable status is required for their legal authority to issue civil summonses for ordinance violations.

None are allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests, or issue parking tickets.

These appointments shall be effective from 12:01 a.m. May 29, 2014, until 12:00 midnight, October 31, 2014.

Five affirmative votes are required for passage after public comment.

**Order 246-13/14 (Tab 7)** **Order Appointing Park Rangers as Constables for 2014 – Sponsored by Mark H. Rees, City Manager.**

This order appoints the following Park Rangers as Constables:

Russel Groh
Travis Wade
Jill Mulkern
Christian Wilkins

Constable status is required for their legal authority to issue civil summonses for ordinance violations.

None are allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests, or issue parking tickets.

These appointments shall be effective from 12:01 a.m. May 29, 2014, until 12:00 midnight, October 31, 2014.

Five affirmative votes are required for passage after public comment.

**CONSENT ITEMS:**

**Order 247-13/14 (Tab 8)**

**Order Declaring Portland's Downtown District's "Alive at 5/Arts and Arts Alive Series 2014" as a Festival – Sponsored by Mark H. Rees, City Manager.**

The following is a schedule for the summer events/concerts series:

**Alive at Five - Outdoor Concerts, Monument Square (co-presented with The State Theatre)**
Thursdays, July 10 (London Souls / Kenya Hall Band) and August 7 (Spirit Family Reunion / Ghost of Paul Revere). 5:00 pm – 7:30 pm.

**Arts Alive - Outdoor Entertainment, Monument Square**
Thursdays, July 17 (To Be Announced), 24 (Bright Star World Dance), 31 (PSO Chamber Group) rain date: August 14. 5:00 pm – 7:30 pm.

**Festival Zone (areas falling under PDD's purview):**
Monument Square, Monument Way, and the sidewalk areas in front of One City Center, as well as Federal Street Ext. and sidewalk areas abutting Federal Street Ext.

**Street Closures:**
In order for the Alive at Five and Arts Alive concerts to be held, Federal Street Ext. needs to be barricaded to traffic (3:00 pm – 9:00 pm) on each of the concert dates, and posted "No Parking" from 9:00 am – 9:00 pm.

**Beer Garden:**
A beer garden (24' x 32') on the square. This age 21+ area, to be partitioned off and staffed by security. Alcohol sales and consumption of alcohol in this secured area only. Time frame: 5:00 pm– 7:30 pm. Portland's Downtown District is the sponsor applying for the Off-Premises Liquor Catering License. State Theatre Staff will setup bar and staff service area.

**Order 248-13/14 (Tab 9)**

**Order Declaring "Portland Pride! Pride Celebration and Festival" – Sponsored by Mark H. Rees, City Manager.**

The Pride Festival is under new management. The new organization, Pride Portland, has submitted a request/application for "Portland Pride! Pride Celebration and Festival," which includes a number of events taking place all week long. They have requested the following major activities be approved for use of city property (which are similar to previous years, with one exception - an alcohol service area at the festival at Deering Oaks Park):

For parade assembly: The use of Monument Square, One City Center sidewalk, Preble Street (from Cumberland Ave. to Congress Street), Federal

Street Extension, and Center Street (Free to Congress) on Saturday, June 21, from 10:00 am to 12:00 pm (Noon). Parade assembly begins at 10am.

For parade itself: The use of city streets – both lanes: Congress Street (Elm to High Street), High Street (Congress Street to Park Avenue) Park Avenue (from High Street to Deering Ave.), and State Street Ext. Once reaching Mellen Street area, marchers enter into Deering Oaks Park, Saturday, June 21, to begin at 12:00 pm.

For the festival: The use of Deering Oaks Park (Park Avenue side of the Park): entertainment, displays, food and non-food vendors (and new this year – a 21+ Beer Garden area), from 1 – 4:00 pm on Saturday, June 21.

(NOTE: as the festival now is held on the south side of the pond and ravine area, Farmer's Market will still be held in Deering Oaks Park that day; and farmers will end their sales at the park at the usual time – which is around 1pm.)

**Festival Zone (areas falling under Pride Portland Committee's purview):**

All of parade formation area and parade route, including the streets themselves, and parking lanes, as well as adjoining sidewalks, square, parks, and plazas (Monument Square, Monument Way, Congress Square).

The south side of Deering Oaks Park, including the sidewalks/pathways and Bowling Green Road, (from the south side of the Ravine and Pond, to Park Ave., to State Street Ext., to Deering Ave.) to include the adjoining sidewalks as well.

**Street Closures:**

In order for some of these events to be held, a few city streets need to be closed to vehicular traffic on Saturday, June 21. In particular, the streets included in the parade formation area and the parade route itself. (In addition, some of these streets would need to be posted "No Parking.")

The Public Services Director is working with METRO officials on a MOU around Street Closures and impacts to the transit routes. The Pride Parade will impact some of those METRO routes. City staff will work with METRO on how to best address those impacts.

If inclement weather on Saturday, June 21, the Festival at Deering Oaks Park would be cancelled, but the Parade would still take place, rain or shine.

For Parade formation: Federal Street Extension and Preble Street – from Cumberland Ave. to Congress Street; (9:00 am – Noon). Preble St. and Federal St. Ext posted "no parking." Also, Center Street (from Free Street to Congress Street) closed to traffic and used for formation purposes.

Streets along the Parade route: Congress Street (Elm to High Street), High Street (Congress Street to Park Avenue) Park Avenue (from High Street to Deering Ave.), and State Street Extension, will be closed for a period of time by police officers in patrol cars, parking control officers, and volunteers, blocking the intersections via a rolling barricade. (Approximately 12:00 – 1:00 pm)

**Beer Garden:**

Organizers wish to sell alcohol (wine and beer) at the festival at Deering Oaks Park, Saturday June 21. Time frame: 1:00 p.m. – 4:00 pm. Equality Maine is the sponsor applying for the Off-Premises Liquor Catering License. If approved, organizers will contract and hire the city's Facilities Management Staff to setup and oversee this 21+ partitioned-off area. Friends of Deering Oaks have reviewed and endorsed this request.

Five affirmative votes are required for passage of the Consent Calendar.

**LICENSES:**

**BUDGET ITEMS:**

**COMMUNICATIONS:**

**Com 13-13/14 (Tab 10)** **Communication Re: Appointment of Deputy City Manager, Sheila Hill-Christian to the PACTS Policy Committee – Sponsored by Mayor Michael F. Brennan.**

This appointment is brought to the Council pursuant to the Mayor's power under the Charter, Article II Section 5(1) to appointment the members and chairs of City Council committees and various ad hoc committees subject to an override vote of at least six members of the City Council.

As a Communication this item requires no public comment or formal Council action.

**Com 14-13/14 (Tab 11)** **Communication Re: Appointment of Community Advisors for the State and High Street Two-Way Conversion Study – Sponsored by Mayor Michael F. Brennan.**

This appointment is brought to the Council pursuant to the Mayor's power under the Charter, Article II Section 5(I) to appoint the members and chairs of City Council committees and various ad hoc committees subject to an override vote of at least six members of the City Council.

At the Council Meeting in April, the listing of names below was approved for appointment to the State and High Street Two-way Conversion Study Project Advisory Committee (PAC). After the meeting it was asked that the following also be added as Community Advisors (non-voting). The following names are recommended for appointment:

Traffic Solutions – Bill Bray
Portland Society of Architects – Chris Cantwell
St. John/Valley Neighborhood Association – Designee Official
Libbytown Neighborhood Association – Zack Barowitz
St. Luke's Church – Designee Official
YMCA – Designee Official

As a Communication this item requires no public comment or formal Council action.

**RESOLUTIONS:**

**UNFINISHED BUSINESS:**

**BUDGET ITEMS:**

**Order 227-13/14 (Tab 12)** **Order Authorizing FY 2015 Administrative Fees in Various Departments - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

This order authorizes certain administrative charges.

The increases and new fees are located in the following departments and / or divisions: Fire (EMS); Public Services: Forestry (Community gardens) and Solid Waste (Recycling carts); and Recreation and Facilities Management: Aquatics (Swim Lessons).

At the May 5th City Council meeting, this item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Public comment has been taken. Five affirmative votes are required for passage.

**Order 228-13/14 (Tab 13)**

**Order Authorizing City Manager to Enter into Certain Agreements to Implement the FY 2015 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 2015 in order to implement portions of human resources, medical, workers' compensation, and liability budgets.

This item must be read on two separate days. It was given a first reading on May 5th. Public comment has been taken. Five affirmative votes are required for passage.

**Order 229-13/14 (Tab 14)**

**Order Re: 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 appropriating funds for this purpose.

At the May 5th City Council meeting, this item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Public comment has been taken. Five affirmative votes are required for passage.

**Order 230-13/14 (Tab 15)**

**Order Authorizing City Manager to Enter into Certain Agreements to Implement the FY 2015 Health and Human Services Budget - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

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

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

This item must be read on two separate days. It was given a first reading on May 5th. Public comment has been taken. Five affirmative votes are required for passage.

**Order 231-13/14 (Tab 16)**

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

This order authorizes the City Manager to accept donations for existing and new scholarship trusts and enter into standard form trust agreements as approved by Corporation Counsel.

At the May 5th City Council meeting, this item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Public comment has been taken. Five affirmative votes are required for passage.

**Order 232-13/14 (Tab 17)**

**Order Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by 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.

At the May 5th City Council meeting, this item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Public comment has been taken. Five affirmative votes are required for passage.

**Order 233-13/14 (Tab 18)**

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

This Order authorizes the City Manager to make a 1% pay adjustment for all non-union employees effective July 1, 2014 and a subsequent 1% pay adjustment effective January 1, 2015.

Each year budgets permitting, the City of Portland increases the wages and salaries of non-union employees by an amount generally comparable to the amount given to employees covered by collective bargaining agreements.

In addition, it is recommended that a new pay grade 15 be established with the pay and classification plan to accommodate the position of Deputy City Manager.

This order will authorize the City Manager to increase the wages and salaries of non-union employees accordingly and to implement the new pay scale.

The Nomination Committee met on May 6th and voted unanimously (4-0) to forward this item to the City Council with a recommendation for passage.

This item must be read on two separate days. It was given a first reading on May 5th. Public comment has been taken. Five affirmative votes are required for passage.

**Order 234-13/14 (Tab 19)**

**Order Designating FY15 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 will be used as follows in FY15:

| | | |
|---|---|---|
| **Item A:** | Cost of Extending Portland School Department Issued 10 Month Casco Bay Line Passes for Peaks Island Public Middle and High Schools Students to 12 Month Passes | $5,000 |
| **Item B:** | Payable to Casco Bay Lines to Purchase Bicycle Tickets for a Summer Bike Ticket Program on Peaks Island. | $500 |
| **Item C:** | Quarterly Vouchers in the amount of $50 per Voucher per Student to the Parents of Children Attending the Peaks Island Elementary School who attain the Age of 10 Years or Older during the School Year. | $3,000 |
| **Item D:** | Payable to Casco Bay Islands to Purchase Tickets for Needs Based PI Residents. | $5,000 |
| **Item E:** | Allocation to the Island Transportation System for Continued Support of the Only Transportation Service Available to Residents. | $17,500 |
| **Item F:** | Allocation to the Peaks Island Council for Administrative Expenses | $2,500 |
| **Item G:** | Allocation to the City of Portland Recreation Division as a Contribution towards the Establishment of a Skateboard Park on Peaks Island. | $1,000 |
| **Item H:** | Allocation to Peaks Island Tax & Energy Assistance (PITEA) for the Express Purposes of Assisting Eligible Island Residents with Heating Costs. | $3,000 |
| **Item I:** | Allocation to the Peaks Island Food Pantry for the Express Purposes of Assisting Eligible Island Residents with Basic Food Needs. | $1,000 |
| **Item J:** | Allocation to the Peaks Island Academy for the Express Purposes of Assisting Students' Transportation Needs for Off-island Activities. | $1,000 |
| **Item K:** | Issue Vouchers in the Amount of $84 per Voucher per Student to the Parents of Children Attending Private Schools Off-island. | $500 |

This item must be read on two separate days. It was given a first reading on May 5th. Public comment has been given. Five affirmative votes are required for passage.

**Order 235-13/14 (Tab 20)**

**Order Authorizing General Obligation Bonds in an Amount not to Exceed $500,000 – Sponsored by Councilor Nicholas M. Mavodones, Jr., Chair.**

This order authorizes the incurring of indebtedness by the City of Portland through the issuance of General Obligation Bonds in the aggregate amount of $500,000 pursuant to the City Charter. The bond proceeds will be expended as described in the accompanying Appropriation Order.

This order also authorizes the Director of Finance to prepare, issue, and sell the bonds and also authorizes the Director of Finance, Mayor and Clerk, and other proper officials of the City to perform whatever other acts may be necessary or desirable to effect the issuance, sale, and delivery of the bonds.

Finally, the order requires that sufficient funds for the annual payments of principal and interest on the bonds and any notes issued be included in the tax levy each year until the debt represented by the bonds and any notes is extinguished.

This item must be read on two separate days. It was given a first reading on May 5. Public comment has been given. Seven affirmative votes are required for passage.

**Order 236-13/14 (Tab 21)**

**Order Appropriating $500,000 of Bond Proceeds – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

This order appropriates the new general obligation bond proceeds for the purpose of settling old Workers' Compensation Claims and all other related expenses.

This item must be read on two separate days. It was given a first reading on May 5th. Public comment has been given. Five affirmative votes are required for passage.

**Order 237-13/14 (Tab 22)**

**Order for Fiscal Year 2014-2015 Appropriating $830,000 From Excess Fund for Casco Bay Transit District (CBITD) - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

Appropriating $830,000 from the Casco Bay Island Transit District Excess Fund to Provide Matching Funds for Grants to CBITD Pursuant to the lease agreement between the City and CBITD, Excess Revenues, as defined in the agreement, are accumulated and held until such time as the Council may appropriate them for purposes outlined in the agreement. CBITD has requested $830,000 to leverage as matching funds for a number of capital grants that are in process of being awarded to them.

The agreement allows for use of excess funds for capital costs so this request is acceptable for that purpose.

This item must be read on two separate days. It was given a first reading on May 5th. Public comment has been taken. Five affirmative votes are required for passage,

**BUDGET RELATED ORDINANCE AMENDMENTS:**

**Order 238-13/14 (Tab 23)** **Amendment to Portland City Code Chapter 6 (Buildings and Building Regulations), Article II. Building Code) Section 17 Re: Fees Schedule - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

This order amends (only) the fees in Chapter 6 §17 as follows:

| Chapter 6 | Description | Current Fee | Proposed Fee |
|---|---|---|---|
| *Sec. 6-17 (a)* | ***Construction Work:*** | | |
| *(1)* | **Cost of Work Fees:** | | |
| | Up to $1,000.00 | $30.00 | $25.00 |
| | $1,000.00 or more | $30.00 + $10.00 per $1,000 above $1,000.00 | $25.00 + $11.00 per $1,000 above $1,000.00 |
| *(2)* | **Belated Fees:** | | |
| | | Below $30.00 permit fee...$50.00 additional | Below $25.00 permit fee...$50.00 additional |
| | | Above $30.00 permit fee...$100.00 additional | Above $25.00 permit fee...$100.00 additional |
| *(3)* | **Amendments to Application:** | | |
| | Up to $1,000.00 | $30.00 | $25.00 |
| | $1,000.00 or more | $30.00 + $10.00 per $1,000 above $1,000.00 | $25.00 + $11.00 per $1,000 above $1,000.00 |
| *Sec. 6-17 (b)* | ***Fees for Specific Items (Additional to Cost of Work Fees Above):*** | | |
| *(7)* | **Stop Work Order Removal** | $100.00 | $300.00 |

| | | | |
|---|---|---|---|
| *(8)* | **Certificate of Occupancy Inspection** | $75.00 for each | $100.00 for each |
| *(10)* | **Re-inspections** | $75.00 for each | $150.00 for each |

This item must be read on two separate days. It was given a first reading on May 5th. Public comment has been taken. Five affirmative votes are required for passage.

**Order 239-13/14 (Tab 24)**

**Amendment to Portland City Code Chapter 24 Sewers Article IV. Sewer User Charges Re: Sewer User Charges- Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

In addition to economic increases in operating costs, the City continues to work on compliance with the Environmental Protection Agency (EPA)/Department of Environmental Protection (DEP) for elimination of combined sewer overflows (CSO), at a significant cost. The Tier II plan is just finishing, and the next Tier III plan has been approved and is underway.

Funding of these capital projects, totaling about $230 million over more than 20 years, requires financing through bond proceeds to allow the cost to be spread over the life of the improvements.

The City is also required to comply with EPA regulation related to MS4 permitting and integrated permit plan, adding additional costs to the Sewer Fund.

The funding for maintenance and capital costs for the Sewer operations is the sewer user fee, set by the City Council, and was expected to increase to accommodate the cost of CSO work and MS4 compliance. This fee was last increased in July of 2013.

The current rate is $8.35 per hundred cubic feet. The proposed rate for July 1, 2014 is $8.81 per hundred cubic feet.

This is a unit increase of $0.46 cents or 5.5%. This equated to an estimated monthly increase of about $4.60 per four-member household.

This item must be read on two separate days. It was given a first reading on May 5th. Public comment has been taken. Five affirmative votes are required for passage.

**Order 240-13/14 (Tab 25)**

**Amendment to Portland City Code Chapter 28, (Traffic), Division 1, Section 51 Re: Revised Fees – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

| Chapter 28 | Description | Current Fee | Proposed Fee |
|---|---|---|---|
| *Sec. 28-51* | ***Traffic Schedule:*** | | |
| **4** | No Parking This Side of Street | $25.00 | $30.00 |
| **5** | Double Parking or Obstructing Traffic | $25.00 | $30.00 |
| **6** | Parking in Hazardous Area –Fire Hydrant-Crosswalk | $30.00 | $35.00 |
| **7** | Snow Removal or Plowing Area | $30.00 | $35.00 |
| **8** | No Parking Bus Stop | $25.00 | $30.00 |
| **9** | Blocking Driveway (On Complaint) | $25.00 | $30.00 |
| **E** | No Parking Zone | $25.00 | $30.00 |
| **F** | No Parking Between Signs | $25.00 | $30.00 |
| **G** | No Parking Here to Corner | $25.00 | $30.00 |
| **H** | No Parking Taxi Stand | $25.00 | $30.00 |
| **J** | No Parking Intersection | $25.00 | $30.00 |
| **K** | No Parking Sidewalk | $25.00 | $30.00 |
| **L** | No Parking / Dual Rear Wheels / Overtime Commercial Vehicle Zone | $30.00 | $35.00 |
| **M** | No Parking Against Traffic Flow | $25.00 | $30.00 |
| **N** | Posted Emergency No Parking Zone | $25.00 | $30.00 |
| **P** | No Parking More than 18" from Curb | $25.00 | $30.00 |
| **Q** | No Stopping or Standing | $25.00 | $30.00 |
| **R** | No Parking City Lot or Property (Permit Required) | $25.00 | $30.00 |
| **S** | No Parking on Esplanade | $25.00 | $30.00 |
| **T** | No Parking That Takes More Than One Metered Space | $15.00 | $20.00 |

This item must be read on two separate days. It was given a first reading on May 5th. Public comment has been taken. Five affirmative votes are required for passage after public comment.

**APPROPRIATION RESOLVE:**

**Order 241-13/14 (Tab 26)** **Fiscal Year 2014-2015 Appropriation Resolve - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

This item brings forward the Appropriation Resolve for FY2015 for action by the City Council.

The Resolve contains the City Manager's recommended budget for FY2015 for general municipal purposes in the amount of $220,851,858. In addition it contains the Finance Committee's recommended budget for FY2015 for school purposes.

The Finance Committee reviewed the Board of Education's recommended budget on April 24, 2014, by a vote of 4-0 recommended support for certain amendments and a final budget amount of $101,592,669.

The Finance Committee met on May 8, 2014, and made various amendments to the City Manager's budget then voted to recommend an FY 2015 municipal budget of $220,985,836.

The tax levy based upon the Finance Committee's recommended budget is $75,754,243 for municipal purposes and $77,469,011 for school purposes. This would result in a combined tax levy of $153,223,254 for FY 2015. The tax rate based on the combined levies would be $20.00 per $1,000 of assessed value, a 3% 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, 2014 and sets September 12, 2014, as the tax due date, which may be paid in two installments due on September 12, 2014, and March 13, 2015.

The delinquency rate of interest is set at 7.0% per year, and the abatement rate of interest is set at 3.0% per year.

This item must be read on two separate days. It was given a first reading on May 5th. Public comment has been taken. Five affirmative votes are required for passage after public comment.

**Order 244-13/14 (Tab 27)**

**Amendment Zoning Map Amendment Re: R-6 Zone in Vicinity of of Boyd, Oxford, and Mayo Streets -Sponsored by the Planning Board, Stuart O'Brien, Chair.**

The Planning Board is forwarding a recommendation to rezone a portion of the Portland Housing Authority (PHA) residential campus in East Bayside from R-6 to R-7.

PHA requested a zone change to facilitate development of a proposed 45 unit housing development (called Bayside Anchor). PHA proposes to convert an existing parking lot at the corner of Boyd Street and Oxford Street into an affordable housing project but the resulting lot size doesn't meet the density requirements of the R-6 zone thus the need for a R-7 map amendment.

PHA's zone change application, at staff suggestion, encompassed their entire East Bayside residential property (10.8 acres) to allow for increased flexibility and density for future renovation and infill development of the campus. In considering the PHA proposal, the Planning Board reviewed the entire East Bayside R-6 district so that land use and zoning issues could be reviewed comprehensively rather than on a piecemeal basis.

Public comment during the Planning Board workshops and at the public hearing, as well as neighborhood meetings, was generally opposed to a R-7 designation for the entire neighborhood at this time. However, there was support for the Bayside Anchor project, as well as a willingness to continue a discussion about text and map changes in the R-6 and R-7 zones.

The Planning Board balanced that input with a concern among the majority of the Board that single-parcel rezoning did not usually reflect sound planning for housing opportunities. Based on the analysis of staff and their own thoughts, the Board selected an area of about two blocks, all owned by the PHA, for rezoning along with the Bayside Anchor parcel.

At a public hearing held on April 22, 2014, the Board voted 5 to 2 (Hall and Morrissette opposed) to recommend to the City Council that a portion of the PHA campus (including the Bayside Anchor site) be rezoned from R-6 to R-7. The zone change covers a two-block area in the vicinity of Boyd St., Oxford St. and Mayo St.

For purposes of holding a public hearing, the Board did consider rezoning the entire R-6 zoning district in East Bayside to R-7 including the entire PHA campus. The final vote was based on an analysis of the entire neighborhood and public feedback, and resulted in a recommendation that a discreet set of parcels be rezoned R-7 and that further study and outreach be done before any further rezoning take place.

This item must be read on two separate days. It was given a first reading on May 5th. Five affirmative votes are required for passage after public comment.

**ORDERS:**

**Order 249-13/14 (Tab 28)**

**Order Approving the Allocation and Appropriation of $25,000 from the Housing Trust Fund Re: CHOM Housing Trust Fund – Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair.**

The Homelessness Task Force Report submitted to the City Council in November 2012, outlined four recommended actions, one of which was "Rapid Rehousing". Under the Task Force Implementation Plan, the Housing and Community Development Committee was assigned "Rapid Rehousing", with the development of three new "housing first" projects as an identified task.

In February, the City Council approved the allocation of $50,000 from the Housing Trust Fund to be allocated in a RFP for predevelopment activities associated with the development of a Housing First Project. The RFP was issued on February 27th, and two proposals were received on March 27th.

A review committee consisting of Jeff Levine, Planning and Urban Development Department Director, Mary Davis, Housing and Community Development Division Director, Doug Gardner, Health and Human Services Department Director, and Sean Dundon, Portland Planning Board member met on April 18th to review the proposals.

First Development, the concept proposed by CHOM has the potential to yield units more quickly using a scattered site approach.

Community Housing of Maine (CHOM) proposes "blending the population quickly and seamlessly into a combination of rehabilitated existing multifamily apartment buildings and larger Low Income Housing Tax Credit and/or Historic Tax Credit funded properties aimed at serving the general public". They identified Elm Terrace and Danforth on High, two of their recently completed projects as examples of the larger model. CHOM's timeline for a larger project is estimated at two years, and the timeline for smaller projects would be approximately four months after securing development financing.

Staff is seeking approval from the City Council to provide additional $25,000 in Housing Trust Funds for the CHOM proposal. If approved, the RFP will make available an additional $25,000 from the Housing Trust Fund to be used to assist with predevelopment activities associated with the construction of a "housing first" project. The current balance in the Housing Trust Fund is $724,301.

The Housing and Community Development Committee met on April 23, 2014 and voted unanimously (3-0) to forward this item to the City Council with a recommendation for passage.

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

**AMENDMENTS:**

**LICENSE RENEWALS:**

Tab 1 5-19-14

## IN COUNCIL REGULAR MEETING MAY 5, 2014 VOL. 129 PAGE 98

**ROLL CALL:** Mayor Brennan called the meeting to order at 7:14 P.M. All Councilors were present.

**ANNOUNCEMENTS:**

Mayor Brennan acknowledged the City's new website and promoted its usage. And, made recognition of the Portland Public School's Art work displayed around City Hall for all to experience.

**RECOGNITIONS:**

**APPROVAL OF MINUTES OF PREVIOUS MEETING:**

Motion was made by Councilor Suslovic and seconded by Councilor Marshall for passage of the April 28, 2014 Special City Council Meeting. Passage 9-0.

**PROCLAMATIONS:**

**Proc 31-13/14** **Proclamation Recognizing William B. Troubh – Sponsored by Mayor Michael F. Brennan.**

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**COMMUNICATIONS:**

**Com 12-13/14** **Communication Re: Portland-Shinagawa Sister City Communique - Sponsored by Mayor Michael F. Brennan.**

As a Communication this item requires no public comment or formal Council action.

******

**APPOINTMENTS:**

**Order 223-13/14** **Order Appointing New Warden and New Ward Clerk – Sponsored by Katherine L. Jones, City Clerk.**

Motion was made by Councilor Suslovic and seconded by Councilor Duson for passage of the appointments. Passage 9-0.

******

CONSENT ITEMS:

Order 224-13/14 **Order Declaring "Dierks Bentley" in Concert as a Festival and Authorizing Concerts Presented by Waterfront Concerts on the Maine State Pier Approving Contract and Permits Therefor – Sponsored by Mark H. Rees, City Manager.**

Order 225-13/14 **Order Calling Election and Setting Time for Opening of Polls for Primary Election and Municipal Referendum on June 10, 2014 - Sponsored by Katherine L. Jones, City Clerk.**

Order 226-13/14 **Order Approving Cooperative Agreement between the City of Portland and the Maine Department of Transportation Re: Improvements to Ocean Gateway - Sponsored by Mark H. Rees, City Manager.**

Motion was made by Councilor Suslovic and seconded by Councilor Mavodones for passage of the consent items. Passage 9-0.

******

LICENSES:

BUDGET ITEMS: **PUBLIC COMMENT WILL BE TAKEN ON ALL MUNICIPAL BUDGET ORDERS**

Order 227-13/14 **Order Authorizing FY 2015 Administrative Fees in Various Departments - Sponsored by the Mark H. Rees, City Manager**

Motion was made by Councilor Mavodones and seconded by Councilor Duson to postpone Order 227 to the May 19, 2014 City Council meeting to coincide with consideration of the Appropriation Resolve. Passage 9-0.

Order 228-13/14 **Order Authorizing City Manager to Enter into Certain Agreements to Implement the FY 2015 Human Resources and Certain Fringe Benefits Budgets - Sponsored by the Mark H. Rees, City Manager.**

This is its first reading.

**Order 229-13/14** **Order Re: Self-Insured Liability Program - Sponsored by Mark H. Rees, City Manager.**

Motion was made by Councilor Mavodones and seconded by Councilor Duson to postpone Order 229 to the May 19, 2014 City Council meeting to coincide with consideration of the Appropriation Resolve. Passage 9-0.

**Order 230-13/14** **Order Authorizing City Manager to Enter into Certain Agreements to Implement the FY 2015 Health and Human Services Budget - Sponsored by Mark H. Rees, City Manager.**

This is its first reading.

**Order 231-13/14** **Order Authorizing City Manager to Accept Scholarship Trust Donations and Enter into Trust Agreements - Sponsored by Mark H. Rees, City Manager.**

Motion was made by Councilor Mavodones and seconded by Councilor Duson to postpone Order 231 to the May 19, 2014 City Council meeting to coincide with consideration of the Appropriation Resolve. Passage 9-0.

**Order 232-13/14** **Order Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by Mark H. Rees, City Manager.**

Motion was made by Councilor Mavodones and seconded by Councilor Duson to postpone Order 232 to the May 19, 2014 City Council meeting to coincide with consideration of the Appropriation Resolve. Passage 9-0.

**Order 233-13/14** **Order Authorizing Non-Union Wage Adjustment – Sponsored by Mark H. Rees, City Manager.**

This is its first reading.

**Order 234-13/14** **Order Designating FY15 Funds for Specific Island Services - Sponsored by the Mark H. Rees, City Manager.**

This is its first reading.

**Order 235-13/14** **Order Authorizing General Obligation Bonds in an Amount not to Exceed $500,000 – Sponsored by Mark H. Rees, City Manager.**

This is its first reading.

Order 236-13/14 **Order Appropriating $500,000 of Bond Proceeds – Sponsored by Mark H. Rees, City Manager.**

This is its first reading.

Order 237-13/14 **Order for Fiscal Year 2014-2015 Appropriating $830,000 From Excess Fund for Casco Bay Transit District (CBITD) - Sponsored by Mark H. Rees, City Manager.**

This is its first reading.

**BUDGET RELATED ORDINANCE AMENDMENTS:**

Order 238-13/14 **Amendment to Portland City Code Chapter 6 (Buildings and Building Regulations), Article II. Building Code) Section 17 Re: Fees Schedule - Sponsored by Mark H. Rees, City Manager.**

This is its first reading.

Order 239-13/14 **Amendment to Portland City Code Chapter 24 Sewers Article IV. Sewer User Charges Re: Sewer User Charges- Sponsored by Mark H. Rees, City Manager.**

This is its first reading.

Order 240-13/14 **Amendment to Portland City Code Chapter 28, (Traffic), Division 1, Section 51 Re: Revised Fees – Sponsored by Mark H. Rees, City Manager.**

This is its first reading.

**APPROPRIATION RESOLVE:**

Order 241-13/14 **Fiscal Year 2014-2015 Appropriation Resolve - Sponsored by Mark H. Rees, City Manager.**

This is its first reading.

SCHOOL BUDGET ITEMS:

**Order 211-13/14** **Order Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Schools for FY 2015 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair. This item was given a first reading and public hearing April 28, 2014.**

Motion was made by Councilor Mavodones and seconded by Councilor Duson for passage. Passage 9-0.

**Order 212-13/14** **Order Approving Non-State Funded School Construction Debt Service for Portland Schools for FY 2015 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair. This item was given a first reading and public hearing April 28, 2014.**

Motion was made by Councilor Mavodones and seconded by Councilor Duson for passage. Passage 9-0.

**Order 213-13/14** **Order Raising and Appropriating Additional Local Funds for Portland Schools for FY 2015 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair. This item was given a first reading and public hearing April 28, 2014.**

Motion was made by Councilor Mavodones and seconded by Councilor Duson for passage. Passage 8-1 (Hinck).

**Order 214-13/14** **Order Approving Total School Operating Budget for Portland Schools for FY 2015 – Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair. This item was given a first reading and public hearing April 28, 2014.**

Motion was made by Councilor Mavodones and seconded by Councilor Duson for passage. Passage 8-1 (Hinck).

**Order 215-13/14** **Order Appropriating and Raising Funds for Adult Education for FY 2015 as Required by the Maine Revised Statutes, Title 20-A M.R.S.A. §8603-A(1) – Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair. This item was given a first reading and public hearing April 28, 2014.**

Motion was made by Councilor Mavodones and seconded by Councilor Duson for passage. Passage 8-1 (Hinck).

Order 216-13/14 **Order to Raise Local Funds for Food Service in the Portland Public Schools for FY 2015 – Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair. This item was given a first reading and public hearing April 28, 2014.**

Motion was made by Councilor Mavodones and seconded by Councilor Duson for passage. Passage 8-1 (Hinck).

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**RESOLUTIONS:**

**UNFINISHED BUSINESS:**

Order 219-13/14 **Order Approving Contract with the Animal Refuge League of Westbrook – Sponsored by Mark H. Rees, City Manager. This item was given a first reading April 28, 2014.**

Motion was made by Councilor Suslovic and seconded by Councilor Marshall for passage. Passage 8-0 (Leeman out).

Order 220-13/14 **Amendment to Zoning Map Re: Bramhall, Boothby, Congress, Longfellow, and Monument Squares; Lobsterman Plaza; and Lincoln, Tommy's, Post Office, and Bell Buoy Parks – Sponsored by the Planning Board, Stuart O'Brien, Chair. This item was given a first reading April 28, 2014.**

Motion was made by Councilor Suslovic and seconded by Councilor Duson to postpone Order 220 to the June 2, 2014 City Council meeting to allow time for notification of neighbors. Passage 8-0 (Leeman out).

Order 221-13/14 **Amendment to Portland City Code Chapter 14. Land Use Article III. Zoning, Division 8.5 R-OS Recreation and Open Space, Sections 14-153, 14-154, 14-157, and 14-158 Re: Revising the Recreation and Open Space Standards - Sponsored by the Planning Board, Stuart O'Brien, Chair. This is a companion order to Order 220-13/14. This item was given a first reading April 28, 2014.**

Motion was made by Councilor Suslovic and seconded by Councilor Duson to postpone Order 221 to the June 2, 2014 City Council meeting to allow time for notification of neighbors. Passage 8-0 (Leeman out).

Order 222-13/14 **Amendment to Portland City Code Chapter 14. Land Use Article III. Zoning, Division 28. Jurisdiction of Board of Appeals, Section 14-474 Re: Conditional Use Permit Standards – Sponsored by the Planning Board, Stuart O'Brien, Chair. This item was given a first reading April 28, 2014.**

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

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**ORDERS:**

Order 242-13/14 **Order Approving and Authorizing City Manager to Execute the Lease with Portland Pirates LLC for 94 Free Street Space and Parking – Sponsored by the Housing and Community Development Committee – Councilor Kevin J. Donoghue, Chair.**

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

Order 243-13/14 **Order Accepting Donation of Lot 261-B-54/109 Rowe Avenue to the City and Forgiving Taxes for FY2014 – Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair.**

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

******

**AMENDMENTS:**

Order 244-13/14 **Amendment to Zoning Map Re: R-6 Zone in the Vicinity of Boyd, Oxford, and Mayo Streets -Sponsored by the Planning Board, Stuart O'Brien, Chair.**

This is its first reading.

Order 218-13/14 **Order Approving the Record and Written Decision Re: Sangillo's Tavern, LLC Renewal Application for a Class A Lounge Food Service Establishment License - Sponsored by Danielle West-Chuhta, Corporation Counsel. This item was postponed on April 28, 2014.**

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

Motion was made by Councilor Leeman and seconded by Councilor Mavodones to amend order 218 by including attachement of handout submitted by legal representation on behalf of Sangillo's Tavern, LLC Failed 3-6 (Duson, Hinck, Donoghue, Marshall, Suslovic, Brennan).

Passage 9-0.

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Motion was made by Councilor Coyne and seconded by Councilor Duson to adjourn. Passage 9-0, 9:38 P.M.

A TRUE COPY.

Carolyn M. Dorr, Deputy Clerk

Ord 32-13/14
Tab 2 5-19-14

# PROCLAMATION

**Michael Taylor**
**Employee of the Month**

**May 2014**

* * * * *

**WHEREAS:** **Michael Taylor**, of the Public Services Department, has been named the City of Portland Employee of the Month by a committee of his peers and selected for this distinct honor from a workforce of 1,300; and

**WHEREAS:** This award is presented to **Michael** in recognition of his duties as an Autobody Repair Worker in the Public Services Department with over 8 years of service. **Michael** began his duties with the City in July, 2005. **Michael** is a highly skilled body repair technician and is always willing to help out in other areas of the shop. It is not uncommon to find him helping mechanics with vehicle repairs; and

**WHEREAS:** Recently **Michael** volunteered his assistance in installing emergency lighting on new pickup trucks. The pickup trucks were delivered and the vehicle mechanics were unable to install the warning lights because of assignments related to winter equipment repairs. Installing lights is a task that involves running wires and knowledge of vehicle electronics. Even though **Michael's** training is in auto body repair, he never hesitates to jump into any task that is asked of him; and

**WHEREAS:** Co-workers also comment that **Michael** thrives on taking an older vehicle and making it look brand new when the refurbishing is completed, thus allowing vehicles to be retained for longer periods of time. **Michael's** body shop and vehicle repair knowledge is a tremendous asset to the City and to the Department of Public Services.

**NOW, THEREFORE, BE IT RESOLVED, THAT I**, Michael F. Brennan, Mayor of the City of Portland, Maine, and the members of the Portland City Council do hereby proclaim honor and recognition to **Michael Taylor** as **City Employee of the Month, May, 2014.**

**Signed and Sealed this 19th day of May, 2014.**

_____

**Michael F. Brennan, Mayor**

Proc 33.-13-14
Tab 3 5-19-14

# PROCLAMATION

## HONORING

## ARBOR WEEK

## MAY 18-24, 2014

********

**WHEREAS:** In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special week be set aside for the planting of trees; and

**WHEREAS:** This week, called **Arbor Week**, was first observed with the planting of more than a million trees in Nebraska; and

**WHEREAS:** **Arbor Week** is now observed annually in the United States and throughout the world; and

**WHEREAS:** Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and

**WHEREAS:** Trees in the City of Portland increase property values, enhance the economic vitality of business areas, and beautify our community; and

**WHEREAS:** Trees, wherever they are planted, are a source of joy and spiritual renewal.

**NOW, THEREFORE, BE IT RESOLVED, THAT I,** Michael F. Brennan, Mayor of the City of Portland, Maine, and the members of the Portland City Council do hereby proclaim **May 18th to May 24th, 2014** as **Arbor Week** within the City of Portland and urge all citizens to support efforts to protect our trees and woodlands.

**Signed and sealed this 19th day of May, 2014**

Michael F. Brennan, Mayor
City of Portland, Maine

Ord 34-13-14
Tab 4 5-19-15

**PROCLAMATION**

**PUBLIC WORKS WEEK**

**May 18-24, 2014**

**WHEREAS:** Portland Public Services provide a service in our community and are an integral part of our citizens everyday lives and;

**WHEREAS:** the support of an understanding and informed citizenry is vital to the efficient operation and maintenance of public services programs and systems such as, road and sidewalk networks, storm and wastewater, traffic control and pedestrian safety, solid waste collection and recycling, engineering and design, parks and open spaces, community forest and horticulture, cemeteries, street sweeping, fleet maintenance, street lighting, island services, winter operations, and the department's support functions, and;

**WHEREAS:** the health, safety and comfort of this community greatly depends on these facilities and services and;

**WHEREAS:** the quality and effectiveness of these facilities as well as their planning, design and construction is vitally dependent upon the efforts and skill of public service employees and;

**WHEREAS:** the efficiency of qualified and dedicated personnel who staff public works/services departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

**NOW, THEREFORE, BE IT RESOLVED, THAT I,** Michael F. Brennan, Mayor of the City of Portland, Maine and the members of the Portland City Council do hereby proclaim the week of **May 18-24, 2014 as National Public Works Week** within the City of Portland, Maine and call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing public works and recognize the contributions which public works employees make every day to our health safety comfort and quality of life.

**Signed and sealed this 19th day of May, 2014**

_____

**Michael F. Brennan, Mayor**
**City of Portland, Maine**

Prop 35-13/14
Tab 5 5-19-14

# PROCLAMATION

## Honoring

## Portland Fire Department Emergency Medical Services Providers

**WHEREAS:** Emergency medical services is a vital public service to the citizens of Portland, Maine; and

**WHEREAS:** The members of the Portland Fire Department emergency medical services providers are ready to provide lifesaving care to those in need twenty four hours per day seven days a week; and

**WHEREAS:** Access to high quality pre-hospital emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

**WHEREAS:** The Portland Fire Department pre-hospital emergency medical services system consists of emergency medical technicians, advanced emergency medical technicians and paramedics; and

**WHEREAS:** The members of the Portland Fire Department emergency medical personnel engage in thousands of hours of specialized training and continuing education to enhance and improve their life saving skills; and

**WHEREAS:** It is appropriate to recognize the value and accomplishments of emergency medical services providers by designating Emergency Medical Services week in Portland Maine from May 19th to May 24th;

**NOW, THEREFORE, BE IT RESOLVED, THAT I**, Michael F. Brennan, Mayor of the City of Portland, Maine, the members of the Portland City Council, and the Citizens of Portland do hereby honor and recognize the emergency medical services providers of the Portland Fire Department in recognition of Emergency Medical Services Week.

**Signed and sealed this 19th day of May, 2014**

_____

**Michael F. Brennan, Mayor**
**City of Portland, Maine**

Order 245-13/14
Tab 6 5-19-14

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

# CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES (A/L)

## ORDER APPOINTING POLICE CADETS AS CONSTABLES FOR 2014

**ORDERED,** that Aaron Costar and Dylan Matthews, Police Cadets, are hereby appointed pursuant to Sections 20-19 and 20-19.5, Portland City Code as Constables for the Police Department; and

**BE IT FURTHER ORDERED,** that this appointment shall be effective from 12:01 a.m. May 29, 2014, until 12:00 midnight, October 31, 2014; and

**BE IT FURTHER ORDERED,** that these Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests, or to issue parking tickets.

CITY OF PORTLAND, MAINE
CITY COUNCIL AGENDA REQUEST FORM

1. Council meeting at which action is requested:
   1st reading N/A
   Final action: May 19, 2014

2. Can action be taken at a later date: _____Yes __X__No.
   If no, why not? Police Cadets begin enforcement efforts on May 26, 2014

3. This item is sponsored by:
   (If this item is sponsored by a Council Committee include the date the committee met and the outcome of the vote.)

**If a memorandum addresses the following issues you may attach and reference the memorandum but please highlight it so staff can easily answer I-V.**

**1. SUMMARY OF ISSUE:**

Authorization of two Police Cadets to act as City Constables (names to be provided after hiring but before 19 May)

**II. REASON FOR SUBMISSION:** (What issue/problem will this address?)
Police Cadets provide necessary enforcement assistance to the PPD during summer months in the Old Port, addressing primarily quality of life issues and enforcing city ordinances. Constable status is required for their legal authority to issue civil summonses for ordinance violations.

**III. INTENDED RESULT:** (How does it resolve the issue/problem?)
Increased ordinance enforcement in the Old Port/ PDD area, which contributes significantly to quality of life for residents, businesses and tourists.

**IV. FINANCIAL IMPACT:**
None.

**V. STAFF ANALYSIS & RECOMMENDATION:**
Staff recommends approval.
Prepared by: TRISH McALLISTER

Signature _____ Date 4/23/14

Order 246-13/14
Tab 7 5-19-14

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

# CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES (A/L)

## ORDER APPOINTING PARK RANGERS AS A CONSTABLES FOR 2014

**ORDERED,** that Russell Groh, Travis Wade, Jill Mulkern and Christian Wilkins, Park Rangers, are hereby appointed pursuant to Sections 20-19 and 20-19.5, Portland City Code as Constables for the Department of Public Services; and

**BE IT FURTHER ORDERED,** that this appointment shall be effective from 12:01 a.m. May 29, 2014, until 12:00 midnight, October 31, 2014; and

**BE IT FURTHER ORDERED,** that these Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests, or to issue parking tickets.

**MEMO**

**TO:** Sonia Bean

**FROM:** Joe Dumais

**DATE:** May 8, 2014

**RE:** Appointment of Constables

I am requesting the appointment of the following Park Rangers as Constables for 2014:

Russel Groh
Travis Wade
Jill Mulkern
Christian Wilkins

Order 247-13/14
Tab 8 5-19-14

MICHAEL F. BRENNAN. (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND**
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

# ORDER DECLARING PORTLAND'S DOWNTOWN DISTRICT'S "ALIVE AT 5 AND ARTS ALIVE SERIES 2014" AS A FESTIVAL

**ORDERED**, that July 10 – August 14, 2014 is hereby declared to be the "Alive at 5 and Arts Alive Series 2014" Festival, following the below schedule:

Alive at Five Outdoor Concerts (Monument Square)

Thursdays, July 10 (London Souls/Kenya Hall Band), 18, 25, August 7 (Spirit Family Reunion/Ghost of Paul Revere), from 5:00 p.m. to 7:30 p.m.

Alive at Five Outdoor Entertainment (Monument Square)

Thursday, July 17 (to be announced), 24 (Bright Star World Dance), 31 (Portland Symphony Orchestra Chamber Group, with rain date August 14), from 5:00 p.m. to 7:30 p.m.

**BE IT FURTHER ORDERED,** that for the "Alive at 5 and Arts Alive Series 2014" to be held, Federal Street Extension needs to be barricaded to traffic (3:00 p.m. –9:00 p.m.) on each of the concert dates and posted "No Parking" form 9:00 a.m. – 9:00 p.m.; and

**BE IT FURTHER ORDERED**, that the following will be considered the festival area:

- Monument Square, Monument Way, and the sidewalk areas in front of One City Center, as well as Federal Street Extension and sidewalk areas abutting Federal Street Extension; and

**BE IT FURTHER ORDERED**, that the Festival shall be closed to licensed street vendors as provided in §19-17 of the City Code and is reserved for the use of the Portland's Downtown District for the purpose of conducting the "Alive at 5 and Arts Alive Series 2014" Festival, subject to the direction and control of the City Manager; and

**BE IT FURTHER ORDERED**, that the City Manager is authorized to issue a revocable permit to Downtown Improvement District, Inc. d/b/a Portland's Downtown District, under §25-27 of the City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. Portland's Downtown District shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or

resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of $400,000 combined single limit for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. Portland's Downtown District shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance.

2. No alcoholic beverages may be sold on the streets or public property during the Festival within the area of the Festival except in the over-21 area to be partitioned off and staffed by security and subject to meeting all liquor licensing requirements.

3. Conditions for use of grounds and requirements for the events and concerts, and other items specified in a permit issued from the Public Services Event Office, shall be adhered to;

4. City Clerk's Office will charge the usual fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival.

5. Portland's Downtown District shall have sole authority over participating vendors at the events/concerts and may charge a fee to vendors for the opportunity to vend at the events/concerts.

**BE IT FURTHER ORDERED,** that the City Manager is authorized to issue such other temporary licenses, including licenses for food service establishments, as may be required by the City Code, provided that all other applicable Code requirements for the operation of the Festival has been met.

Michael J. Bobinsky
Director of Public Services

TO: Mark Rees, City Manager
FROM: Michael Bobinsky, Director of Public Services
DATE: May 5, 2014
RE: 2014 Portland's Downtown District "Summer Concert Series" – City Council Agenda Item

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I am requesting that the following order be placed on the next City Council agenda:

**Order declaring Portland's Downtown District's "Alive @ 5 / Arts Alive Series 2014," running July 10 – August 14, 2014, as a festival.**

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Portland's Downtown District has, for many years, organized summer concerts in the downtown squares and parks of Portland. Some of these concerts attract large numbers of people to the Downtown area. This summer, PDD is focusing on events at Monument Square. With co-sponsors/co-presenters The State Theatre, PDD plans on showcasing national acts. As part of the proposal, a stage would be setup on the square, as well as a Beer Garden area (21+ fenced off section).

The following is a schedule for the summer events/concerts series.

**Alive @ Five - Outdoor Concerts, Monument Square (co-presented with The State Theatre)**
Thursdays, July 10 (London Souls / Kenya Hall Band) and August 7 (Spirit Family Reunion / Ghost of Paul Revere). 5pm – 7:30pm. Attendance: 500 - 1000+.

**Arts Alive - Outdoor Entertainment, Monument Square**
Thursdays, July 17 (To Be Announced), 24 (Bright Star World Dance), 31 (PSO Chamber Group) rain date: August 14. 5pm – 7:30pm. Attendance: 250 – 500+.

**Festival Zone (areas falling under PDD's purview):**
Monument Square, Monument Way, and the sidewalk areas in front of One City Center, as well as Federal Street Ext. and sidewalk areas abutting Federal Street Ext.

**Street Closures:**
In order for the Alive @ Five and Arts Alive concerts to be held, Federal Street Ext. needs to be barricaded to traffic (3pm – 9pm) on each of the concert dates, and posted "No Parking" from 9am – 9pm.



55 Portland Street / www.portlandmaine.gov / tel, 207·874·8801 / tty, 207·874·8936 / fax, 207·874·8816

**Beer Garden:**

A beer garden (24' x 32') on the square. This age 21+ area, to be partitioned off and staffed by security. Alcohol sales and consumption of alcohol in this secured area only. Time frame: 5pm- 7:30pm. Portland's Downtown District is the sponsor applying for the Off-Premises Liquor Catering License. State Theatre Staff will setup bar and staff service area.

The Festival area will be closed to street vendors pursuant to Section 19-17 of the Portland City Code and is reserved for the use of Portland's Downtown District for the purpose of conducting the **"Alive @ 5 / Arts Alive Series 2014"** Festival, subject to the direction and control of the City Manager.

Also, the City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to Portland's Downtown District for the use of the above-described areas for said Festival subject to the following conditions:

- Portland's Downtown District shall indemnify the city and hold it harmless from and against all claims arising out of activities during said events, and shall take out and maintain public liability insurance coverage in the amount of at least $400,000 combined single limit for personal or bodily injury, death or property damage for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the **"Alive @ 5 / Arts Alive Series 2014"** and its activities.

- Under no circumstances may alcoholic beverages be sold or consumed on the streets or public property of said area during said festival (other than the beer garden/alcohol area approved by Portland City Council).

- Conditions for use of grounds/requirements for the events/concerts, and other items specified in a permit issued from the Public Services Event Office, shall be adhered to.

- City Clerk's Office will charge the usual fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival.

- Portland's Downtown District shall have sole authority over participating vendors at the events/concerts and may charge a fee to vendors for the opportunity to vend at the events/concerts.

The City Manager is also authorized to waive any fees, and issue such other temporary licenses and temporary permits, including licenses for food service establishments and permits for sales of non-food related items, as may be required by the Portland City Code, provided that all applicable requirements of said code have been met regarding the operation of said event.

Document prepared by Ted Musgrave, Event Coordinator



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CITY OF PORTLAND, DEPARTMENT OF PUBLIC SERVICES
PUBLIC PARK & SPACE APPLICATION (3 pages)
55 Portland St. ~ Portland ~ ME ~ 04101
207-874-8826 (Event Office) ~ Fax 207-874-8816
tvm@portlandmaine.gov

**For uses of city property, there are typically: 1. fees charged for use of the area 2. a security deposit required 3. insurance required (There may be fees due and applications required from other City Departments)**

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| TODAY'S DATE | 5-5-2014 | ORGANIZATION NAME | Portland's Downtown District | | | | | | |
| ORGANIZATION ADDRESS | 549 Congress St | | CITY | Portland | STATE | ME | ZIP | 04101 | |
| CONTACT NAME(S) | Steve Hewins<br>Will Ethridge TITLE Marketing and Communications Manager | | | | | | | | |
| HOME # | WORK 772-6828 | | CELL | 210-2411 | | FAX | 774-4640 | | |
| EMAIL | will@portlandmaine.com | | | EMAIL | | | | | |

| | | | | | |
|---|---|---|---|---|---|
| PARK AREA OR PUBLIC SPACE REQUESTED | Monument Square (Federal Street Ext. closed) | | | | |
| EVENT DAY & DATE(S) | THURSDAYS<br>July 10, 17, 24, 31 and August 7<br>(rain date: 14th) 2014 | RAIN DAY & DATE(S) | August 14 | | |
| EVENT START TIME (i.e. set-up start time) | See below | EVENT END TIME (i.e. when event cleanup is complete) | See below | ACTUAL START & END TIME OF EVENT | See below |

| EVENT NAME | EXPECTED ATTENDANCE |
|---|---|
| PDD's Alive @ 5 / Arts Alive Series 2014 | 250 – 1000+ |

**DESCRIPTION OF EVENT:** Please be specific regarding **area of public space/park** and describe Event in detail.

**Alive at Five Outdoor Concerts, Monument Square (co-presented with The State Theatre)**
Thursdays, July 10 (London Souls / Kenya Hall Band) and August 7 (Spirit Family Reunion / Ghost of Paul Revere)
5pm – 7:30pm
Federal Street Ext. will need to be closed to vehicular traffic from 3pm – 9pm.
Stage set up on Monument Square itself (PA speakers to face out towards One City Center area).
Federal Street Extension will be posted "no parking" from 9am - 9pm.
A beer garden (24' x 32'). This area is to be partitioned off and staffed by security. Alcohol sales and consumption of alcohol in this secured area only. Beer Garden sponsor is PDD. Beverage Service area by State Theatre Staff.

**Arts Alive Outdoor Entertainment, Monument Square**
Thursday, July 17 (To Be Announced), 24 (Bright Star World Dance), 31 (PSO Chamber Group)
rain date: August 14
5pm – 7:30pm
Federal Street Ext. will need to be closed to vehicular traffic from 3pm – 9pm.
Stage set up on Monument Square itself (PA speakers to face out towards One City Center area).
Federal Street Extension will be posted "no parking" from 9am - 9pm.
A beer garden (24' x 32'). This area is to be partitioned off and staffed by security. Alcohol sales and consumption of alcohol in this secured area only. Beer Garden sponsor is PDD. Beverage Service area by State Theatre Staff.

Concerts are free to the public. Beer will be sold.

**WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN?** Parking lots, garages, street.

**PLEASE CHECK OFF AND ANSWER:**
**PLEASE SEEE ATTACHED FEE SCHEDULE / DEPT. INFORMATION IF YOU ANSWER YES**

| | | X-YES | X-NO | X-NOT SURE |
|---|---|---|---|---|
| * | Are you setting up a **canopy**(s) ? (canopy is 10x10 size) How many:<br>Canopies in large areas (Monument Square, Deering Oaks, Payson Park, Lincoln Park, Preble Street Grass Area), do not need Public Service's review. For smaller parks and | X<br>COVERS STAGE | | |
| * | Do you wish to set up a **tent(s)**? (a canopy or tent larger than 10x10 needs to be. | | X | |
| * | Will you be setting up **tables and/or chairs** ? How many tables: 2 chairs: 2 | X | | |
| * | Are other items or equipment being placed on City property ? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List:<br>**STAGE (16X12) at Mon. Square**<br>**Beer Garden area at Mon. Square Musical and PA Gear** | X | | |
| * | Will there be **refreshments** at the event? **Yes**<br>Do you wish to **sell food?** yes<br>(If so, you will need approval from Public Services)<br>List food and drink: **Beer/Wine/Spirits at Monument Square**<br>A Temporary Food Service License (from the City Clerk's Office) is needed, even if food is given away (and even if it is pre-packaged). PLEASE give the Clerk's Office at least a 2-week notice. | X BEER GARDEN | | |
| * | Do you wish to sell **non-food items** (like T-shirts, crafts, cd's, etc.) ?<br>If so, you will need approval from Public Services, and you will need to apply for a Street Goods Vendor License(s) at the City Clerk's Office.<br>List items you wish to sell: **Band CDs, t-shirts, etc.** | X | | |
| * | Are you setting up a **PA (sound) system ? Yes**<br>Are you planning on having **Amplified Music ? Yes Band ? Yes DJ ?** Maybe<br>If so, your event requires a concert license from the City Clerk's Office. (Just voice – i.e. Press Conference, would not require the license because it is not music). For amplified music/speech, there are time restrictions for the Downtown Parks & Squares (music limited to 11:45am – 1:15pm, and 1 hour between 5pm - 8pm). Waived by City Council | X | | |
| * | Will your event require **electricity**? Electricity is available at some of the parks & | X | | |
| * | Are you planning on bringing a **Grill for a Barbecue** ? | | X | |
| * | Will the event require **reserved parking spaces / parking meters**? How many?<br>"No Parking" signs may be purchased at Public Services, 55 Portland Street. | X<br>FED ST EXT | | |
| * | Will your event need **safety vests, signs, barricades and/or cones**?<br>Please list what you would like to borrow:<br>A few orange vests and cones may usually be borrowed from Public Services, Event Office.<br>Barricades and signs are borrowed from Public Services, Customer Service. | X | | |
| * | Will your event require **street closures**? (Please be specific under "Description of Event") | X | | |
| * | Will your event require **Police** assistance? An event such as a road race, march in the street, or parade would typically require police assistance. | WILL RESPOND AS NEEDED | | |
| * | Will your event require **Fire/EMS** assistance? (For a large walk/race, it is recommended.) | | X | |
| * | Will your event require **porta-restroom** rental(s) or need existing porta-restroooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a $25 fee is assessed for events where attendance is 150 or more.) | X - 2 /SHOW | | |
| * | Do you wish to have a **banner over the street** to advertise your event ? (Banners hung over Congress St. or Baxter Blvd). Banner inquiries directed to Public Services: 874-8801. | | | X |

| INSURANCE CERTIFICATE INFORMATION | | | | |
|---|---|---|---|---|
| * | Will your event require liability Insurance?<br>(For an event such as a walkathon, race, festival, press conference, concert, etc., the city requires insurance coverage - General Liability. The City of Portland needs to be named as additional insured and the policy endorsed in regards to the event activities on that date). If your event has been approved for serving food, Product Liability is also required, in addition to General Liability. | X | | |

- If you answered yes, please have "City of Portland, Maine" listed as an additional insured on the certificate, in this way: certificate must say either: A) "the policy actually is 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 Expansion Endorsement, by which the City of Portland is, in fact, automatically made an additional insured." A Certificate which merely has a box checked under 'Addl Insr," or which merely states The City of Portland is named as an Additional Insured, will not be acceptable. The amount of coverage must be shown on the certificate, and the minimum coverage amount is $400,000. Please have your insurance company fax a copy to Public Services: 207-874-8816 or email to tvm@portlandmaine.gov. (Email preferred)

# PUBLIC SERVICES POLICIES

## ELECTRICITY

All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you **not use** electricity, unless all connections and equipment are covered and protected from the elements.

## BARBECUES - GAS GRILLS ONLY

Only GAS GRILLS are allowed in parks/public spaces – i.e. No Charcoal Grills or open burning. Barbecuing must first be approved by Public Services and is subject to weather conditions, and possible further review by the Fire Dept. Grills must be set up away from children's activities. You must bring a fire extinguisher with you to the grilling area.

## PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where food is being served. Organizer will rent facilities for Mon Square area. The city currently is contracted with the porta-restroom company (Associated Septic, 207-799-1980) though organizer need not rent through them.

## TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). The area will be checked following your event and if the park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

## PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Public Services has a strict policy that prohibits vehicles from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). $10 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas would mean a forfeit of your security deposits.**

## TOBACCO FREE ZONES

By city ordinance, smoking is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Please make sure you pass this information along to participants / spectators at the event.

## NOTIFICATION

Please keep a copy of this permit on site at all times. City staff may require proof of permit.

## REVOCABLE PERMIT

- The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.
- The City reserves the unconditional right to revoke or revise an issued permit.

| I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES | TYPE INITIALS | WTE | DATE | 5/5/14 |
|---|---|---|---|---|

## ASSUMPTION OF RISK & LIABILITY

Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form, (should permission be granted to use city property), the above parties agree to indemnify and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.

| I have read the Assumption of Risk & Liability Agreement | TYPE INITIALS | WTE | DATE | 5/5/14 |
|---|---|---|---|---|

## CREDIT CARD INFORMATION

| Visa or MasterCard Number | | | | | Exp Date (Mon/Yr) | | |
|---|---|---|---|---|---|---|---|

CREDIT CARD WILL ONLY BE CHARGED FOR SECURITY DEPOSIT(S) AS NEEDED

## TOTAL AMOUNT(S) DUE TO PUBLIC SERVICES (Please make all security deposit checks out separately)

| | | | |
|---|---|---|---|
| Permit Fee for use of area: $40 per hour (i.e. a 3 hour event totals $120) includes use of elec.<br>If your event is rained out / cancelled, the bulk of the fee is returned (however $40 is non-refundable)<br>Number of Hours of Use: **12 hours** | $ N/A<br>**PDD contract** | Vest, Barricade, Cone Deposit: $10 per/item | $ ? |
| Electricity: $5per/hr (fee only pertains to 1st Amendment uses – i.e. no charge if paying hourly fee) | $ 0 | Public Space / Park Security Deposit:<br>Sound Security Deposit $100 - $1000 | $ N/A |
| Key Deposit: $50 per key | $ N/A | Other (Porta-Restroom User Fee, etc.) | $ N/A |

## FOR OFFICE USE ONLY

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| DATE REC'D APPLICATION | 5-5-2014 | DATE REC'D INSURANCE | **NEED REVISED** | PERMIT FEE AMT REC'D | **$ N/A** | SECURITY DEPOSIT | **$ ???** |

Order 248-13/14
Tab 9 5-19-14

MICHAEL F. BRENNAN, (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND**
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

# ORDER DECLARING "PORTLAND PRIDE! PRIDE CELEBRATION AND FESTIVAL"

**ORDERED**, that Sunday, June 13, 2014 through Sunday, June 21, 2014, is hereby declared "Portland Pride! Pride Celebration and Festival" and the City Manager is authorized to grant permits to Pride Portland! pursuant to Sec. 25-27 of the Portland City Code for the following activities on Saturday, June 21, 2014:

a. Use of Monument Square and area sidewalks, Monument Way, One City Center Sidewalk, Center Street, Federal Street Extension and sidewalks, Congress Street sidewalk area and Preble Street (from Cumberland Ave to Congress Street) and Federal Street Extension from 10:00 a.m. to 12:00 p.m., as a gathering point for parade participants. Floats will park on Preble Street – both lanes (from Cumberland Avenue to Congress Street);

b. Use of Congress Street (both sides of the street) west bound, from Elm Street to High Street, High Street (from Congress Street to Park Avenue), Park Avenue (from High Street to Deering Avenue), State Street Extension (from Park Avenue to Forest Avenue) and entering Deering Oaks at Bowling Green Pathway in the Mellen Street area (Floats park on Park Avenue) for a parade to begin at 12:00 p.m.;

c. Use of Deering Oaks Park (the Park Avenue side of the park, i.e. grass areas on the south side of the pond and ravine) for "Portland Pride! Pride Celebration and Festival": entertainment, displays, food and non-food vendors from 1:00 p.m. – 4:00 p.m.;

d. If inclement weather, the Festival at Deering Oaks Park would be moved indoors or cancelled, but the parade would still take place, rain or shine; and

**BE IT FURTHER ORDERED**, that the following streets shall be closed to traffic on Saturday, June 21, 2014:

1. Federal Street Extension and Preble Street from Cumberland Avenue to Congress Street (9:00 a.m. – noon). Preble Street and Federal Street Extension posted "No Parking";

2. Center Street, from Free Street to Congress Street, closed to traffic and used for parade formation purposes;

3. Streets along the Parade route: Congress Street (Elm to High Street), High Street (Congress Street to Park Avenue), Park Avenue (High Street to Deering Avenue) and State Street Extension entrance to Deering Oaks Park will be closed for short periods of time by police officers in patrol cars and volunteers, blocking the intersection via a rolling barricade (approximately 12:00 p.m. – 1:00 p.m.); and

**BE IT FURTHER ORDERED,** that the parade route and Festival area will also be closed to street vendors pursuant to Section 19-17 of the Portland City Code and is reserved for the use of the Pride Portland! for the purpose of conducting the Pride Festival events, subject to the direction and control of the Acting City Manager; and

**BE IT FURTHER ORDERED,** that the City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the Pride Portland! for the use of the above-described area for said Festival, subject to the following conditions:

1. Pride Portland! shall reimburse the City for all expenses incurred by City Departments for said 2014 Festival;

2. Under no circumstances may alcoholic beverages be sold on the streets or public property of said area during said Festival except in the over-21 area to be partitioned off and staffed by security and subject to meeting all liquor licensing requirements;

4. Pride Portland! shall have sole authority over participating vendors at the event and may charge a fee to vendors for the opportunity to vend at the Festival;

5. Conditions for use of grounds, specified in a permit issued from Public Services Event Office, shall be adhered to;

6. Pride Portland! shall indemnify the City and hold it harmless from and against all claims arising out of activities during said Festival, and shall take out and maintain public liability insurance coverage in the amount of at least $400,000 (for use of Deering Oaks) combined single limit for personal or bodily injury, death or property damage for said purpose. This insurance certificate will also list the City of Portland as an additional insured for the "Portland Pride! Pride Celebration and Festival"; and

**BE IT FURTHER ORDERED**, that the City Manager is also authorized to issue such other temporary licenses and temporary permits, including licenses for food service establishments and permits for sales of non-food related items, as may be required by the Portland City Code, provided that all applicable requirements of said code have been met regarding the operation of said event.

Michael J. Bobinsky
Director of Public Services

TO: Mark Rees, City Manager
FROM: Michael Bobinsky, Director of Public Services
DATE: May 5, 2014
RE: 2014 Portland Pride! Pride Celebration and Festival – City Council Agenda Item

---

I am requesting that the following order be placed on the next City Council agenda:

**Order declaring June 13 – June 21, 2014, as "Pride Portland! Week" and declaring Saturday, June 21, 2014, as "Pride Portland! Pride Celebration and Festival." The Festival itself (Saturday, June 21) is comprised of two components: the Pride Parade and the festival at Deering Oaks Park.**

---

The Pride Festival is under new management. The new organization, Pride Portland, has submitted a request/application for **"Portland Pride! Pride Celebration and Festival,"** which includes a number of events taking place all week long. They have requested the following major activities be approved for use of city property (which are similar to previous years, with one exception - an alcohol service area at the festival at Deering Oaks Park):

1. For parade assembly: The use of Monument Square, One City Center sidewalk, Preble Street (from Cumberland Ave. to Congress Street), Federal Street Extension, and Center Street (Free to Congress) on **Saturday, June 21, from 10am to 12pm (Noon).**
   Parade assembly begins at 10am. Attendance – 1300 marchers (some floats).
2. For parade itself: The use of city streets – both lanes: Congress Street (Elm to High Street), High Street (Congress Street to Park Avenue) Park Avenue (from High Street to Deering Ave.), and State Street Ext. Once reaching Mellen Street area, marchers enter into Deering Oaks Park, **Saturday, June 21, to begin at 12pm (Noon).**
   Estimated onlookers – 3000: Estimated participants – 1300 with some floats.
3. For the festival: The use of Deering Oaks Park (Park Avenue side of the Park): entertainment, displays, food and non-food vendors **(and new this year – a 21+ Beer Garden area)**, from **1 – 4pm** on **Saturday, June 21.**
   Attendance – 7,000+ **(NOTE: as the festival now is held on the southside of the pond and ravine area, Farmer's Market will still be held in Deering Oaks Park that day; and farmers will end their sales at the park at the usual time – which is around 1pm.)**



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**Festival Zone (areas falling under Pride Portland Committee's purview):**

All of parade formation area and parade route, including the streets themselves, and parking lanes, as well as adjoining sidewalks, square, parks, and plazas (Monument Square, Monument Way, Congress Square).

The south side of Deering Oaks Park, including the sidewalks/pathways and Bowling Green Road, (from the southside of the Ravine and Pond, to Park Ave., to State Street Ext., to Deering Ave.) to include the adjoining sidewalks as well.

**Street Closures:**

In order for some of these events to be held, a few city streets need to be closed to vehicular traffic on **Saturday, June 21**. In particular, the streets included in the parade formation area and the parade route itself. **(In addition, some of these streets would need to be posted "No Parking.")**

The Public Services Director is working with METRO officials on a MOU around Street Closures and impacts to the transit routes. The Pride Parade will impact some of those METRO routes. City staff will work with METRO on how to best address those impacts.

**If inclement weather on Saturday, June 21, the Festival at Deering Oaks Park would be cancelled, but the Parade would still take place, rain or shine**.

For Parade formation: Federal Street Extension and Preble Street – from Cumberland Ave. to Congress Street; (9am – Noon). Preble St. and Federal St. Ext posted "no parking." Also, Center Street (from Free Street to Congress Street) closed to traffic and used for formation purposes.

Streets along the Parade route: Congress Street (Elm to High Street), High Street (Congress Street to Park Avenue) Park Avenue (from High Street to Deering Ave.), and State Street Extension, will be closed for a period of time by police officers in patrol cars, parking control officers, and volunteers, blocking the intersections via a rolling barricade. (**Approximately 12 – 1pm**)

**Beer Garden:**

Organizers wish to sell alcohol (wine and beer) at the festival at Deering Oaks Park, Saturday June 21. Time frame: 1 – 4pm. Equality Maine is the sponsor applying for the Off-Premises Liquor Catering License. If approved, organizers will contract and hire the city's Facilities Management Staff to setup and oversee this 21+ partitioned-off area. Friends of Deering Oaks have reviewed and endorsed.



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The parade route and festival area will also be closed to street vendors pursuant to Section 19 -17 of the Portland City Code and is reserved for the use of the Pride Portland Committee for the purpose of conducting the Pride Events, subject to the direction and control of the City Manager.

The City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the Pride Portland Committee for the use of the above-described area for said events, subject to the following conditions:

- The Pride Portland Committee, **Co-chairs Jill Barkley and Chris O'Connor,** shall reimburse the City for all expenses incurred by City Departments for said **2014 Festival** (assistance at the Parade is in-kind, as that is considered a 1st Amendment use);

- Under no circumstances may alcoholic beverages be sold or consumed on the streets or public property of said area during said festival, other than an area approved by Portland City Council;

- The Pride Portland Committee shall have sole authority over participating vendors at the events and may charge a fee to vendors for the opportunity to vend at the events;

- Conditions for use of grounds, specified in a permit issued from Public Services Event Office, shall be adhered to; and

- Pride Portland shall indemnify the City and hold it harmless from and against all claims arising out of activities during said Festival, and shall take out and maintain public liability insurance coverage in the amount of at least **$400,000 (for use of Deering Oaks)** combined single limit for personal or bodily injury, death or property damage, and alcohol liability coverage, for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the **"Pride Portland! Pride Celebration and Festival"** activities.

The City Manager is also authorized to waive any fees, and issue such other temporary licenses and temporary permits, including licenses for food service establishments and permits for sales of non-food related items, as may be required by the Portland City Code, provided that all applicable requirements of said code have been met regarding the operation of said event.

Document prepared by Ted Musgrave, PS Event Coordinator



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CITY OF PORTLAND, DEPARTMENT OF PUBLIC SERVICES
PUBLIC PARK & SPACE APPLICATION (4 pages)
55 Portland St. ~ Portland ~ ME ~ 04101
207-874-8826 (Event Office) ~ Fax 207-874-8816
tvm@portlandmaine.gov

**For uses of city property, there are typically: 1. fees charged for use of the area 2. a security deposit required 3. insurance required (There may be fees due and applications required from other City Departments)**

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **TODAY'S DATE** | 3/10/14 revised: 4-17 | **ORGANIZATION NAME** | Pride Portland | | | | | | |
| **ORGANIZATION ADDRESS** | c/o Equality Maine 565 Forest Avenue | | **CITY** | Portland | **STATE** | ME | ZIP | 04102 | |
| **CONTACT NAME(S)** | **Jill Barkley & Chris O'Connor TITLE Co-Chairs** | | | | | | | | |
| **HOME #** | **WORK** | **CELL** | Jill: 332-1297 Chris: 332-2061 | | **FAX** | | | | |
| **EMAIL** | portmepride@gmail.com | **EMAIL** | | | | | | | |

| | | | | | |
|---|---|---|---|---|---|
| **PARK AREA OR PUBLIC SPACE REQUESTED** | Portland Streets (Mon Square / Preble St. / Fed St. Ext) – for PARADE<br>Deering Oaks Park (north side of Pond + Ravine) – for FESTIVAL | | | | |
| **EVENT DAY & DATE(S)** | Saturday, June 21st, 2014 | | **RAIN DAY & DATE(S)** | None | |
| **EVENT START TIME** (i.e. set-up start time) | Parade (10 am – Formation, 12pm – parade start)<br>7 am (festival) STAGE erected on Friday afternoon | **EVENT END TIME** (i.e. when event cleanup is complete) | 1:00pm (parade)<br>7:00pm (festival) | **ACTUAL START & END TIME OF EVENT** | 12pm (Noon) – 1pm (parade)<br>1pm – 7pm (festival) |

| **EVENT NAME** | **EXPECTED ATTENDANCE** |
|---|---|
| Pride Portland! Pride Celebration and Festival | Parade: 1300 marchers<br>3000 spectators<br>Festival: 7000 + |

**DESCRIPTION OF EVENT:** Please be specific regarding **area of public space/park** and describe Event in detail

**Pride Week:**
**Friday, June 13th:**
Outright Prom
Raising the Rainbow: Celebration & Rally
Kick-off Party at Grace – Requiem For The Disco
**Saturday, June 14th:**
Rainbow Run/ Walk 5k Time: 11am – 3pm
Pride Ball Tournament: Sponsored by Frannie Peabody Prevention
Event Coordinator: Mat Robedee, Josh Moody
Venue: Preble Street Field Time: 11am – 3pm
Rain Venue: USM gym
Description:
- A community kickball tournament with local business and organizations. All proceeds to benefit Portland Outright. *(needs to be voted on by steering committee)*

**Monday, 16th:**
Dinnah' on the Lawn (Potluck Picnic) Venue: Fort Sumner Park Time: 5:30 – 8:30PM
Event Coordinators: Branden Parker, Mat Robedee, MaineTransNet
Description: An evening picnic for LGBTQ friends and family with the possibility of having a vocalist/acoustic performers
Sponsor: MaineTransNet (needs to be confirmed – will know by 4/11)

**Tuesday, 17th:**
Drive-In Movie Night
**Wednesday, 18th:**
"F ›" the Musical
D. Bingo!
Ruby Celebration: 40 years of History and Activism in Maine
*Picnic on the Prom – RAINCHECK DATE*
**Thursday, 19th:**
Bayside Bowl - Equality Maine Event - Spirit of Pride Summer Party
**Friday, 20th:**
Queer Critical Mass Bicycle Ride (streets of Portland)
Dyke March – Rally at Monument Square, March on Congress Street to One Longfellow

**Pride Parade**: **Sat., June 21, 2014** Noon Kick-Off Parade forms up on Preble Street (between Cumberland and Congress) and Center Street (from Free to Congress) and Monument Square. Parade down Congress Street to High Street, Park Ave. to Mellen Street intersection, onto sidewalk + pathway to Deering Oaks. Organizer will hire some Police Officers and PCO's to assist with traffic control. Many volunteers will staff the parade route intersections.

**Pride Festival**: **Sat., June 21, 2014** 1 – 5pm or 7pm Festival is held in Deering Oaks Park (located on the Park Avenue and Bowling Green Path side of the Oaks) and includes the use of the grass areas and Bowling Green Path, a large stage erected on the grass beside the path (near the pond), and electricity at nearby green box for entertainment (DJ's and bands). Stage comes in on Friday, gets removed on Sunday or Monday.
Many tables set up on the grass, some canopies set up.
There will be food and non-food vendors at the festival. Some gas grills will be used for cooking. The food trucks will need to park in other areas – other than beside the Park Avenue sidewalk.
The Bowling Green itself, will NOT be used for any formal events (other than recreation + socializing and blanket seating).
Organizer will rent a number of porta-restrooms (10+) to be positioned on grass area just to the side of the Bowling Green Path.
Parking spaces all along Park Ave. (park side, from State Street Ext. to Deering Ave.) need to be set aside for the festival.

A banner is requested to be hung over the street.

A **Beer Garden** will be set up in the park, past the vendor tables, separate from the stage area. James Redpath, Event Coordinator is arranging for set up and security. The festival organizers will secure a licensed vendor to serve alcohol. The sponsor for the Beer Garden is Equality Maine (a non-profit). Only guests 21+ will be admitted to the beer garden. It will run from 1:00-4:00, with a last call. Additionally, 2 porta-restrooms will be inside of the beer garden.

**THERE IS NO PRIDE DANCE AT THE PIER THIS YEAR**. (EVENTS held indoors)

| | | |
|---|---|---|
| **IS THERE A REGISTRATION FEE?** | Yes – vendors and groups pay to participate in the parade and festival | |
| **IF YES, HOW MUCH?** | **FEE** | $ TBA |

**WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN?** Reserved parking is needed for some vehicles... at Deering Oaks (Park Avenue – north side) as well as around the Parade Formation Area. Otherwise, parking for participants is at area parking lots, garages, and on street.

## PLEASE CHECK OFF AND ANSWER:

**PLEASE SEE ATTACHED FEE SCHEDULE / DEPT. INFORMATION IF YOU ANSWER YES**

| | | X-YES | X-NO | X-NOT SURE |
|---|---|---|---|---|
| * | Are you setting up a **canopy**(s) ? (canopy is 10x10 size) How many: | X | | |
| * | Do you wish to set up a **tent(s)**? (a canopy or tent larger than 10x10 needs to be approved | | X | |
| * | Will you be setting up **tables and/or chairs** ? How many tables: chairs: | X | | |
| * | Are other items or equipment being placed on City property ? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List: **LARGE STAGE ON GRASS** | X | | |
| * | Will there be **refreshments** at the event?<br>Do you wish to **sell food?**<br>(If so, you will need approval from Public Services)<br>List food and drink: **Food Trucks and other Food Vendors**<br>A Temporary Food Service License (from the City Clerk's Office) is needed, even if food is given away (and even if it is pre-packaged). PLEASE give the Clerk's Office at least a 2- | X | | |

| | | | | |
|---|---|---|---|---|
| | week notice. | | | |
| * | Do you wish to sell **non-food items** (like T-shirts, crafts, cd's, etc.) ?<br>If so, you will need approval from Public Services, and you will need to apply for a Street Goods Vendor License(s) at the City Clerk's Office.<br>List items you wish to sell: an assortment of items ???????????? | X | | |
| * | Are you setting up a PA **(sound) system** ?<br>Are you planning on having **Amplified Music** ? Y **Band** ? Y **DJ** ? Y<br>If so, your event requires a concert license from the City Clerk's Office. (Just voice – i.e. Press Conference, would not require the license because it is not music). For amplified music/speech, there are time restrictions for the Downtown Parks & Squares (music limited to 11:45am – 1:15pm, and 1 hour between 5pm - 8pm). | X | | |
| * | Will your event require **electricity**? Electricity is available at some of the parks & squares | X | | |
| * | Are you planning on bringing a **Grill for a Barbecue** ?<br>Only Gas Grills are allowed in the parks (NO CHARCOAL). Grilling is subject to weather conditions and possibly Fire Dept. review. | X | | |
| * | Will the event require **reserved parking spaces / parking meters**? How many? **LOTS**<br>"No Parking" signs may be purchased at Public Services, 55 Portland Street. | X | | |
| * | Will your event need **safety vests, signs, barricades and/or cones**?<br>Please list what you would like to borrow:<br>A few orange vests and cones may usually be borrowed from Public Services, Event Office. Barricades and signs are borrowed from Public Services, Customer Service. | X | | |
| * | Will your event require **street closures**? (Please be specific under "Description of Event") | X | | |
| * | Will your event require **Police** assistance? An event such as a road race, march in the street, or parade would typically require police assistance. | X | | |
| * | Will your event require **Fire/EMS** assistance? (For a large walk/race, it is recommended.) | X | | |
| * | Will your event require **porta-restroom** rental(s) or need existing porta-restroooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a $25 fee is assessed for events where attendance is 150 or more.) | X | | |
| * | Do you wish to have a **banner over the street** to advertise your event ? (Banners hung over Congress St. or Baxter Blvd). Banner inquiries directed to Public Services: 874-8801. | X | | |

| INSURANCE CERTIFICATE INFORMATION | | | | |
|---|---|---|---|---|
| * | Will your event require liability Insurance?<br>(For an event such as a walkathon, race, festival, press conference, concert, etc., the city requires insurance coverage - General Liability. The City of Portland needs to be named as additional insured and the policy endorsed in regards to the event activities on that date). If your event has been approved for serving food, Product Liability is also required, in addition to General Liability. | X<br>**NEED REVISED - EQUALITY MAINE** | | |
| | ◆ If you answered yes, please have "City of Portland, Maine" listed as an additional insured on the certificate, in this way: certificate must say either: A) "the policy actually is 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 Expansion Endorsement, by which the City of Portland is, in fact, automatically made an additional insured." A Certificate which merely has a box checked under 'Addl Insr," or which merely states The City of Portland is named as an Additional Insured, will not be acceptable. The amount of coverage must be shown on the certificate, and the minimum coverage amount is $400,000. Please have your insurance company email a copy to Public Services: email to tvm@portlandmaine.gov. | | | |

## PUBLIC SERVICES POLICIES

| ELECTRICITY |
|---|
| All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you **not use** electricity, unless all connections and equipment are covered and protected from the elements. |

| BARBECUES - GAS GRILLS ONLY |
|---|
| Only GAS GRILLS are allowed in parks/public spaces – i.e. No Charcoal Grills or open burning. Barbecuing must first be approved by Public Services and is subject to weather conditions, and possible further review by the Fire Dept. Grills must be set up away from children's activities. You must bring a fire extinguisher with you to the grilling area. |

| PORTA-RESTROOMS / BATHROOM FACILITIES |
|---|
| Porta-Restrooms are required for large events and events where food is being served. Some of Portland's parks already have portable restrooms (*Deering Oaks Park – Playground + Ravine). If over 150 people are expected to attend the event, a $25 user fee is required (p[illegible] to Public Services). The restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your e[illegible], then you need to call the porta-restroom company (Associated Septic, 207-799-1980, M-F) to request and pay for a cleaning. |

| TRASH |
|---|
| All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). The area will be checked following your event and if the park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance! |

Com 13-13/14
Tab 10 5-19-14

Portland, Maine Yes. Life's good here.

Office of the Mayor
Michael F. Brennan

Memo

**TO:** Sonia Bean
Senior Administrative Assistant

**FROM:** Mayor Michael F. Brennan

**DATE:** May 9, 2014

**RE:** Appointment to Pacts Policy Committee

I am requesting that the appointment of Deputy City Manager Sheila Hill-Christian to the PACTS Policy Committee be added to the May 19th City Council agenda.

Com 14-131 14
Tab 11 5-19-14

Portland, Maine Yes. Life's good here.

Michael J. Bobinsky
Director of Public Services

To: Honorable Mayor Michael Brennan

From: Michael J. Bobinsky, Director of Public Services

Date: May 12, 2014

Subject: Addition of Community Advisors for the State and High Two-way Conversion Study

At the Council Meeting in April, the listing of names below was approved for appointment to the State and High Street Two-way Conversion Study Project Advisory Committee (PAC). After the meeting it was asked that the following also be added as Community Advisors (non-voting). The following names are recommended for appointment:

Traffic Solutions – Bill Bray
Portland Society of Architects – Chris Cantwell
St. John/Valley Neighborhood Association
Libbytown Neighborhood Association
St. Luke's Church
YMCA

**Voting Members:**
- Parkside Neighborhood Association – Emma Holder or Designee
- West End Neighborhood Association – Rosanne Graef or Designee
- Bayside Neighborhood Association – Steve Hershon or Designee
- Friends of Deering Oaks – Anne Pringle or Designee
- Friends of Congress Square Park – Frank Turek or Designee
- Mercy Hospital – Michael Connolly, Director of Facilities or Designee
- Eastland Hotel – Bruce Wennerstrom, General Manager or Designee
- Portland Museum of Art – Kristen Levesque or Designee
- 100 State Street - Anne Thaxter or Designee
- Greater Portland Landmarks - Hilary Bassett or Designee
- State Theatre – Reached out to Lauren Wayne or Designee
- GPCOG / PACTS – Carl Eppich, Senior Transportation Planner or Designee
- MaineDOT – Commissioner Dave Bernhardt or Designee
- Councilor Marshall, Co-Chair
- Councilor Donoghue, Co- Chair

**Community Advisors:**
- Portland Bicycle and Pedestrian Advisory Committee – Reached out to Jennifer Claster
- AAA – Reached out to AAA for contact name
- Greater Portland Convention & Visitors Bureau – Reached out to Lynn Tillotson
- Portland Downtown District – Reached out to Steve Hewins
- Portland Chamber of Commerce – Reached out to Chris Hall
- METRO / Greater Portland Transit District – Gregory Jordan/Glenn Fenton

## PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Public Services has a strict policy that prohibits vehicles from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). $10 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. / **ire ruts/damage to the grass areas would mean a forfeit of your security deposits.**

## TOBACCO FREE ZONES

By city ordinance, smoking is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Please make sure you pass this information along to participants / spectators at the event.

## NOTIFICATION

Please keep a copy of this permit on site at all times. City staff may require proof of permit.

## REVOCABLE PERMIT

- The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.
- The City reserves the unconditional right to revoke or revise an issued permit.

| I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES | TYPE INITIALS | JB | DATE | 3/10/14 |
|---|---|---|---|---|

## ASSUMPTION OF RISK & LIABILITY

Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form, (should permission be granted to use city property), the above parties agree to indemnify and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.

| **I have read the Assumption of Risk & Liability Agreement** | TYPE INITIALS | JB | DATE | 3/10/14 |
|---|---|---|---|---|

## CREDIT CARD INFORMATION

| Visa or MasterCard Number | | | | | Exp Date (Mon/Yr) | | |
|---|---|---|---|---|---|---|---|

**CREDIT CARD WILL ONLY BE CHARGED FOR SECURITY DEPOSIT(S) AS NEEDED**

## PLEASE MAKE CHECKS PAYABLE TO "CITY OF PORTLAND"

- Please make out security deposit checks separate from permit fees.

## TOTAL AMOUNT(S) DUE TO PUBLIC SERVICES (Please make all security deposit checks out separately)

| | | | |
|---|---|---|---|
| Permit Fee for use of area: $40 per hour (i.e. a 3 hour event totals $120) includes use of elec.<br>If your event is rained out / cancelled, the bulk of the fee is returned (however $40 is non-refundable)<br>Number of Hours of Use: **12 hours** | **$ 480 due** | Vest, Barricade, Cone Deposit: $10 per/item | $ ? |
| Electricity: $5per/hr (fee only pertains to 1st Amendment uses – i.e. no charge if paying hourly fee) | $ 0 | Public Space / Park Security Deposit:<br>Sound Security Deposit $100 - $1000 | **$ 1000 due** |
| Key Deposit: $50 per key | **$ N/A** | Other (Porta-Restroom User Fee, etc.) | **$ N/A** |

## FOR OFFICE USE ONLY

| DATE REC'D APPLICATION | 3-11-2014 revised: 4-20 | DATE REC'D INSURANCE | **NEED REVISED** | PERMIT FEE AMT REC'D | **$ NEED** | SECURITY DEPOSIT | **$ NEED** |
|---|---|---|---|---|---|---|---|

PAYMENT TYPE

| VISA | $ | MC | $ | CK # | | CK AMOUNT | $ | CASH AMT | $ |
|---|---|---|---|---|---|---|---|---|---|

Order 227-13/14
~~Tab 8 5-5-14~~
Tab 12 5-19-14

MICHAEL F. BRENNAN. (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND**
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AUTHORIZING FY 2015 ADMINISTRATIVE FEES IN VARIOUS DEPARTMENTS**

**ORDERED,** that the administrative fees in the Departments of Fire (EMS), Public Services: Forestry (Community Gardens) and Solid Waste (Recycling carts), and Recreation and Facilities Management: Aquatics (Swim Lessons) be increased as listed in the attached fee schedules; and

**BE IT FURTHER ORDERED**, that these fees shall be effective on July 1, 2014 unless otherwise noted; and

**BE IT FURTHER ORDERED,** that all administrative fees currently in effect which are not otherwise changed shall remain in effect for FY 2015.

# FY15 REVENUE FEE SCHEDULE CHANGE

**Department:** Fire/Medcu
Administrative Fees

| Account # | Revenue Description | FY14 Current Fee | FY 15 Proposed Fee |
|---|---|---|---|
| 100-2201-341-00-00 | Copy of Fire Report | 0.00 | **15.00** |
| 100-2203-342-00.00 | ALS Non Emergency Transport | 520.00 | **559.00** |
| 100-2203-342-00.00 | BLS NonEmergency Transport | 435.00 | **468.00** |
| 100-2203-342-00.00 | BLS Emergency Transport | 696.00 | **748.00** |
| 100-2203-342-00.00 | ALS Emergency Transport | 826.82 | **888.00** |
| 100-2203-342-00.00 | ALS 2 Emergency Transport | 1,178.00 | **1,266.00** |
| 100-2203-342-00.00 | Speciality Care Transport | 1,414.00 | **1,520.00** |
| 100-2203-342-00.00 | ALS Mileage | 16.8/mile | **18.06** |
| 100-2203-342-00.00 | BLS Mileage | 16.8/mile | **18.06** |
| 100-2203-342-00.00 | Oxygen | 102.00 | **110.00** |
| 100-2203-342-00.00 | Airways | 138.00 | **148.00** |
| 100-2203-342-00.00 | IV Therapy | 192.00 | **206.00** |
| 100-2203-342-00.00 | EKG | 192.00 | **206.00** |
| 100-2203-342-00.00 | Intercept | 420.00 | **451.00** |
| 100-2203-342-00.00 | Defib. | 180.00 | **194.00** |
| 100-2203-342-00.00 | Critical Care Transfer | 780.00 | **839.00** |
| 100-2203-342-00.00 | Non-Emergency Mileage | 16.8/mile | **18.06** |
| 100-2203-342-00.00 | Capnography | 138.00 | 138.00 |
| 100-2203-342-00.00 | EZ IO/Intraosseaus Access | 200.00 | **275.00** |
| 100-2203-342-00.00 | Wheelchair Van | 54.00 | **REMOVE** |
| 100-2203-342-00.00 | Wheelchair Van Mileage | 3.00/mile | **REMOVE** |
| 100-2203-342-00.00 | On Scene Treatment | 300.00 | **REMOVE** |
| 100-2203-342-00.00 | ALS on SceneCare | 0.00 | **888.00** |
| 100-2203-342-00.00 | ALS 2 on Scene Care | 0.00 | **1,266.00** |
| | | | |
| 100-2203-342-00.00 | Fire Response to Vehicle Crashes | 400.00 | 400.00 |
| 100-2203-342-00.00 | Heavy Rescue Utilization | 0.00 | **650.00** |
| 100-2203-342-00.00 | Rescue Equipment - Spreader | 0.00 | **150.00** |
| 100-2203-342-00.00 | Rescue Equipment - Cutter | 0.00 | **150.00** |
| 100-2203-342-00.00 | Rescue Equipment - Rams | 0.00 | **150.00** |
| 100-2203-342-00.00 | Rescue Equipment - Air Bags | 0.00 | **150.00** |
| | | | |
| 100-2203-342-00.00 | Level I HazMat Response | 0.00 | **250.00/hour/unit** |
| 100-2203-342-00.00 | Hazardous Materials Spill Response | 0.00 | **125.00** |
| 100-2203-342-00.00 | HazMat Plug Kit | 0.00 | **65.00** |

Updated: 04/08/14

# FY15 REVENUE FEE SCHEDULE CHANGE

**Department:** 100-3104 Public Services: Forestry/Horticulture

| Account # | Revenue Description | Current Fee | Proposed Fee |
|---|---|---|---|
| 100-3104-341.00-00 | Charges for Services / Miscellaneous<br>Community gardens annual fee | $35.00 | $50.00 |

Printed: 4/9/14

Prepared: 01/26/14

# FY15 REVENUE FEE SCHEDULE CHANGE

**Department: 100-3114 Solid Waste**

| Account # | Revenue Description | Current Fee | Proposed Fee |
|---|---|---|---|
| 100-3114-343.15-00 | Charges for Services / Recycling Program / Taxable sales | | |
| | Recycling Bin | $ 10.00 | $ 10.00 |
| | Recycling Cart | $ - | $ 65.00 |
| | Compost Bin | $ 50.00 | $ 50.00 |
| | Compost Pail | $ 10.00 | $ 10.00 |
| | Compost Turner | $ 20.00 | $ 20.00 |
| | Rain Barrel | $ 65.00 | $ 65.00 |

# FY15 REVENUE FEE SCHEDULE CHANGE

Adminstrative Fees

**Department: Recreation & Facilities Mgmt : Aquatics**

| Account # | Revenue Description | FY14 Current Fee | FY 15 Proposed Fee |
|---|---|---|---|
| 100-3315-347-08-00 | Child - Resident | $1.00 | $1.00 |
| 100-3315-347-08-00 | Child - Non-resident | $2.00 | $2.00 |
| 100-3315-347-08-00 | Teen - Resident | $1.00 | $1.00 |
| 100-3315-347-08-00 | Teen - Non-resident | $2.00 | $2.00 |
| 100-3315-347-08-00 | Adult - Resident | $4.00 | $4.00 |
| 100-3315-347-08-00 | Adult - Non-resident | $4.50 | $4.50 |
| 100-3315-347-08-00 | Senior - Resident (62 & older) | $2.50 | $2.50 |
| 100-3315-347-08-00 | Senior - Non-resident ( 62 & older) | $3.00 | $3.00 |
| 100-3315-347-08-00 | Master's - Resident | $5.00 | $5.00 |
| 100-3315-347-08-00 | Master's - Non-resident | $5.50 | $5.50 |
| | Punch Cards | | |
| 100-3315-347-08-00 | Adult - Resident - 12 punch pass | $50.00 | $50.00 |
| 100-3315-347-08-00 | Adult - Non-resident - 12 punch pass | $56.00 | $56.00 |
| 100-3315-347-08-00 | Adult - Resident - 20 punch pass | $82.00 | $82.00 |
| 00-3315-347-08-00 | Adult - Non-resident - 20 punch pass | $92.00 | $92.00 |
| 00-3315-347-08-00 | Adult - Resident - 40 punch pass | $162.00 | $162.00 |
| 100-3315-347-08-00 | Adult - Non-resident - 40 punch pass | $182.00 | $182.00 |
| 100-3315-347-08-00 | Senior Adult - Resident - 12 punch pass ( 62 & older) | $32.00 | $32.00 |
| 100-3315-347-08-00 | Senior Adult - Non-Resident - 12 punch pass( 62 & older) | $38.00 | $38.00 |
| 100-3315-347-08-00 | Senior Adult - Resident - 20 punch pass( 62 & older) | $52.00 | $52.00 |
| 100-3315-347-08-00 | Senior Adult - Non-resident - 20 punch pass ( 62 & older) | $62.00 | $62.00 |
| 100-3315-347-08-00 | Senior Adult - Resident - 40 punch pass( 62 & older) | $102.00 | $102.00 |
| 100-3315-347-08-00 | Senior Adult - Non-resident - 40 punch pass( 62 & older) | $122.00 | $122.00 |
| 100-3315-347-08-00 | Senior Adult - Resident - 6-month pass( 62 & older) | $142.00 | $142.00 |
| 100-3315-347-08-00 | Senior Adult - Resident - yearly pass( 62 & older) | $242.00 | $242.00 |
| 100-3315-347-08-00 | Adult Aerobics - Resident - 12 punch pass | $56.00 | $56.00 |
| 100-3315-347-08-00 | Adult Aerobics - Non-Resident - 12 punch pass | $62.00 | $62.00 |
| 100-3315-347-08-00 | Senior Aerobics - Resident - 12 punch pass( 62 & older) | $38.00 | $38.00 |
| 100-3315-347-08-00 | Senior Aerobics - Non-Resident - 12 Punch pass( 62 & older) | $47.00 | $47.00 |
| 100-3315-347-08-00 | Masters - Resident - 10 punch pass | $52.00 | $52.00 |
| 100-3315-347-08-00 | Masters - Non-Resident - 10 punch pass | $57.00 | $57.00 |
| | Swimming Instruction | Fees are per class | |
| 100-3315-347-08-00 | Infant / Toddler / Preschool - Resident | $6.00 | $6.75 |
| 100-3315-347-08-00 | Infant / Toddler / Preschool - Non-Resident | $6.50 | $7.25 |
| 100-3315-347-08-00 | Level 1 - Level 6 - Resident | $7.00 | $7.75 |
| 100-3315-347-08-00 | Level 1 - Level 6 - Non-Resident | $7.50 | $8.25 |
| 100-3315-347-08-00 | Gym & Swim - Resident | $7.00 | $7.75 |
| 00-3315-347-08-00 | Gym & Swim - Non-Resident | $7.50 | $8.25 |
| 100-3315-347-08-00 | Master's Swim - Resident | $5.50 | $5.50 |
| 100-3315-347-08-00 | Master's Swim - Non-Resident | $6.00 | $6.00 |



Prepared: 04/15/14

# FY15 REVENUE FEE SCHEDULE CHANGE

Adminstrative Fees

**Department: Recreation & Facilities Mgmt : Aquatics**

| Account # | Revenue Description | FY14 Current Fee | FY 15 Proposed Fee |
|---|---|---|---|
| 100-3315-347-08-00 | Adult Lessons - Resident | $7.00 | $7.75 |
| 100-3315-347-08-00 | Adult Lessons - Non-Resident | $7.50 | $8.25 |
| 100-3315-347-08-00 | Adult Aerobics - Daily - Resident | $4.50 | $4.50 |
| 100-3315-347-08-00 | Adult Aerobics - Daily - Non-resident | $5.00 | $5.00 |
| 100-3315-347-08-00 | Senior Adult Aerobics - Daily - Resident( 62 & older) | $3.00 | $3.00 |
| 100-3315-347-08-00 | Senior Adult Aerobics - Daily - Non-resident( 62 & older) | $3.75 | $3.75 |
| 100-3315-347-08-00 | Masters Lessons - Resident | $7.00 | $7.75 |
| 100-3315-347-08-00 | Masters Lessons - Non-Resident | $7.50 | $8.25 |
| | | | |
| 100-3315-347-08-00 | Water Safety Instruction course - Resident | $302.00 | $302.00 |
| 100-3315-347-08-00 | Water Safety Instruction course - Non-resident | $332.00 | $332.00 |
| 100-3315-347-08-00 | Private Lessons - 1/2 hour - Resident | $25.00 | $25.00 |
| 100-3315-347-08-00 | Private Lessons - 1/2 hour - Non-resident | $30.00 | $30.00 |
| 100-3315-347-08-00 | Private Lessons - 1 hour - Resident | $40.00 | $40.00 |
| 100-3315-347-08-00 | Private Lessons - 1 hour - Non-resident | $50.00 | $50.00 |
| 100-3315-347-08-00 | Lifeguard Course - Resident | $200.00 | $200.00 |
| 100-3315-347-08-00 | Lifeguard Course - Non-resident | $215.00 | $215.00 |
| 00 -3315-347-08 00 | Red Cross Course Certification Fee: | $5.00 | $5.00 |
| | | | |
| | Pool Rental | | |
| 100-3315-347-08-00 | Pool Rental - Portland Porpoise, per hour | $20.00 | $20.00 |
| 100-3315-347-08-00 | Pool Rental - Portland Porpoise, guard per hour | $20.00 | $20.00 |
| 100-3315-347-08-00 | Pool Rental - Resident, per hour / Additional guard $20 hr | $85.00 | $85.00 |
| 100-3315-347-08-00 | Pool Rental - Non-Resident, per hour / Additional guard $20 hr | $95.00 | $95.00 |



Prepared: 04/15/14

# Portland Fire Department
# Headquarters
## Office of the Chief of Department

To: Mark Rees, City Manager
From: Jerome F. LaMoria, Fire Chief
Date: 4.8.14
RE: FY15 Revenue Fee Schedule Changes

Sir,

The Fire Department is proposing several changes for the FY15 Administrative Fee Schedule.

We have added a fee for copies of fire incident reports. We have charged for these reports in the past, however, the fee was never documented in the administrative fee schedule. We have also adjusted this fee from a previous cost of $25.00 based on research of comparable municipalities.

The fee for wheelchair van service has been removed as the Fire Department no longer offers this service.

We have amended the fee for on scene treatment to more accurately bill for the level of services provided. This is necessary as protocol changes now allow for advanced on scene treatment which may not result in transport. A pertinent example is our cardiac arrest treatments with unsuccessful resuscitation, where no transport takes place.

A number of increases are included in medical interventions and treatment. These are the result of increased costs and changes in allowable billing rates. It is important to note that the increase in fees does not affect Medicare and Medicaid reimbursements at federally determined rates. With about 80% of all patients being covered by Medicare and Medicaid we will not necessarily see a windfall.

The fee for fire response to vehicle crashes was added last year. We have added a number of per-use charges in an effort to help realize additional funding to offset expenditures related to this capability.

The final addition to the fee schedule relates to responses to hazardous material response. We are currently able to bill for vehicle usage and personnel under FEMA guidelines, however, we would like to have the ability to bill for additional items that we have needed to use recently. This is again an effort to help offset expenditures.

Please do not hesitate to contact me should you have any questions or concerns.

# FY15 REVENUE FEE SCHEDULE CHANGE

**Department:** Fire/Medcu
Administrative Fees

| Account # | Revenue Description | FY14 Current Fee | FY 15 Proposed Fee |
|---|---|---|---|
| 100-2201-341-00-00 | Copy of Fire Report | 0.00 | **15.00** |
| 100-2203-342-00.00 | ALS Non Emergency Transport | 520.00 | **559.00** |
| 100-2203-342-00.00 | BLS NonEmergency Transport | 435.00 | **468.00** |
| 100-2203-342-00.00 | BLS Emergency Transport | 696.00 | **748.00** |
| 100-2203-342-00.00 | ALS Emergency Transport | 826.82 | **888.00** |
| 100-2203-342-00.00 | ALS 2 Emergency Transport | 1,178.00 | **1,266.00** |
| 100-2203-342-00.00 | Speciality Care Transport | 1,414.00 | **1,520.00** |
| 100-2203-342-00.00 | ALS Mileage | 16.8/mile | **18.06** |
| 100-2203-342-00.00 | BLS Mileage | 16.8/mile | **18.06** |
| 100-2203-342-00.00 | Oxygen | 102.00 | **110.00** |
| 100-2203-342-00.00 | Airways | 138.00 | **148.00** |
| 100-2203-342-00.00 | IV Therapy | 192.00 | **206.00** |
| 100-2203-342-00.00 | EKG | 192.00 | **206.00** |
| 100-2203-342-00.00 | Intercept | 420.00 | **451.00** |
| 100-2203-342-00.00 | Defib. | 180.00 | **194.00** |
| 100-2203-342-00.00 | Critical Care Transfer | 780.00 | **839.00** |
| 100-2203-342-00.00 | Non-Emergency Mileage | 16.8/mile | **18.06** |
| 100-2203-342-00.00 | Capnography | 138.00 | 138.00 |
| 100-2203-342-00.00 | EZ IO/Intraosseaus Access | 200.00 | **275.00** |
| 100-2203-342-00.00 | Wheelchair Van | 54.00 | **REMOVE** |
| 100-2203-342-00.00 | Wheelchair Van Mileage | 3.00/mile | **REMOVE** |
| 100-2203-342-00.00 | On Scene Treatment | 300.00 | **REMOVE** |
| 100-2203-342-00.00 | ALS on SceneCare | 0.00 | **888.00** |
| 100-2203-342-00.00 | ALS 2 on Scene Care | 0.00 | **1,266.00** |
| | | | |
| 100-2203-342-00.00 | Fire Response to Vehicle Crashes | 400.00 | 400.00 |
| 100-2203-342-00.00 | Heavy Rescue Utilization | 0.00 | **650.00** |
| 100-2203-342-00.00 | Rescue Equipment - Spreader | 0.00 | **150.00** |
| 100-2203-342-00.00 | Rescue Equipment - Cutter | 0.00 | **150.00** |
| 100-2203-342-00.00 | Rescue Equipment - Rams | 0.00 | **150.00** |
| 100-2203-342-00.00 | Rescue Equipment - Air Bags | 0.00 | **150.00** |
| | | | |
| 100-2203-342-00.00 | Level I HazMat Response | 0.00 | **250.00/hour/unit** |
| 100-2203-342-00.00 | Hazardous Materials Spill Response | 0.00 | **125.00** |
| 100-2203-342-00.00 | HazMat Plug Kit | 0.00 | **65.00** |

Updated: 04/08/14

# Memo

To: Mark Rees, City Manager

From: Michael Bobinsky, Director of Public Services

CC: Jennifer Lodge, Budget Director
Troy Moon, Environmental Resource/Open Space Manager
Jeff Tarling, City Arborist
Matt Rancourt, Principal Financial Officer

Date: April 09, 2014

Re: Revenue Fee Changes – Forestry Horticulture

---

Community Garden Fees are user fees, thus the division endeavors to create little or no impact on taxpayers. The Department of Public Services proposes to increase the annual Community Garden Fee from $35 per plot to $50 per plot. This increase reflects additional costs related to the provision of necessary supplies to community gardens including; compost, top soil and wood chips for weed control. The increased fee also helps cover costs of maintaining infrastructure including sheds and fences.

# FY15 REVENUE FEE SCHEDULE CHANGE

**Department:** 100-3104 Public Services: Forestry/Horticulture

| Account # | Revenue Description | Current Fee | Proposed Fee |
|---|---|---|---|
| 100-3104-341.00-00 | Charges for Services / Miscellaneous<br>Community gardens annual fee | $35.00 | $50.00 |

Printed: 4/9/14

Prepared: 01/26/14

# Memo

To: Mark Rees, City Manager

From: Michael Bobinsky, Director of Public Services

CC: Jennifer Lodge, Budget Director
Troy Moon, Environmental Resource/Open Space Manager
Matt Rancourt, Principal Financial Officer

Date: April 09, 2014

Re: Revenue Fee Changes – Solid Waste

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The Department of Public Services proposes to sell recycling carts for $65.00 to residents. We have an increasing number of requests for carts from residents who require a large container for their recycling. We want to ensure that the equipment they purchase is compatible with the cart tippers on our trucks and providing the carts directly to the resident ensures this. The fee is set to cover our cost to purchase and set up the cart.

# FY15 REVENUE FEE SCHEDULE CHANGE

**Department: 100-3114 Solid Waste**

| Account # | Revenue Deseription | Current Fee | Proposed Fee |
|---|---|---|---|
| 100-3114-343.15-00 | Charges for Services / Recycling Program / Taxable sales | | |
| | Recycling Bin | $ 10.00 | $ 10.00 |
| | Recycling Cart | $ - | $ 65.00 |
| | Compost Bin | $ 50.00 | $ 50.00 |
| | Compost Pail | $ 10.00 | $ 10.00 |
| | Compost Turner | $ 20.00 | $ 20.00 |
| | Rain Barrel | $ 65.00 | $ 65.00 |

Printed: 4/9/14

Prepared: 02/25/14

TO: Chairperson & Members of the Finance Committee

FROM: Anita R. LaChance, Director of Recreation & Facilities Management

SUBJECT: Proposed Aquatic Fee Increase

DATE: April 14, 2014

In response to your question during our budget review last week, I have attached a chart showing pool fees in the surrounding area. The one area which we appear to be charging less than our counter-parts is in swim lessons, which prompted this proposed fee increase. Notice of this proposed increase will be posted at each of our pools tomorrow, giving patrons ample notice if they wish to comment prior to City Council action. I have also attached a chart showing all of our current aquatics fees and highlighting the proposed change.

## GREATER PORTLAND POOL FEE COMPS

| FACILITY | ADULT LAP | SENIOR LAP | ADULT AEROBICS | MASTERS | YOUTH / TEEN | INSTRUCTION (per class cost) | ADDITIONAL INFO |
|---|---|---|---|---|---|---|---|
| City of Portland | $4 res<br>$4.50 non | $2.50 res<br>$3 non<br>(62+) | 4.50 res<br>$5 non | $5 res<br>$5.50 non | $1 res<br>$2 non | $6.00 res / 25 min<br>$6.50 non / 25 min<br>$7.00 res / 55 min<br>$7.50 non / 55 min | Additonal $5 per session / ARC began Fall 2011 |
| Cape Elizabeth | $5 res<br>$6 non | $4 res<br>$5 non<br>(62+) | n/a | | $3 res<br>$4 non | $7 / 30 min<br>$8 / 45 min<br>non res not noted | Monthly: $35<br>Quarterly: $90<br>Annual: $300<br>Non-res: add 10% |
| Greater Portland Y | $12 | No rate avail | | | $8 | Free with Family Membership<br>Ind Member: $61 | $20 Family Guest Pass |
| Westbrook Pool | $3.50 res<br>$4.5 non | $2 res<br>$3 non<br>(55+)Only During Senior Lap Swim | $3.50 res<br>$4.5 non | $5 res<br>$6 non | $1 res<br>$2 non | $10 / 30 or 45 min<br>non res not noted | |
| South Portland | $3 res<br>$4 non | $2 res<br>$3 non<br>(60+) | $3 res<br>$4 non<br>Zumba $7/$8 drop | | $2 res<br>$3 non | $5.63 res<br>$6.88 non | |
| Cumberland / Greely Pool | $2 res($3 AM/Sat Lap)<br>$3 non($4 Sat Lap) | | $3 res<br>$4 non<br>$2.50 sr | $3.81 res<br>($5.50punch<br>$4.05 non<br>($6.50 punch) | $2 res<br>$3 non | Pre 30 min / $6.43 res<br>$7.86 non<br>Levels 40 min<br>$7.86 res<br>$9.29 non | Family $5 res/ $6 non |

Revised: 4/15/2014

# FY15 REVENUE FEE SCHEDULE CHANGE

Adminstrative Fees

**Department: Recreation & Facilities Mgmt : Aquatics**

| Account # | Revenue Description | FY14 Current Fee | FY 15 Proposed Fee |
|---|---|---|---|
| 100-3315-347-08-00 | Child – Resident | $1.00 | $1.00 |
| 100-3315-347-08-00 | Child - Non-resident | $2.00 | $2.00 |
| 100-3315-347-08-00 | Teen - Resident | $1.00 | $1.00 |
| 100-3315-347-08-00 | Teen - Non-resident | $2.00 | $2.00 |
| | | | |
| 100-3315-347-08-00 | Adult - Resident | $4.00 | $4.00 |
| 100-3315-347-08-00 | Adult - Non-resident | $4.50 | $4.50 |
| 100-3315-347-08-00 | Senior - Resident (62 & older) | $2.50 | $2.50 |
| 100-3315-347-08-00 | Senior - Non-resident ( 62 & older) | $3.00 | $3.00 |
| 100-3315-347-08-00 | Master's - Resident | $5.00 | $5.00 |
| 100-3315-347-08-00 | Master's - Non-resident | $5.50 | $5.50 |
| | | | |
| | Punch Cards | | |
| 100-3315-347-08-00 | Adult - Resident - 12 punch pass | $50.00 | $50.00 |
| 100-3315-347-08-00 | Adult - Non-resident - 12 punch pass | $56.00 | $56.00 |
| 100-3315-347-08-00 | Adult - Resident - 20 punch pass | $82.00 | $82.00 |
| 100-3315-347-08-00 | Adult - Non-resident - 20 punch pass | $92.00 | $92.00 |
| 100-3315-347-08-00 | Adult - Resident - 40 punch pass | $162.00 | $162.00 |
| 100-3315-347-08-00 | Adult - Non-resident - 40 punch pass | $182.00 | $182.00 |
| 100-3315-347-08-00 | Senior Adult - Resident - 12 punch pass ( 62 & older) | $32.00 | $32.00 |
| 100-3315-347-08-00 | Senior Adult - Non-Resident - 12 punch pass( 62 & older) | $38.00 | $38.00 |
| 100-3315-347-08-00 | Senior Adult - Resident - 20 punch pass( 62 & older) | $52.00 | $52.00 |
| 100-3315-347-08-00 | Senior Adult - Non-resident - 20 punch pass ( 62 & older) | $62.00 | $62.00 |
| 100-3315-347-08-00 | Senior Adult - Resident - 40 punch pass( 62 & older) | $102.00 | $102.00 |
| 100-3315-347-08-00 | Senior Adult - Non-resident - 40 punch pass( 62 & older) | $122.00 | $122.00 |
| 100-3315-347-08-00 | Senior Adult - Resident - 6-month pass( 62 & older) | $142.00 | $142.00 |
| 100-3315-347-08-00 | Senior Adult - Resident - yearly pass( 62 & older) | $242.00 | $242.00 |
| 100-3315-347-08-00 | Adult Aerobics - Resident - 12 punch pass | $56.00 | $56.00 |
| 100-3315-347-08-00 | Adult Aerobics - Non-Resident - 12 punch pass | $62.00 | $62.00 |
| 100-3315-347-08-00 | Senior Aerobics - Resident - 12 punch pass( 62 & older) | $38.00 | $38.00 |
| 100-3315-347-08-00 | Senior Aerobics - Non-Resident - 12 Punch pass( 62 & older) | $47.00 | $47.00 |
| 100-3315-347-08-00 | Masters - Resident - 10 punch pass | $52.00 | $52.00 |
| 100-3315-347-08-00 | Masters - Non-Resident - 10 punch pass | $57.00 | $57.00 |
| | | | |
| | Swimming Instruction | | |
| 100-3315-347-08-00 | Infant / Toddler / Preschool - Resident | $6.00 | $6.75 |
| 100-3315-347-08-00 | Infant / Toddler / Preschool - Non-Resident | $6.50 | $7.25 |
| 100-3315-347-08-00 | Level 1 - Level 6 - Resident | $7.00 | $7.75 |
| 100-3315-347-08-00 | Level 1 - Level 6 - Non-Resident | $7.50 | $8.25 |
| 100-3315-347-08-00 | Gym & Swim - Resident | $7.00 | $7.75 |
| 100-3315-347-08-00 | Gym & Swim - Non-Resident | $7.50 | $8.25 |
| 100-3315-347-08-00 | Master's Swim - Resident | $5.50 | $5.50 |
| 100-3315-347-08-00 | Master's Swim - Non-Resident | $6.00 | $6.00 |



Prepared: 04/15/14

# FY15 REVENUE FEE SCHEDULE CHANGE

Adminstrative Fees

**Department: Recreation & Facilities Mgmt : Aquatics**

| Account # | Revenue Description | FY14 Current Fee | FY 15 Proposed Fee |
|---|---|---|---|
| 100-3315-347-08-00 | Adult Lessons - Resident | $7.00 | $7.75 |
| 100-3315-347-08-00 | Adult Lessons - Non-Resident | $7.50 | $8.25 |
| 100-3315-347-08-00 | Adult Aerobics - Daily - Resident | $4.50 | $4.50 |
| 100-3315-347-08-00 | Adult Aerobics - Daily - Non-resident | $5.00 | $5.00 |
| 100-3315-347-08-00 | Senior Adult Aerobics - Daily - Resident( 62 & older) | $3.00 | $3.00 |
| 100-3315-347-08-00 | Senior Adult Aerobics - Daily - Non-resident( 62 & older) | $3.75 | $3.75 |
| 100-3315-347-08-00 | Masters Lessons - Resident | $7.00 | $7.75 |
| 100-3315-347-08-00 | Masters Lessons - Non-Resident | $7.50 | $8.25 |
| | | | |
| 100-3315-347-08-00 | Water Safety Instruction course - Resident | $302.00 | $302.00 |
| 100-3315-347-08-00 | Water Safety Instruction course - Non-resident | $332.00 | $332.00 |
| 100-3315-347-08-00 | Private Lessons - 1/2 hour - Resident | $25.00 | $25.00 |
| 100-3315-347-08-00 | Private Lessons - 1/2 hour - Non-resident | $30.00 | $30.00 |
| 100-3315-347-08-00 | Private Lessons - 1 hour - Resident | $40.00 | $40.00 |
| 100-3315-347-08-00 | Private Lessons - 1 hour - Non-resident | $50.00 | $50.00 |
| 100-3315-347-08-00 | Lifeguard Course - Resident | $200.00 | $200.00 |
| 100-3315-347-08-00 | Lifeguard Course - Non-resident | $215.00 | $215.00 |
| 100 -3315-347-08 00 | Red Cross Course Certification Fee: | $5.00 | $5.00 |
| | | | |
| | Pool Rental | | |
| 100-3315-347-08-00 | Pool Rental - Portland Porpoise, per hour | $20.00 | $20.00 |
| 100-3315-347-08-00 | Pool Rental - Portland Porpoise, guard per hour | $20.00 | $20.00 |
| 100-3315-347-08-00 | Pool Rental - Resident, per hour / Additional guard $20 hr | $85.00 | $85.00 |
| 100-3315-347-08-00 | Pool Rental - Non-Resident, per hour / Additional guard $20 hr | $95.00 | $95.00 |

Order 208-13/14
~~Tab 9 5-5-14~~
Tab 13 5-19-14

MICHAEL F. BRENNAN. (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND**
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

# ORDER AUTHORIZING CITY MANAGER TO ENTER INTO CERTAIN AGREEMENTS TO IMPLEMENT THE FY 2015 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 2015 as needed in order to implement the Human Resources, Medical, Worker's Compensation and Liability budgets.

**CITY OF PORTLAND, MAINE**

**Memorandum**

**TO:** Mark H. Rees, City Manager

**FROM:** Michael Miles, Director of Human Resources MM

**DATE:** April 8, 2014

**RE:** FY15 Budget Order Re: Implementing Human Resources and Fringe Benefit Budgets

Please have the attached Council Order accompany the FY15 budget. This item should be given a first reading on May 5, 2014 and postponed to the May 19, 2014 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.

MM:jlr

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

Order 229-13/14
~~Tab 10 5-5-14~~
Tab 14 5-19 14

MICHAEL F. BRENNAN. (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND**
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

## ORDER RE: 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.

**BE IT FURTHER ORDERED**, that pursuant to 14 M.R.S.A. 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.

4. The fund shall be administered by the City Manager 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:** Mark H. Rees, City Manager

**FROM:** Danielle West-Chuhta, Corporate Counsel

**DATE:** April 08, 2014

**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 5, 2014 and then postponed to the May 19, 2014 meeting along with other budget related items.

cc: Lawrence Walden, Associate Corporation Counsel
Jennifer Lodge, Budget Analyst

DWC: jlr 04/08/14

Order 230-13/14
~~Tab 14 5-5-14~~
Tab 15 5-19-14

MICHAEL F. BRENNAN. (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND**
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

# ORDER AUTHORIZING CITY MANAGER TO ENTER INTO CERTAIN AGREEMENTS TO IMPLEMENT FY 2015 HEALTH & HUMAN SERVICES BUDGET

**ORDERED,** that the City Manager be and hereby is authorized to enter into:

1. Standard agreements and amendments to standard agreements with other governmental agencies for fiscal year 2015 to implement the Health & Human Services operating budget; and

2. Agreements with providers of services and lessors of property to provide services for Health and Human Services programs.

# City of Portland, Maine
# Memorandum

**To:** Mark H. Rees, City Manager

**From:** Ellen Sanborn, Finance Director

**Date:** 04/08/14

**Re:** FY15 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 5th agenda.

ELS: jlr 04/08/14

Order 231-13/14
Tab 12 5-5-14
Tab 16 5-19-14

MICHAEL F. BRENNAN. (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND**
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

# ORDER AUTHORIZING CITY MANAGER TO ACCEPT SCHOLARSHIP TRUST DONATIONS AND ENTER INTO TRUST AGREEMENTS

**ORDERED,** that the City Manager is authorized to accept donations for existing and new scholarship trusts; and

**BE IT FURTHER ORDERED,** that the City Manager is authorized to enter into standard form trust agreements as approved by the Corporation Counsel.

Order 232-13/14
~~Tab 13 5-5-14~~
Tab 17 5-19-14

MICHAEL F. BRENNAN. (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND**
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

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

**ORDERED,** 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: Mark H. Rees, City Manager

From: Ellen Sanborn, Finance Director

Date: April 8, 2014

Re: Agenda Item Request – Authorizing Collection Actions

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Please place the attached order on the City Council agenda for first reading and public hearing on May 5th and second reading and passage on May 19, 2014. 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 of 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 5th agenda.

ELS: jlr 04/08/14

Order 233-13/14
~~Tab 14 5-5-14~~
Tab 18 5-19-14

MICHAEL F. BRENNAN. (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND**
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

## ORDER AUTHORIZING NON-UNION WAGE ADJUSTMENT

**ORDERED,** that a one percent (1%) wage increase effective July 6, 2014 and a one percent (1%) wage increase effective January 4, 2015 are hereby approved and the non-union pay plan adjusted accordingly; and

**BE IT FURTHER ORDERED,** that a new salary grade 15 ($110,151 minimum to $143,104 maximum) is hereby established and the non-union pay plan adjusted accordingly.

Portland, Maine | Yes. Life's good here.

Executive Department
Mark H. Rees, City Manager

MEMORANDUM

**TO:** Mayor and City Councilors

**FROM:** Mark H. Rees, City Manager

**DATE:** May 2, 2014

**RE:** **Order Approving Salary Increase for Non-Union Personnel**

This Order authorizes the City Manager to make a 1% pay adjustment for all non-union employees effective July 1, 2014 and a subsequent 1% pay adjustment effective January 1, 2015.

Each year budgets permitting, the City of Portland increases the wages and salaries of non-union employees by an amount generally comparable to the amount given to employees covered by collective bargaining agreements.

In addition, it is recommended that a new pay grade 15 be established with the pay and classification plan to accommodate the position of Deputy City Manager.

This order will authorize the City Manager to increase the wages and salaries of non-union employees accordingly and to implement the new pay scale.

# NON-UNION PAY PLAN
## EFFECTIVE 07/06/2014 (FY15)

**COLA Increase** *(Grades 1-15)* 1.00%

| PAY GRADE | | Minimum | Mid-Point | Maximun |
|---|---|---|---|---|
| **I. Deputy City Manager (Exempt)** | | | | |
| **15*** | Annual | 110,151.00 | 127,525.13 | 143,104.00 |
| | Weekly | 2,118.29 | 2,452.41 | 2,752.00 |
| | Hourly | 56.49 | 65.40 | 73.39 |
| **II. Department Heads (Exempt)** | | | | |
| **14** | Annual | 84,415.76 | 97,090.76 | 109,785.00 |
| | Weekly | 1,623.38 | 1,867.13 | 2,111.25 |
| | Hourly | 43.29 | 49.79 | 56.30 |
| **13** | Annual | 76,752.00 | 88,296.00 | 99,840.00 |
| | Weekly | 1,476.00 | 1,698.00 | 1,920.00 |
| | Hourly | 39.36 | 45.28 | 51.20 |
| **III. Division Heads (Exempt)** | | | | |
| **12** | Annual | 71,194.76 | 83,265.00 | 95,355.00 |
| | Weekly | 1,369.13 | 1,601.25 | 1,833.75 |
| | Hourly | 36.51 | 42.70 | 48.90 |
| **11** | Annual | 64,642.76 | 75,640.76 | 86,716.76 |
| | Weekly | 1,243.13 | 1,454.63 | 1,667.63 |
| | Hourly | 33.15 | 38.79 | 44.47 |
| **10** | Annual | 58,831.76 | 68,854.76 | 78,819.00 |
| | Weekly | 1,131.38 | 1,324.13 | 1,515.75 |
| | Hourly | 30.17 | 35.31 | 40.42 |
| **IV. Professional Staff (Exempt)** | | | | |
| **9** | Annual | 53,430.00 | 62,556.00 | 71,604.00 |
| | Weekly | 1,027.50 | 1,203.00 | 1,377.00 |
| | Hourly | 27.40 | 32.08 | 36.72 |
| **8** | Annual | 48,574.76 | 56,842.76 | 65,130.00 |
| | Weekly | 934.13 | 1,093.13 | 1,252.50 |
| | Hourly | 24.91 | 29.15 | 33.40 |
| **7** | Annual | 44,167.76 | 51,694.76 | 59,221.76 |
| | Weekly | 849.38 | 994.13 | 1,138.88 |
| | Hourly | 22.65 | 26.51 | 30.37 |



jll: 05/02/14

## NON-UNION PAY PLAN
## EFFECTIVE 07/06/2014 (FY15)

| PAY GRADE | | Minimum | Mid-Point | Maximun |
|---|---|---|---|---|
| **V. Hourly Employees (Non-Exempt)** | | | | |
| **6** | Annual | 40,521.00 | 47,463.00 | 54,327.00 |
| | Weekly | 779.25 | 912.75 | 1,044.75 |
| | OT | 31.17 | 36.51 | 41.79 |
| | Hourly | 20.78 | 24.34 | 27.86 |
| **5** | Annual | 36,855.00 | 43,134.00 | 49,432.76 |
| | Weekly | 708.75 | 829.50 | 950.63 |
| | OT | 28.35 | 33.18 | 38.03 |
| | Hourly | 18.90 | 22.12 | 25.35 |
| **4** | Annual | 33,501.00 | 39,253.76 | 44,928.00 |
| | Weekly | 644.25 | 754.88 | 864.00 |
| | OT | 25.77 | 30.20 | 34.56 |
| | Hourly | 17.18 | 20.13 | 23.04 |
| **3** | Annual | 30,459.00 | 35,665.76 | 40,833.00 |
| | Weekly | 585.75 | 685.88 | 785.25 |
| | OT | 23.43 | 27.44 | 31.41 |
| | Hourly | 15.62 | 18.29 | 20.94 |
| **2** | Annual | 27,709.76 | 32,389.76 | 37,108.76 |
| | Weekly | 532.88 | 622.88 | 713.63 |
| | OT | 21.32 | 24.92 | 28.55 |
| | Hourly | 14.21 | 16.61 | 19.03 |
| **1** | Annual | 25,174.76 | 29,484.00 | 33,696.00 |
| | Weekly | 484.13 | 567.00 | 648.00 |
| | OT | 19.37 | 22.68 | 25.92 |
| | Hourly | 12.91 | 15.12 | 17.28 |

***FY15 Grade 15 Added**

## NON-UNION PAY PLAN
## EFFECTIVE 01/04/2015 (FY15)

**COLA Increase** *(Grades 1-15)* 1.00%

| PAY GRADE | | Minimum | Mid-Point | Maximun |
|---|---|---|---|---|
| **I. Deputy City Manager (Exempt)** | | | | |
| **15** | Annual | 111,247.76 | 128,797.76 | 144,534.00 |
| | Weekly | 2,139.38 | 2,476.88 | 2,779.50 |
| | Hourly | 57.05 | 66.05 | 74.12 |
| **II. Department Heads (Exempt)** | | | | |
| **14** | Annual | 85,254.00 | 98,065.76 | 110,877.00 |
| | Weekly | 1,639.50 | 1,885.88 | 2,132.25 |
| | Hourly | 43.72 | 50.29 | 56.86 |
| **13** | Annual | 77,512.76 | 89,173.76 | 100,834.76 |
| | Weekly | 1,490.63 | 1,714.88 | 1,939.13 |
| | Hourly | 39.75 | 45.73 | 51.71 |
| **III. Division Heads (Exempt)** | | | | |
| **12** | Annual | 71,916.00 | 84,103.76 | 96,310.76 |
| | Weekly | 1,383.00 | 1,617.38 | 1,852.13 |
| | Hourly | 36.88 | 43.13 | 49.39 |
| **11** | Annual | 65,286.00 | 76,401.00 | 87,574.76 |
| | Weekly | 1,255.50 | 1,469.25 | 1,684.13 |
| | Hourly | 33.48 | 39.18 | 44.91 |
| **10** | Annual | 59,416.76 | 69,537.00 | 79,599.00 |
| | Weekly | 1,142.63 | 1,337.25 | 1,530.75 |
| | Hourly | 30.47 | 35.66 | 40.82 |
| **IV. Professional Staff (Exempt)** | | | | |
| **9** | Annual | 53,956.76 | 63,180.00 | 72,325.76 |
| | Weekly | 1,037.63 | 1,215.00 | 1,390.88 |
| | Hourly | 27.67 | 32.40 | 37.09 |
| **8** | Annual | 49,062.00 | 57,408.00 | 65,773.76 |
| | Weekly | 943.50 | 1,104.00 | 1,264.88 |
| | Hourly | 25.16 | 29.44 | 33.73 |
| **7** | Annual | 44,616.00 | 52,221.00 | 59,806.76 |
| | Weekly | 858.00 | 1,004.25 | 1,150.13 |
| | Hourly | 22.88 | 26.78 | 30.67 |

## NON-UNION PAY PLAN
## EFFECTIVE 01/04/2015 (FY15)

| PAY GRADE | | Minimum | Mid-Point | Maximun |
|---|---|---|---|---|
| **V. Hourly Employees (Non-Exempt)** | | | | |
| **6** | Annual | 40,926.08 | 47,937.76 | 54,870.40 |
| | Weekly | 787.04 | 921.88 | 1,055.20 |
| | OT | 31.48 | 36.88 | 42.21 |
| | Hourly | 20.99 | 24.58 | 28.14 |
| **5** | Annual | 37,223.68 | 43,565.60 | 49,926.76 |
| | Weekly | 715.84 | 837.80 | 960.13 |
| | OT | 28.63 | 33.51 | 38.41 |
| | Hourly | 19.09 | 22.34 | 25.60 |
| **4** | Annual | 33,835.88 | 39,645.84 | 45,377.28 |
| | Weekly | 650.69 | 762.42 | 872.64 |
| | OT | 26.03 | 30.50 | 34.91 |
| | Hourly | 17.35 | 20.33 | 23.27 |
| **3** | Annual | 30,763.72 | 36,021.96 | 41,241.20 |
| | Weekly | 591.61 | 692.73 | 793.10 |
| | OT | 23.66 | 27.71 | 31.72 |
| | Hourly | 15.78 | 18.47 | 21.15 |
| **2** | Annual | 27,986.40 | 32,713.20 | 37,479.52 |
| | Weekly | 538.20 | 629.10 | 720.76 |
| | OT | 21.53 | 25.16 | 28.83 |
| | Hourly | 14.35 | 16.78 | 19.22 |
| **1** | Annual | 25,426.44 | 29,778.84 | 34,032.96 |
| | Weekly | 488.97 | 572.67 | 654.48 |
| | OT | 19.56 | 22.91 | 26.18 |
| | Hourly | 13.04 | 15.27 | 17.45 |

Order 234-13/14
~~Tab 15 5-5-14~~
Tab 19 5-19-14

MICHAEL F. BRENNAN. (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND**
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

## ORDER DESIGNATING FY15 FUNDS FOR SPECIFIC ISLAND SERVICES

**ORDERED,** that $40,000 from the FY2015 municipal budget is hereby designated to pay for the Peaks Island services specified in the attached list.

Specific Island Services for Designated FY 2015 Funds

| | | |
|---|---|---|
| **Item A:** | Cost of Extending Portland School Department Issued 10 Month Casco Bay Line Passes for Peaks Island Public Middle and High Schools Students to 12 Month Passes | $5,000 |
| **Item B:** | Payable to Casco Bay Lines to Purchase Bicycle Tickets for a Summer Bike Ticket Program on Peaks Island. | $500 |
| **Item C:** | Quarterly Vouchers in the amount of $50 per Voucher per Student to the Parents of Children Attending the Peaks Island Elementary School who attain the Age of 10 Years or Older during the School Year. | $3,000 |
| **Item D:** | Payable to Casco Bay Islands to Purchase Tickets for Needs Based PI Residents. | $5,000 |
| **Item E:** | Allocation to the Island Transportation System for Continued Support of the Only Transportation Service Available to Residents. | $17,500 |
| **Item F:** | Allocation to the Peaks Island Council for Administrative Expenses | $2,500 |
| **Item G:** | Allocation to the City of Portland Recreation Division as a Contribution towards the Establishment of a Skateboard Park on Peaks Island. | $1,000 |
| **Item H:** | Allocation to Peaks Island Tax & Energy Assistance (PITEA) for the Express Purposes of Assisting Eligible Island Residents with Heating Costs. | $3,000 |
| **Item I:** | Allocation to the Peaks Island Food Pantry for the Express Purposes of Assisting Eligible Island Residents with Basic Food Needs. | $1,000 |
| **Item J:** | Allocation to the Peaks Island Academy for the Express Purposes of Assisting Students' Transportation Needs for Off-island Activities. | $1,000 |
| **Item K:** | Issue Vouchers in the Amount of $84 per Voucher per Student to the Parents of Children Attending Private Schools Off-island. | $500 |

Motion: The Peaks Island Council requests the Portland City Council to allocate the following funds to the PIC FY 15 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 $5,000 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.

_____ _____

Mark Rees, 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 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.

_____ _____

Mark Rees, City Manager Date

Item C: The Peaks Island Council requests the City Manager or his designee to issue quarterly vouchers in the amount of $50 per voucher per student to the parents of children attending the Peaks Island Elementary School who attain the age of 10 years or older during the school year. Children who turn 10 years of age during the school year will be eligible for the vouchers only after attaining 10 years of age and will only be eligible for vouchers not yet issued. Total cost allocated is $3,000.

_____ _____

Mark Rees, City Manager Date

Items 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. The needs based criteria has been developed by the Peaks Island Council, and is a continuation of a program funded in FY 14. The total is not to exceed $5,000.

Mark Rees, City Manager _____ Date _____

Item E: The Peaks Island Council requests the City Manager of his designee to provide an allocation of $17,500 to the Island Transportation System for continued support of the only transportation service available to residents.

Mark Rees, City Manager _____ Date _____

Item F: The Peaks Island Council requests the City Manager of his designee to provide an allocation of $2,500 to the Peaks Island Council for administrative expenses.

Mark Rees, City Manager _____ Date _____

Item G: The Peaks Island Council requests the City Manager of his designee to provide an allocation of $1,000 to the City of Portland Recreation Division as a contribution towards the establishment of a skateboard park on Peaks Island.

Mark Rees, City Manager _____ Date _____

Item H: The Peaks Island Council requests the City Manager of his designee to provide an allocation of $3,000 to Peaks Island Tax & Energy Assistance (PITEA) for the express purposes of assisting eligible island residents with heating costs. Applications for eligibility approved by Peaks Island Clergy and monies are paid by PITEA directly to the fuel company.

Mark Rees, City Manager _____ Date _____

Item I: The Peaks Island Council requests the City Manager or his designee to provide an allocation of $1,000 to the Peaks Island Food Pantry for the express purposes of assisting eligible island residents with basic food needs. The Food Pantry is associated with the Brackett Memorial Church, and Brackett Memorial Church will be the actual recipient of funds, designated to the Food Pantry.

Mark Rees, City Manager _____ Date _____

Item J: The Peaks Island Council requests the City Manager or his designee to provide an allocation of $1,000 to the Peaks Island Academy for the express purposes of assisting students' transportation needs for off-island activities.

Mark Rees, City Manager _____ Date _____

Item K: 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 $500.

Mark Rees, City Manager _____ Date _____

Peaks Island Council
February 26, 2014

For many years, Peaks Islanders have been seeking a public skateboard park as part of the recreation activities on the Island. Skateboarders use public thoroughfares but recognize the danger of these activities.

Here is a direct copy of text from Page 25 of the 2003 Neighborhood-Based Plan for Peaks Island:

*Recommendation (Immediate): Work with Island youth, private landowners, Island organizations and the City to find a suitable site for the skateboard park.*

Despite the efforts of many adult Islanders, a skateboard park was not built. So, several younger Islanders took it upon themselves to builda small park on the cement site of an old World War II barracks.

That initiative by younger citizens was most commendable. Unfortunately, the park is part of the Peaks Island Land Preserve, which prohibits any change or development on its properties. A subcommittee of the Peaks Island Council was formed in 2013. The group agreed with the PILP to produce a new park before the old one was destroyed and then the barracks site could and would be restored.

Several Islanders, including the young builders and others familiar with skateboard parks, envision a new park in a100' X 100' corner of Trott Littlejohn Park. This is City-owned land and the Parks and Recreation Department supports putting the Skateboard Park there. We plan to start with a large sloping pad and add specific skating structures as funds become available.

In 2013 the Peaks Island Lions' Club donated $250 towards the new Skateboard Park. Another $100 was raised by youngsters riding bicycles at the Annual PeaksFest community celebration. But obviously we need more funding. Therefore, we are asking the Peaks Island Council for a contribution of $2,000.

Our Skateboard Park Subcommittee of the PIC officially welcomes contributions from the PIC and the Parks and Recreation Department of the City of Portland to proceed to develop the Peaks Island Skateboard Park.

Thank you for your consideration.

C. J. Hoppin
207 766 2593
196 Seashore Avenue

www.cjhoppin.com
choppin@aol.com
Peaks Island, ME 04108

PEAKS ISLAND TAX AND ENERGY ASSISTANCE
P O BOX 126
PEAKS ISLAND, MAINE 04108

Thank you very much for considering a line item in the Peaks Island Council budget for $3000 for Energy Assistance. When our small group began fundraising in 2005 for tax assistance we never thought we would be in existence in 2014 nor did we think we would be adding energy assistance to our mission. Energy assistance assures every resident, renter or homeowner, that help will be there if and when they need it. From July 1, 2012 and June 30, 2013 Energy Assistance received 30 applications and paid out $8284. Since July 1, 2013 we have processed 48 applications and paid out over $13,233 to energy providers and winter is not over yet. The extremely cold weather and the increases in energy costs have made it difficult for some islanders and our assistance has proved to be a necessary part of Island life.

**Peaks Island Tax Assistance** is a totally independent, non-profit group formed in 2005 to give assistance to our fellow island home owners whose homes are their permanent residences to remain in their homes despite recent extraordinary tax increases. The organization applied for and received 501(c)(3) tax exempt status in 2006. In 2007 Energy Assistance became part of our mission and our name became, Peaks Island Tax and Energy Assistance (PITEA). Our purpose is to confidentially give immediate monetary assistance for energy costs for Peaks Island Residents We have raised well over $80,000 and made property tax or energy assistance payments to either City of Portland for taxes or energy companies for energy assistance. Applications for Energy Assistance are given to our Clergy for their approval. PITEA will pay up to $400 to the appropriate energy provider Applicants may reapply at any time during the fiscal year. Islanders who do receive PROP or LIHEAP funding may apply to PITEA when their funding runs out. Our purpose is to give assistance on an as-needed basis.

Beyond the immediate benefit to those neighbors who will receive financial assistance with their taxes and/or energy costs, we believe that our committee's work will help to strengthen and stabilize the entire community by engaging hundreds of islanders in this cooperative effort. Further, we hope to lessen the possibility that any Island families will be forced from their homes. Many of these families and individuals are longtime islanders who have paid taxes to the city and contributed to the fabric of this community for generations. We also see our effort as a way to acknowledge and honor these islanders and their contributions. Finally, if our work is successful, it will help to maintain and encourage the social and economic diversity from which our community draws its greatest strength.

Many islanders have generously contributed to our funds directly or through our fundraising events. A long-time summer friend gave us the opportunity to sign up for the MarketAmerica non-profit organization program. Unfranchisees under her tutelage have made it possible for us to receive funds. However, we do not have a dealer in our group so we will be receiving limited assistance. One door is closing and we hope another door will open for fundraising. PITEA has sponsored a variety of events including 4 summer raffles featuring donated items. The PITEA Board continues to plan fundraisers throughout the year. Our Loaf and Ladle Dinners, which are held almost monthly

have been very successful and have added to the sense of community on Peaks. All of the food, paper goods, etc. have been donated by PITEA members so that the per person fees collected are deposited in the tax account or energy account, Our donors may specify that their donations will be used for tax assistance or energy assistance. Those who have given us matching funds through a corporate sponsor know their donations go to energy assistance.

Non-profit accounts for Tax Assistance and for Energy Assistance have been established at Key Bank

*ORIGINAL PEAKS ISLAND TAX ASSISTANCE MISSION STATEMENT*
*From our By-Laws and 501(c)3 application*

*Peaks Island is a neighborhood of the City of Portland, Maine. The City of Portland conducted a property tax revaluation in 2004-05, which led to skyrocketing assessments for island property. Because Peaks Island is a community that values its diversity, concern was widespread that the tax increases would cause considerable stress for senior citizens and others living on fixed incomes, as well as the young families that keep our school filled with children.*

*Peaks Island Tax Assistance (PITA) was formed in 2005 to serve as a pro-active, community-based response to this situation. PITA's mission is to assist residents whose ability to remain part of our community is threatened by their inability to afford the property taxes. It works in collaboration with island clergy to direct available funds for the benefit of individuals and families in need. All tax assistance payments will be made directly to the City of Portland.*

Order 235-13/14
~~Tab 16 5-5-14~~
Tab 20 5-19-14

MICHAEL F. BRENNAN. (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L).

# ORDER AUTHORIZING GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED $500,000

**FOLLOWING** a public hearing of the City Council of the City of Portland, Maine, held upon due notice pursuant to Article VII, Section 9 of the City Charter, IT IS HEREBY

**ORDERED THAT:**

**There be and hereby is authorized and approved the incurring of indebtedness by the City of Portland and the issue and sale of general obligation bonds and notes in anticipation thereof in the aggregate principal amount not to exceed Five Hundred Thousand Dollars ($500,000) to finance additional capitalization of the Worker's Compensation Fund – Settlement Pool and all other costs (as defined herein) related and ancillary thereto (the "Project").**

**BE IT FURTHER ORDERED**

1. That the Director of Finance be and hereby is authorized to prepare, issue, and sell such bonds in the name of and on behalf of the City, in the aggregate amount of $500,000 (the "Bonds") at one time, or from time to time, as one or more separate bond issues, and to determine the date, form, minimum denomination, interest rates (as term bonds or serial bonds or some combination thereof), maturities (with the last maturity not to exceed the maximum term permitted by law) and all other details, terms and provisions, note inconsistent herewith, including the form and manner of their sale and award as he may approve, such approval to be conclusively evidenced by the execution thereof;

2. That the Director of Finance be and hereby is authorized to borrow money in anticipation of said Bonds by the issuance and sale of notes or renewal notes in anticipation of said Bonds ("BANs"), and to determine the date, form, minimum denominations, interest rate, maturities (with the last maturity not to exceed 3 years from its date of issuance) and all other details of each issue of BANs, including the form and manner of their sale and award, subject to the provisions of the law, the City Charter and this Order;

3. That the Director of Finance be and hereby is authorized to provide that any of the Bonds and BANs hereinbefore authorized be made subject to call for redemption, with or without premium, prior to their stated dates of maturity, as provided in 30-A M.R.S.A. §5772(6), as amended;

4. That any Bond or BAN issued hereunder shall be signed by the Director of Finance and by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, attested to by the City Clerk, under the seal of the City, and shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof;

5. That the Director of Finance is authorized to negotiate, execute, and deliver, in the name of and on behalf of the City such contracts, agreements, and other documents, including leases, instruments and certificates as may be necessary or appropriate as determined and approved by the Director of Finance in connection with the financing of the Project, which documents shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Director of Finance such approval to be conclusively evidenced by his execution thereof;

6. That the Director of Finance be and hereby is authorized to select the underwriter for the Bonds or BANs heretofore authorized and the Director of Finance be and hereby is authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith;

7. That the Director of Finance be and hereby is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the Bonds or BANs heretofore authorized, such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Director of Finance, with the advice of the bond counsel for the City, and that the use and distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the City in connection with offering the Bonds or BANs for sale be and hereby is approved;

8. That the Director of Finance be and hereby is authorized to select the registrar, paying agent and transfer agent (the "Transfer Agent") for the Bonds or BANs heretofore authorized and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services;

9. That the Bonds or BANs heretofore authorized shall be transferable only on the registration books of the City kept by the Transfer Agent, and said principal amount of the bonds of the same maturity (but not of other maturity) in minimum denominations of $5,000 and any integral multiple in excess thereof upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his attorney duly authorized in writing. Upon each exchange or transfer of a bond the City and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new bonds upon exchanges or transfer thereof to be paid by the person requesting the same;

10. That the Director of Finance be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such Bonds or BANs heretofore authorized in book-

entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraph above regarding physical transfer of Bonds or BANs, and the Director of Finance be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in his opinion, appropriate in order to qualify the Bonds or BANs for and participate in the Depository Trust Company Book-Entry Only System;

11. That the Director of Finance and Mayor from time to time shall execute such Bonds or BANs as may be required to provide for exchanges or transfers of Bonds or BANs as heretofore authorized, all such Bonds or BANs to bear the original signature of the Director of Finance and Mayor, and in case any officer of the City whose signature appears on any Bond or BAN shall cease to be such officer before the delivery of said Bond or BAN, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof;

12. That if the Bonds or BANs, or any part of them, are issued on a tax exempt basis, the Director of Finance be and hereby is authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the issue and sale of the Bonds or BANs authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Bonds or BANs to be "arbitrage bonds" or "private activity bonds" within the meaning of Sections 148 and 141 of the Internal Revenue Code of 1986, as amended;

13. That if the Bonds or BANs, or any part of them, are issued on a tax exempt basis, the officers or officials executing the Bonds or BANs be and hereby are individually authorized to covenant and agree, on behalf of the City, for the benefit of the holders of such Bonds or BANs, that the City will file any required reports and take any other action that may be necessary to insure that interest on the notes will remain exempt from federal income taxation, and that the City will refrain from any action that would cause interest on the Bonds or BANs to be subject to federal income taxation;

14. That the officers executing the Bonds or BANs be and hereby are individually authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of such Bonds or BANs, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met;

15. That any or all of the Bonds or BANs issued hereunder may be consolidated with and become a part of any other issue of temporary notes or general obligation bonds authorized to be issued by any previous or subsequent order of the City Council of the City of Portland;

16. That the term "cost" or "costs" as used herein and applied to the Project, or any portion thereof, includes, but is not limited to the cost of financing charges, legal fees and issuance costs, including premiums for insurance, interest for a period not to exceed three years from the issue date of the Bonds, and for any additional period permitted under Section 148 of the Internal

Revenue Code of 1986, as amended, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses relating to the financing transaction;

17. That the Director of Finance, Mayor and Clerk and other proper officials of the City be, and hereby are authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, not inconsistent herewith, as may be necessary or desirable in order to effect the issuance, sale and delivery of the Bonds or BANs hereinabove authorized;

18. That if any of the officers or officials of the City who have signed or sealed the Bonds shall cease to be such officers or officials before the Bonds or BANs so signed and sealed shall have been actually authenticated or delivered by the City, such Bonds or BANs nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds or BANs had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Bonds or BANs, shall be the proper officers and officials of the City, although at the nominal date of such Bonds or BANs any such person shall not have been such officer or official;

19. That if the Director of Finance, Mayor or Clerk are for any reason unavailable to approve and execute the Bonds or BANs or any other documents necessary or convenient to the issuance, execution and delivery of the Bonds or BANs, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had performed such act.

20. That the Bonds or BANs authorized by this Order are in addition to any bonds or notes previously authorized for the same or similar purposes;

21. That to the extent not payable from other funds, an amount sufficient for the payment of the annual payments of principal and interest on the Bonds or any BANs issued hereunder shall be included in the tax levy of each year until the debt represented by said Bonds or BANs is extinguished.

22. That during the term any of the Bonds (or bonds issued to refund such Bonds) are outstanding, the Director of Finance be and hereby is authorized to issue and deliver refunding bonds to refund some or all of the Bonds then outstanding, and to determine the date, form, interest rate, maturities and all other details of such refunding bonds, including the form and manner of their sale and award. The Director of Finance be and hereby is further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the Director of Finance and by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, attested to by the City Clerk, under the seal of the City, and shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof.

# CITY OF PORTLAND, MAINE
# MEMORANDUM

**TO:** Chair Mavodones, Members of the Finance Committee

**FROM:** Ellen Sanborn, Finance Director

**DATE:** April 28, 2014

**RE:** Request for $500,000 in Bonds to Fund Settlements of Long-term Workers' Comp Cases

The Human Resources Department has requested $500,000 to fund costs and payments in settlements of some of the City's long-term workers' compensation cases. Issuance of General Obligation Bonds for this purpose is allowed under City Charter, and we have issued bonds for this purpose in the past. The most recent issue was for $1 million in 2004, for which the debt service will be completely paid off this year.

Human Resources has identified, in consultation with our Workers' Comp administrator, 20 cases that have potential to be settled. These cases range from three to twenty years in age, and if settled could allow avoidance of about $12 million in future costs. While the estimated cost to settle all of these cases is about $3.6 million, this level of funding at $500,000 will allow HR to continue working on active cases that are estimated to save up to $4 million in future costs.

This support two Council Orders, similar to any bond issue; an authorization to issue bonds and an appropriation, both for $500,000. I would include these bonds in the next regular bond sale.

Order 236-13/14
~~Tab 17 5-5-14~~
Tab 21 5-19-14

MICHAEL F. BRENNAN. (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND**
**IN THE CITY COUNCIL**

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L).

## ORDER APPROPRIATING $500,000 OF BOND PROCEEDS

IT IS HEREBY ORDERED THAT:

1. Subject to paragraph 2 below, the sum of $500,000 to finance additional capitalization of the Worker's Compensation Fund – Settlement Pool.

2. The appropriation set forth in paragraph 1 above is and shall be contingent upon the approval by the City Council of general obligation bonds for such purposes (the amount appropriated to be adjusted to reflect the principal amount of bonds or notes so authorized, subject to any reduction as may be specified in the order authorizing such bonds or notes) and the issuance and delivery of such bonds or notes in anticipation thereof for such purposes. The foregoing appropriations shall also be applied to all other costs related and ancillary thereto including but not limited to issuance costs for such bonds (or notes in anticipation thereof).

Order 237-13/14
~~Tab 18 5-5-14~~
Tab 22 5-19-14

MICHAEL F. BRENNAN. (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
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**CITY OF PORTLAND**
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L).

**ORDER FOR FISCAL YEAR 2014-2015 APPROPRIATING $830,000 FROM EXCESS FUND FOR CASCO BAY ISLAND TRANSIT DISTRICT**

**ORDERED,** that the City Council hereby authorizes and appropriates $830,000 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.

# CITY OF PORTLAND, MAINE
# MEMORANDUM

**TO:** Chair Mavodones, Vice-chair Duson, Members of the Finance Committee

**FROM:** Ellen Sanborn, Finance Director

**DATE:** April 14, 2014

**RE:** Appropriation of Excess Funds for Casco Bay Island Transit District (CBITD)

The lease agreement between the City and CBITD outlines the process of allocating revenue from the Casco Bay Garage operation, which was anticipated to be used to support the ferry service, and potentially other "mass" transportation.

The agreement discusses two funds that address the distribution of net revenue generated to the City by the garage and also facility rent. Attached is the specific language from the lease for these two funds, but in summary, the *Maintenance Fund* receives 50% of the net revenue generated by the garage, which is paid to CBITD on an annual basis. The *Excess Fund*, which went into effect once the debt for the acquisition of the west side of the Maine State Pier was retired, receives the balance of net revenue from the garage and also the rental payments from CBITD for the facility. Both funds are to be used by CBITS for capital needs of the terminal and pier.

As described in the lease, the distribution of the Excess Fund is made, by Council appropriation, only through our annual budget process. The first priority for these funds is for capital needs of CBITD, who must demonstrate that need by making a request to the Council "as part of the City's budget process".

Attached is information from Hank Berg, CBITD General Manager, describing their request for approximately $830,000 of Excess Funds to use as match funding for a number of federal grants. The current balance in the Excess Fund, which is a component of the City's Fund Balance as an Assigned balance, is $831,527.

This item will be included as one of the council orders associated with the annual budget.

## *CBITD Grant Summary*

| *Active* | Total | Federal | State | Local Match | PACTS | FTA |
|---|---|---|---|---|---|---|
| AVL/Real time vessel info | $ 75,000 | $ 60,000 | | $ 15,000 | Approved | Funding Allocated |
| SAFETY-LU Urbanized Area Formula | 489,628 | 244,814 | | 244,814 | Approved | Funding Allocated |
| *In approval process* | | | | | | |
| MAP21 Urbanized Area Formula | 448,819 | 359,055 | | 89,764 | Approved | Under Review |
| MAP21 State of Good Repair | 682,889 | 546,311 | | 136,578 | Approved | Under Review |
| *To be submitted to FTA* | | | | | | |
| Preventive Maintenance STP 2 | 100,000 | 80,000 | | 20,000 | Approved | CBITD writing grant |
| *Proposals under review* | | | | | | |
| CBITD Terminal Renovation Phase 2 | 3,200,000 | 2,560,000 | 320,000 | 320,000 | NA | Under review |
| Totals | $ 4,996,336 | $ 3,850,180 | $ 320,000 | $ 826,156 | | |

Provided by CBITD
March, 2014

**CBITD Grant Summary 2014**
**Rev 1**

**Active grants**

PACTS, MaineDOT and FTA have approved these grants and FTA has released funding

*AVL/Real time vessel info*

Scope of Work: The funds will be used for the delivery and installation of a regional Computer Aided Dispatch (CAD)/Automatic Vehicle Location (AVL) and Real-time Passenger Information (RTPI) System for the following PACTS transit agencies: the Greater Portland Transit District (METRO); South Portland Bus Service (SPBS); Casco Bay Island Transit District (CBITD).

The transit agencies jointly followed a systems engineering process to develop system specifications, issued the CAD/AVL, RTPI RFP and negotiated price and terms with the vendor chosen by the RFP selection committee. After negotiating a Best and Final Offer a contract template was jointly developed. Each agency will execute individual contracts with the vendor using the contract template.

The Greater Portland Council of Governments is coordinating the procurement process on behalf of the above named transit agencies in accordance with the "Memorandum of Understanding for Joint Solicitation & Cooperative Purchase CAD/AVL Real Time Passenger Information System." The transit agencies will not be negotiating independently any procurement tasks.

The minimum fleet included in this procurement is for a system to outfit 44 vehicles/vessels (METRO 32 buses, CBITD 5 vessels, SPBS 7 buses).

This application is for CBITD's portion of the project.

Security. During a serious situation or an emergency, such as an ill passenger, vehicle breakdown, accident, or illegal activity onboard the transit vehicle the driver can quickly alert dispatch using the mobile data terminals. The dispatcher at the transit operations center will be notified about the incident and will know the precise location of the vehicle. The transit agency will be able to assess, in real time, the situation onboard the transit vehicle and could provide this information to the appropriate public safety officials (e.g., police, fire and rescue). This will help the transit agency and public safety officials respond quickly and appropriately to the incident.

Other Information: The PACTS Transit Committee has planned for all of the other transit agencies to participate when the funding and implementation readiness make it possible. These agencies include: Regional Transportation Program (RTP), Biddeford-Saco-Old Orchard Beach Transit Committee - ShuttleBus /ZOOM (BSOOB), and York County Community Action (YCCAC). All these agencies have been included in the procurement documents as maximum participants.

*SAFETY-LU Urbanized Area Formula*

Scope of Work: Casco Bay Island Transit District (CBITD) will use the funds to support operational costs.

**Grants in approval process**

These grants have been approved by PACTS, included in MaineDOT's Surface Transportation Plan, reviewed by FTA and are now in final review by Department of Labor (DOL)

*MAP21 Urbanized Area Formula (Second 2013 six month appropriation)*

Scope of Work: Casco Bay Island Transit District (CBITD) will use $168,819 of these funds for Preventive maintenance of its ferries (Machigonne, Maquoit, Aucociso, Bay Mist and Wabanaki), equipment and facility. Preventive maintenance work for the ferries and associated equipment is performed by suppliers/contractors at shipyards and at CBITD's terminal. Suppliers/contractors and in-house staff complete preventive maintenance of the facility and associated equipment.

CBITD will use $50,000 of these funds to replace two forklifts that are at the end of useful life. The primary and backup forklifts are used to move heavy items around the terminal as well as to and from the vessels. The forklifts are used to move boat equipment, spools of line, passenger benches, oil drums for the vessels, passenger personal belongings, large garbage cans, and more. One forklift is 13 years old and the other is over 18 years old; the typical average useful life of a forklift is 10 years.

CBITD will use $40,000 of these funds for the procurement of a portable canopy for CBITD's passenger vessel Maquoit II. The canopy will be used to protect an exposed part of the vessel from the elements and sun to extend the useful outside passenger area in inclement weather.

CBITD will use $190,000 of these funds for specification development and the procurement/installation of a replacement for CBITD's Sage Pro ERP accounting system. These funds will also be used to procure office workstations, servers and associated equipment. In 2013 Sage announced its intent to retire the Sage Pro ERP software effective March 31, 2014. CBITD must replace Sage Pro with a functionally equivalent accounting system.

*MAP21 State of Good Repair (Second FY2013 six month appropriation)*

Scope of Work: Casco Bay Island Transit District (CBITD) will use $219,225 of these funds for Preventive maintenance of its ferries (Machigonne, Maquoit, Aucociso, Bay Mist and Wabanaki), equipment and facility. Preventive maintenance work for the ferries and associated equipment is performed by suppliers/contractors at shipyards and at CBITD's terminal. Suppliers/contractors and in-house staff complete preventive maintenance of the facility and associated equipment. $463,664 of the funds will be used to cover higher than projected bid proposals for CBITD's terminal renovation project (ME-03-0044-01).

**Grant to be submitted to FTA**

This grant has been approved by PACTS and included in MaineDOT's Surface Transportation Plan; CBITD in process of writing

*Preventive Maintenance STP 2*

Casco Bay Island Transit District (CBITD) will use these funds for Preventive maintenance of its ferries (Machigonne, Maquoit, Aucociso, Bay Mist and Wabanaki) equipment and facility. Preventive maintenance work for the ferries and associated equipment is performed by suppliers/contractors at shipyards and at CBITD's terminal. Suppliers/contractors and in-house staff complete preventive maintenance of the facility and associated equipment.

**Competitive Grant proposals submitted and under review**

*CBITD Terminal Renovation Phase 2 (FTA Ferry Boat Discretionary funding)*

AGE AND NEED: The existing Casco Bay Island Transit District's (CBITD) Ferry Terminal was designed and built in 1988 for an annual capacity of 500,000 passengers. Since then, passenger traffic experienced growth far greater than projected and today the facility handles nearly 1,000,000 passengers annually. Due to the passenger commuter nature of the service, along with the seasonal passenger visitors to the various islands of Casco Bay, vehicle traffic into and out of the facility along with passenger hand freight to the islands has increased such that when added to the passenger volume, reliable service is at the point of being un-manageable. The facility has also become a very active METRO Bus system stop that brings people to and from various areas throughout the city as well as connecting them to other transportation modes like Amtrak, Concord Trailways, Greyhound and the International Jetport. Along with METRO, the facility is served by taxicabs, school buses, tour and excursion vehicles and a variety of delivery vehicles that support the commuter population based on the islands.

READY TO GO: This project is a "ready to go project" and the request for funds is for a one-time improvement project to CBITD's Terminal to improve passenger access to and from the vessels, enhance passenger safety and security throughout the facility and improve the facilities maintenance area.

The estimated cost of the complete Terminal renovation exceeded the available funding. As a result, the project was divided into two Phases. Phase 1 is currently funded with $3,500,000 by FTA (Project ME-03-0044-01), FHWA (FBD-1836(300)X), State of Maine funds, City of Portland Maine funds and CBITD funds. Phase 1 includes extensive marine infrastructure related improvements, an addition to the south end of the Terminal, facility maintenance repairs, and a portion of the Terminal building improvements.

This proposal is to fund Phase 2 of the Terminal improvement project and will address the site improvements to enhance the safety of passenger and vehicle flow, maintenance department work area improvements as well as the remainder of the terminal building improvements. An additional $3,200,000 is required for Phase 2 of the project which is estimated to take 17 months to complete.

[Excerpt from Lease Agreement by and between the City of Portland and Casco Bay Island Transit District]

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 improvement 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 Fund. 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 the 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 TENAN'S operations;
3. Major rehabilitation of Ferry Terminal or 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.

Order 238-13/14
~~Tab 19 5-5-14~~
Tab 23 5-19-14

MICHAEL F. BRENNAN. (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND**
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE**
**CHAPTER 6, (BUILDINGS AND BUILDING REGULATIONS),**
**ARTICLE II. BUILDING CODE, SECTION 17**
**RE: FEES**

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

1. *That Chapter 6, section 17 of the Portland City Code is hereby amended as follows:*

**Sec. 6-17. Fee Schedule.**

The applicant shall submit the cost of work in order to determine the permit fee. If the construction cost submitted is less than that as indicated by national standards such as BOCA International or the R.S. Means Company, Inc., the City of Portland reserves the right to reevaluate the proposed project cost based on the referenced national standard and assess the larger of the fees. All building permit applications shall be accompanied by the appropriate fee as established below:

(a) Construction work:

(1) Cost of work fees:

Up to $1,000.00 . . . . . .$~~30.00~~25.00
$1,000.00 or more . . . . .$~~30.00~~25.00 + $~~10.00~~ 11.00 per $1,000.00 above $1,000.00

(2) Belated fees:

Below $~~30.00~~25.00 permit fee . .$50.00 additional
Above $~~30.00~~25.00 permit fee . .$100.00 additional

(3) Amendments to application:

Up to $1,000.00 . . . . . .$~~30.00~~25.00

$1,000.00 or more . . . . .~~$30.00~~25.00 + ~~$10.00~~ 11.00 per $1,000.00 above $1,000.00

(b) Fees for specific items (additional to cost of work fees above):

(1) Air conditioning and ventilation systems . . . .$30.00 + $10.00 per $1,000.00 cost

(2) Change of use permit . . . .$30.00 + $10.00 per $1,000.00 cost

(3) Food truck operating on private property . . . .$30.00

(4) Demolitions: Structures . . . . . .$30.00 + $10.00 per $1,000.00 cost

(5) Heating systems-all types. .$30.00 + $10.00 per $1,000.00 cost

(6) Oil and gas burner. . . . . $30.00 + $10.00 per replacement $1,000.00 cost

(7) Stop work order removal . . $~~100.00~~-300.00

(8) Certificate of Occupancy. . $~~75.00~~ 100.00 for each Inspection

(9) Home occupation . . . . . .$150.00 plus cost of work

(10) Re-inspections . . . . . $~~75.00~~150.00for each

(c) Fees in lieu of cost of work:

(1) Signs . . . . . $30.00 + $2.00/sq.ft.

(2) Tanks: propane gas, gasoline and fuel oil:

Under 300 gals . . . . . $30.00
300 gallons or more . . . . $35.00
Removal. . . . . $30.00

(3) Tent use . . . . . $30.00

| | | |
|---|---|---|
| (4) | Parking lots . . . . . | $100.00 |
| (5) | Subdivision fee. . . . . | $500.00 base fee plus $25.00 per lot or dwelling unit |
| (6) | Hoods, commercial cooking. . | $30.00 + $10.00 per $1,000.00 cost |
| (7) | Commercial cooking . . . . . Appliances | $30.00 + $10.00 per $1,000.00 cost |
| (8) | Fire alarm and sprinkler . . systems | $30.00 + $10.00 per $1,000.00 cost |
| (9) | Moving building . . . . | $30.00 + $10.00 per $1,000.00 cost |
| (10) | Metalbestos chimney . . . . | $30.00 + $10.00 per $1,000.00 cost |

Except as otherwise provided herein, permit fee shall be based upon the estimated or the actual cost of the work for which the permit is required, whichever is greater, including towers, permanent swimming pools and any other structures altered, constructed or demolished. Ten (10) percent of any fee, or ten dollars ($10.00), whichever is greater, shall be non-refundable to cover the administrative costs.

Portland, Maine | Yes. Life's good here.

Jeff Levine, AICP
Director, Planning & Urban Development Department

# Memorandum

**To:** Mark Rees, City Manager
Ellen Sanborn, Finance Director

**From:** Jeff Levine, Director

**Date:** April 8, 2014

**Re:** Fee changes for Inspections- FY2015

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The following fee changes are proposed for FY2015 in Inspections:

| FEE | CURRENT RATE | PROPOSED RATE |
|---|---|---|
| **Building Permit** | $30 for first $1,000 of value<br>$10 for each additional $1,000 | $25 for first $1,000 of value<br>$11 for each additional $1,000 |
| **Stop Work Order Removal** | $100 | $300 |
| **Reinspection Fee** | $75 | $150 |
| **Certificate of Occupancy** | $75 | $100 |

**Amendment to Order 238-13/14, prepared by Corporation Counsel.**

*1. That Chapter 6, section 2 and 17 of the Portland City Code are hereby amended as follows:*

**Sec. 6-2. Fees for reinspections.**

Following the issuance of a notice of violation and an order to correct violations, the enforcement authority will reinspect once for no fee in order to determine whether the violations have been fixed in compliance with this chapter. If the violations have not been fixed in compliance with this chapter, the violator shall be assessed a fee ~~of seventy-five dollars ($75.00)~~ as set forth in section 6-17 for each subsequent reinspection. Failure to pay the assessment for reinspection shall create a lien on the property of the violator and the assessment and lien shall be collected and enforced pursuant to section 1-16.
(Ord. No. 120-97, § 2, 10-20-97)

...

**Sec. 6-17. Fee Schedule.**

The applicant shall submit the cost of work in order to determine the permit fee. If the construction cost submitted is less than that as indicated by national standards such as BOCA International or the R.S. Means Company, Inc., the City of Portland reserves the right to reevaluate the proposed project cost based on the referenced national standard and assess the larger of the fees. All building permit applications shall be accompanied by the appropriate fee as established below:

(a) Construction work:

(1) Cost of work fees:

Up to $1,000.00 . . . . . .$25.00
$1,000.00 or more . . . . .$25.00 + $-11.00 per $1,000.00 above $1,000.00

(2) Belated fees:

Below $25.00 permit fee . .$50.00 additional
Above $25.00 permit fee . .$100.00 additional

(3) Amendments to application:

Up to $1,000.00 . . . . . .$25.00
$1,000.00 or more . . . . .$25.00 + $11.00 per $1,000.00 above $1,000.00

(b) Fees for specific items (additional to cost of work fees above):

(1) Air conditioning and ventilation systems . . . .$30.00 + $10.00 per $1,000.00 cost

(2) Change of use permit . . . .$30.00 + $10.00 per $1,000.00 cost

(3) Food truck operating on private property . . . .$30.00

(4) Demolitions:
Structures . . . . . .$30.00 + $10.00 per $1,000.00 cost

(5) Heating systems-all types. .$30.00 + $10.00 per $1,000.00 cost

(6) Oil and gas burner. . . . . $30.00 + $10.00 per replacement $1,000.00 cost

(7) Stop work order removal . . $-300.00

(8) Certificate of Occupancy. . $100.00 for each Inspection

(9) Home occupation . . . . . .$150.00 plus cost of work

(10) Re-inspections . . . . . $150.00for each

(c) Fees in lieu of cost of work:

(1) Signs . . . . . $30.00 + $2.00/sq.ft.

(2) Tanks: propane gas, gasoline and fuel oil:

Under 300 gals . . . . . $30.00
300 gallons or more . . . . $35.00

| | | |
|---|---|---|
| | Removal. . . . . | $30.00 |
| (3) | Tent use . . . . . | $30.00 |
| (4) | Parking lots . . . . . | $100.00 |
| (5) | Subdivision fee. . . . . | $500.00 base fee plus $25.00 per lot or dwelling unit |
| (6) | Hoods, commercial cooking. . | $30.00 + $10.00 per $1,000.00 cost |
| (7) | Commercial cooking . . . . . Appliances | $30.00 + $10.00 per $1,000.00 cost |
| (8) | Fire alarm and sprinkler . . systems | $30.00 + $10.00 per $1,000.00 cost |
| (9) | Moving building . . . . | $30.00 + $10.00 per $1,000.00 cost |
| (10) | Metalbestos chimney . . . . | $30.00 + $10.00 per $1,000.00 cost |

Except as otherwise provided herein, permit fee shall be based upon the estimated or the actual cost of the work for which the permit is required, whichever is greater, including towers, permanent swimming pools and any other structures altered, constructed or demolished. Ten (10) percent of any fee, or ten dollars ($10.00), whichever is greater, shall be non-refundable to cover the administrative costs.

**BE IT FURTHER ORDERED**, that these fees shall be effective on July 1, 2014 unless otherwise noted.

Order 239-13/14
~~Tab 20 5-5-14~~
Tab 24 5-19-14

MICHAEL F. BRENNAN. (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND**
IN THE CITY COUNCIL

JOHN R. COYNE (5)
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JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE**
**CHAPTER 24 SEWERS**
**ARTICLE IV. SEWER USE CHARGES**
**RE: SEWER USER CHARGES**

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

1. *That Chapter 24, Section 24-72 of the Portland City Code is hereby amended to read as follows:*

**Sec. 24-72. Sewer user charges.**

(a) *Applicability.* There are levied upon all parcels of land charges for cost of treatment of wastewater and for the operation and maintenance of the wastewater system.

(b) *Billing.* Bills for all charges under this article may be sent to the record owner, or to the person requesting water service. Bills shall be sent to each such owner or person every month, except that persons billed quarterly or seasonally by the Portland Water District for water service may be billed quarterly or seasonally for all charges under this article. All payments shall be credited against the oldest outstanding bill sent to such owner or person. Any payments made to the Portland Water District or its agents, which do not indicate to which account they are to be applied, shall be applied as provided by contract between the city and the Portland Water District.

Bills shall contain an amount for sewer user charges, and if delinquent as provided in section 1-16 of this Code, shall include charges for interest to be computed in the same manner as provided for real estate taxes.

(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. User charges under this section for both dwelling units and commercial units billed for water used after July 1, 2013 the foregoing rate shall be

eight dollars and ~~thirty-five~~ eighty-one cents ($8.~~35~~81) 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.

(d) *Purposes for which charges may be used.* Charges and assessments made under this article shall be used consistently with 33 U.S.C.A. § 1281 et seq., and applicable federal regulations for the following purposes:

(1) To defray the current expenses of operating and maintaining the wastewater system, including any assessment made by the Portland Water District;

(2) To pay the interest and repay the principal on any outstanding or future indebtedness of the city for construction of sewers heretofore or hereafter constructed within the city;

(3) To reimburse the city for the cost of computation, billing and enforcement of such charges.

(e) *Collection.* Charges assessed pursuant to this section shall be enforceable pursuant to section 1-16 of this Code.

(f) *Disconnection for nonpayment of charges.* The Portland Water District shall disconnect sewer users with unpaid sewer use charges according to the same terms and procedures used to disconnect water users with unpaid water use charges.

**BE IT FURTHER ORDERED,** that these fees shall be effective on July 1, 2014 unless otherwise noted.

# CITY OF PORTLAND, MAINE
# MEMORANDUM

**TO:** Mark Rees, City Manager

**FROM:** Ellen Sanborn, Finance Director

**DATE:** April 16, 2014

**RE:** Sewer Fee Rate Increase for FY2014

The City continues to fund projects related to the DEP mandated Combined Sewer Overflow requirements through first the Tier II and now the Tier III approved projects. This includes financing about $230 million in capital costs over the 20 year time period, which is paid for through the sewer user fee and was anticipated to increase as needed to cover the debt service costs. Also, there are additional requirements related to the consolidated water quality permitting and CMOM compliance, which are reflected in the Sewer Fund budget.

Securing a favorable borrowing rate and receipt of some debt forgiveness funding through the State's revolving loan program and the DEP's stimulus money, along with very favorable construction bids, has offered some relief to the rate increase. Recent rate increases have been:

FY14 3%
FY13 0%
FY12 3%
FY11 3%
FY10 3%

Based on budget and construction cost estimates, we will need a 5.5% increase in the rate to pay for all sewer operations, assessment, and debt service for FY2015. This increase would be effective July 1, 2014.

The current rate is $8.85 per hcf. The rate as of July 1, 2014, would be $8.81 per hcf. The estimated monthly increase for a four person household is $4.60.

Order 248-13/14
~~Tab 21 5-5-14~~
Tab 25 5-19-14

MICHAEL F. BRENNAN. (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND**
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE**
**CHAPTER 28, (TRAFFIC),**
**DIVISON 1, SECTION 51**
**RE: REVISED FEES**

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

*1. That Chapter 28, section 51 of the Portland City Code is hereby amended as follows:*

**Sec. 28-51. Traffic schedule.**

The stopping, standing and/or parking of motor vehicles and movement of traffic are hereby regulated on the streets or parts of streets and ways and on publicly owned property as set forth on the traffic schedule and, when signs are erected giving notice thereof the stopping, standing and/or parking of motor vehicles and movement of traffic shall be regulated as set forth on the schedule for such streets or parts of streets and ways and on such publicly owned property. The traffic schedule shall be updated regularly by the city's traffic engineer and kept on file in the office of the city clerk. Amendments to the traffic schedule shall be made by the traffic engineer acting pursuant to his or her authority under this chapter or by order of the city council.

| | Violation | Waiver Fee |
|---|---|---|
| 1 | Expired Meter or receipt/no receipt/receipt face down | $15.00 |
| C | Prolonged Parking-Feeding Meters | $20.00 |
| D | Overtime In Time Zone (Green Sign) | $15.00 |
| T | No Parking That Takes More Than One Metered Space | ~~$15.00~~20.00 |
| 3 | Overnight Parking (Odd/Even) | $15.00 |
| 4 | No Parking This Side Of Street | ~~$25.00~~30.00 |
| E | No Parking Zone | ~~$25.00~~30.00 |
| F | No Parking Between Signs | ~~$25.00~~30.00 |
| G | No Parking Here To Corner | ~~$25.00~~30.00 |
| H | No Parking Taxi Stand | ~~$25.00~~30.00 |
| J | No Parking Intersection | ~~$25.00~~30.00 |
| K | No Parking Sidewalk | ~~$25.00~~30.00 |
| L | No Parking / Dual Rear Wheels/ Overtime Commercial Vehicle Zone | ~~$30.00~~35.00 |
| M | No Parking Against Traffic Flow | ~~$25.00~~30.00 |

| | | |
|---|---|---|
| N | Posted Emergency No Parking Zone | ~~$25.00~~30.00 |
| P | No Parking More than 18" from Curb | ~~$25.00~~30.00 |
| Q | No Stopping or Standing | ~~$25.00~~30.00 |
| R | No Parking City Lot or Property (Permit Required) | ~~$25.00~~30.00 |
| S | No Parking on Esplanade | ~~$25.00~~30.00 |
| 8 | No Parking Bus Stop | ~~$25.00~~30.00 |
| 9 | Blocking Driveway (On Complaint) | $30.00~~25.00~~ |
| 5 | Double Parking or Obstructing Traffic | ~~$25.00~~30.00 |
| 6 | Parking in Hazardous Area -Fire Hydrant-Crosswalk | ~~$30.00~~35.00 |
| 7 | Snow Removal or Plowing Area | ~~$30.00~~35.00 |
| A | Parking in Disabled Zone | $200.00 |
| 10 | Displaying vehicle for sale | $25.00 |
| 11 | Washing, greasing or repairing such vehicle except for repairs necessitated by an emergency | $25.00 |
| 12 | Advertising purposes | $25.00 |
| 13 | Storage/abandoned vehicle (10 consecutive days) | $25.00 |
| 14 | Angle Parking Only | $25.00 |
| 15 | Parking a Vehicle 20' or more in Residential Area November-March | $25.00 |
| 16 | Camper, Trailer, boat, Etc. Over 24 hrs in any 7 calendar day period | $25.00 |
| 17 | Driver to Remain with Vehicle in Taxi Stand | $25.00 |

**BE IT FURTHER ORDERED**, that these fees shall be effective on July 1, 2014 unless otherwise noted.

# CITY OF PORTLAND
# MEMORANDUM

TO: Mark Reese, City Manager

FROM: John Peverada, Parking Manager

DATE: April 9, 2014

RE: **Proposed FY15 Fee Increases**

**TICKETS – Waiver Fees For Parking Violations 100-1801-351-20-00 *Ordinance Ch.28-51***

We are proposing an increase of $5 for all existing No Parking and Hazard Zone tickets, as a further deterrent to illegal parking. The last time these fees were increased was July of 2007. We surveyed other cities in New England and found that the proposed rates will be in line with other cities. This increased is projected to increase revenues by $150,000 per year.

Cc: Sheila Hill Christian, Deputy City Manager
Jennifer Lodge, Budget Analyst

# FY15 REVENUE FEE SCHEDULE CHANGE

## Ordinance Section 28-51

**Department: Parking Division**

| Account # | Revenue Description | Current Fee | Proposed Fee |
|---|---|---|---|
| 100-18-01-351.20-00 | Code Violations Parking Tickets | | |
| | 4 No Parking This Side of Street | $25.00 | $30.00 |
| | 5 Double parking | $25.00 | $30.00 |
| | 6 Parking in Hazardous Area | $30.00 | $35.00 |
| | 7 Snow Removal or Plowing Area | $30.00 | $35.00 |
| | 8 No Parking Bus Stop | $25.00 | $30.00 |
| | 9 Blocking or Obstructing Driveway | $25.00 | $30.00 |
| | E No Parking Zone | $25.00 | $30.00 |
| | F No Parking Between Signs | $25.00 | $30.00 |
| | G No Parking Here to Corner | $25.00 | $30.00 |
| | H No Parking Taxi Stand | $25.00 | $30.00 |
| | J No Parking Intersection | $25.00 | $30.00 |
| | K No Parking Sidewalk | $25.00 | $30.00 |
| | L No Parking / Overtime / Commerical Vehicle Zone | $30.00 | $35.00 |
| | M No Parking Against Traffic Flow | $25.00 | $30.00 |
| | N Posted Emergency No Parking Zone | $25.00 | $30.00 |
| | P No Parking More than 1 8" from Curb | $25.00 | $30.00 |
| | Q No Stopping or Standing | $25.00 | $30.00 |
| | R No Parking City Lot or Property (Permit Required) | $25.00 | $30.00 |
| | S No Parking on Esplanade | $25.00 | $30.00 |
| | T No Parking More Than One Meter | $15.00 | $20.00 |

Order 241-13/14
~~Tab 22 5-5-14~~
Tab 26 5-19-14

MICHAEL F. BRENNAN. (MAYOR)
KEVIN J. DONOGHUE (1)
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**CITY OF PORTLAND**
IN THE CITY COUNCIL

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JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

## FISCAL YEAR 2014-2015 APPROPRIATION RESOLVE

**RESOLVED,** that the sum of $220,851,858 is hereby appropriated for Fiscal Year 2015 for General Municipal purposes; and

**BE IT FURTHER RESOLVED**, that the sum of $101,592,669 is hereby appropriated for Fiscal Year 2015 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, 2014 and not exempt from taxation, to the aggregate amount of $75,972,495 for municipal purposes and $77,469,011 for school purposes for a total tax levy of $153,441,506 resulting in a tax rate of $20.03 per $1,000 of valuation (a 3.2% 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 12, 2014, and payable in two equal installments, the first due on the 12th day of September, 2014, and the second installment due on the 13th day of March, 2015. The delinquency rate of interest shall be seven percent (7%) per annum on all payments received after the respective due dates and the abatement rate of interest shall be three percent (3%) per annum.

## Amendment to Order 241-13/14, prepared by Corporation Counsel:

### FISCAL YEAR 2014-2015 APPROPRIATION RESOLVE

**RESOLVED,** that the sum of $220,985,836 is hereby appropriated for Fiscal Year 2015 for General Municipal purposes; and

**BE IT FURTHER RESOLVED,** that the sum of $101,592,669 is hereby appropriated for Fiscal Year 2015 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, 2014 and not exempt from taxation, to the aggregate amount of $75,754,243 for municipal purposes and $77,469,011 for school purposes for a total tax levy of $153,223,254 resulting in a tax rate of $20.00 per $1,000 of valuation (a 3% 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 12, 2014, and payable in two equal installments, the first due on the 12th day of September, 2014, and the second installment due on the 13th day of March, 2015. The delinquency rate of interest shall be seven percent (7%) per annum on all payments received after the respective due dates and the abatement rate of interest shall be three percent (3%) per annum.

Order 244-13/14
~~Tab 35 5-5-14~~
Tab 27 5-19-14

MICHAEL F. BRENNAN. (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
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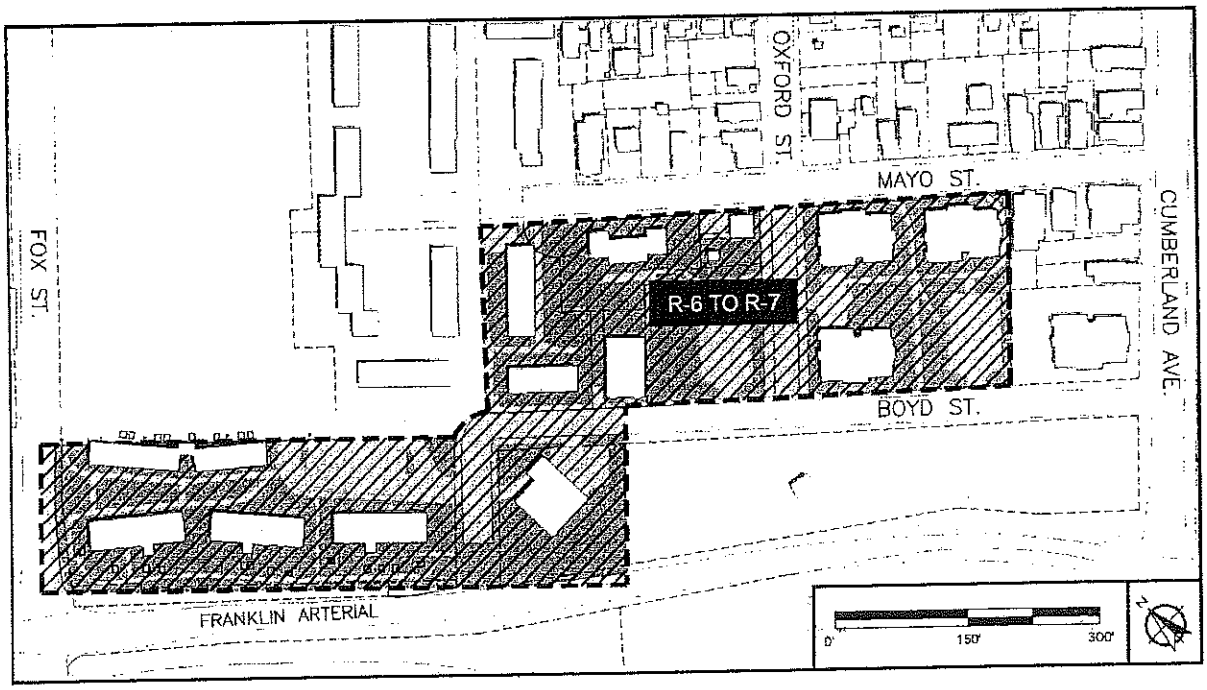
**CITY OF PORTLAND**
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

# AMENDMENT TO ZONING MAP
# RE: R-6 ZONE IN VICINITY OF BOYD, OXFORD AND MAYO STREETS REZONED TO R-7

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

That the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49, be and hereby is amended by adopting the following map change amendment as depicted in the area map below; and specifically rezoning the land now zoned R-6 in the vicinity of Boyd Street, Oxford Street and Mayo Street to the R-7 Zone.



**MEMORANDUM**
**City Council Agenda Item**

**TO:** City Council

**FROM:** Jeff Levine, Director of Planning and Urban Development

**DATE:** April 23, 3014

**DISTRIBUTION:** (City Manager, Mayor, Corporation Counsel, Sonia Bean, Nancy English)

**SUBJECT:** Zoning Map Amendment from R-6 to R-7 - Vicinity of Boyd St.,Oxford St. and Mayo St.

**SPONSOR:** Stuart O'Brien, Chair of the Planning Board

**COUNCIL MEETING DATE ACTION IS REQUESTED:**
**1st reading** May 5, 2014 **Final Action** May 19, 2014

**Can action be taken at a later date:** _____ **Yes** __X__ **No (If no why not?)**
Applicant faces a tight timeframe in securing permits and project financing.

**PRESENTATION: (List the presenter(s), type and length of presentation)**
Planning Board Chair discussing Planning Board recommendation (5 minutes).
Planning Staff providing background info as necessary.
Portland Housing Authority representatives discussing their proposal (5 minutes).

## I. SUMMARY OF ISSUE (Agenda Description)

The Planning Board is forwarding a recommendation to rezone a portion of the Portland Housing Authority (PHA) residential campus in East Bayside from R-6 to R-7. PHA requested a zone change to facilitate development of a proposed 45 unit housing development (called Bayside Anchor). PHA proposes to convert an existing parking lot at the corner of Boyd Street and Oxford Street into an affordable housing project but the resulting lot size doesn't meet the density requirements of the R-6 zone thus the need for a R-7 map amendment.

PHA's zone change application, at staff suggestion, encompassed their entire East Bayside residential property (10.8 acres) to allow for increased flexibility and density for future renovation and infill development of the campus. In considering the PHA proposal, the Planning Board reviewed the entire East Bayside R-6 district so that land use and zoning issues could be reviewed comprehensively rather than on a piecemeal basis.

At a public hearing held on April 22, 2014, the Board voted 5 to 2 (Hall and Morrissette opposed) to recommend to the City Council that a portion of the PHA campus (including

the Bayside Anchor site) be rezoned from R-6 to R-7. The zone change covers a two block area in the vicinity of Boyd St., Oxford St. and Mayo St.

Public comment during the Planning Board workshops and at the public hearing, as well as neighborhood meetings, was generally opposed to a R-7 designation for the entire neighborhood at this time. However, there was support for the Bayside Anchor project as well as a willingness to continue a discussion about text and map changes in the R-6 and R-7 zones. The Planning Board balanced that input with a concern among the majority of the Board that single-parcel rezonings did not usually reflect sound planning for housing opportunities. Based on the analysis of staff and their own thoughts, the Board selected an area of about two blocks, all owned by the PHA, for rezoning along with the Bayside Anchor parcel.

## II. REASON FOR SUBMISSION (Summary of Issue/Background)

PHA has requested a zone change to help facilitate the creation of additional housing opportunities on their East Bayside residential campus. The proposed rezoning from R-6 to R-7 provides needed flexibility in accommodating additional housing through infill development. While PHA is pursuing an immediate housing development (Bayside Anchor), this zone change will also provide for future housing opportunities on their campus.

The Planning Board is forwarding a positive recommendation for the rezoning covering a two block area of the PHA campus.

## III. INTENDED RESULT

The Planning Board zone change recommendation helps facilitate an affordable housing development and provides needed R-7 zoning flexibility to assist the PHA in their future renovation and expansion of housing opportunities within a portion of their East Bayside residential campus. The Board's rezoning recommendation covers a two block area of the PHA site adjacent to the proposed Bayside Anchor project, in order to provide additional opportunities for infill affordable housing projects in the future.

## IV. COUNCIL GOAL ADDRESSED

Promote Housing Availability: Provide increased availability in all segments of the housing market while insuring that there is a suitable balance of housing opportunities among those sectors.

The proposed rezoning allows PHA to move forward with the Bayside Anchor project that provides 36 units of affordable housing and 9 market rate housing units.

## V. FINANCIAL IMPACT

There are no known negative municipal financial impacts associated with the zone

change. The zone change enhances opportunities to create affordable housing.

## VI. STAFF ANALYSIS

The proposed zone change is consistent with the Comprehensive Plan, and Staff therefore supports the Planning Board's recommendation. Staff had initially recommended a larger area for an R-7 rezoning, which would have been accompanied by a text amendment to the R-7 zone. However, public input suggested that such a change was premature. Staff therefore supports the rezoning as proposed.

Attached is the Planning Board Report on the zoning map amendment.

## VII. RECOMMENDATION

The Planning Board at a public hearing held on April 22, 2014 voted 5 to 2 (Hall and Morrissette opposed) that the R-6 to R-7 map amendment (as revised) is consistent with the City's comprehensive plan and therefore recommends the proposed map amendment to the City Council.

For purposes of holding a public hearing, the Board did consider rezoning the entire R-6 zoning district in East Bayside to R-7 including the entire PHA campus. The final vote was based on an analysis of the entire neighborhood and public feedback, and resulted in a recommendation that a discreet set of parcels be rezoned R-7 and that further study and outreach be done before any further rezonings take place..

## VIII. LIST ATTACHMENTS

1. City Council Order
2. Planning Board Report

Prepared by:

Richard Kreutzer
Signature

4-24-14
Date

**Memorandum**
**Planning and Urban Development Department**
**Planning Division**

| | |
|---|---|
| **To:** | Mayor Brennan, and Members of the City Council |
| **From:** | Richard Knowland, Senior Planner |
| **Date:** | April 28, 2014 |
| **Re:** | East Bayside Rezoning/Portland Housing Authority (R-6 to R-7) |
| **Project #:** | #2014-013 |
| **Meeting Date:** | May 5, 2014 |

## I. INTRODUCTION

The Planning Board is forwarding a positive recommendation to rezone a portion of Portland Housing Authority (PHA) residential campus in East Bayside from R-6 to R-7. The genesis of this zone change is PHA's desire to provide infill development on their residential campus. PHA's immediate goal is to develop a proposed 45 unit affordable housing development (called Bayside Anchor) on an existing parking lot at the corner of Boyd Street and Oxford Street but the lot size doesn't meet the density requirements of the R-6 zone thus the need for an R-7 map amendment.

PHA's zone change application, at staff suggestion, encompassed their entire East Bayside residential campus (10.8 acres) to allow for increased flexibility and density for future renovation and infill development of the campus. In considering the PHA proposal, the Planning Board reviewed the East Bayside R-6 district so that land use and zoning issues could be reviewed comprehensively rather than on a piecemeal basis.

At a public hearing held on April 22, 2014, the Board voted 5 to 2 (Hall and Morrissette opposed) to recommend to the City Council that a portion of the PHA campus (including the Bayside Anchor site) be rezoned from R-6 to R-7. The zone change covers a two block area in the vicinity of Boyd Street, Oxford Street and Mayo Street near Franklin Street. The Board also passed a motion to communicate to the Council that the votes in opposition were in support of a more comprehensive text and amendment for the East Bayside neighborhood.

Public comment during the Planning Board workshops and at the public hearing, as well as neighborhood meetings, was generally opposed to a R-7 designation for the entire neighborhood at this time. However, there was support for the Bayside Anchor project as well as a willingness to continue a discussion about text and map changes in the R-6 and R-7 zones. The Planning Board balanced that input and based on the analysis of staff and their own thoughts, the Board selected an area of about two blocks within the PHA campus for rezoning along with the Bayside Anchor parcel.

A map of the Planning Board recommended zone change is shown as Attachment A. An East Bayside map and zoning map and an excerpt from Richard's Atlas (1914) of East Bayside; are shown as Attachments B and C, respectively.

A table of contents of this report is shown below:


I. Introduction
II. Findings
III. Bayside Anchor Proposal
IV. Comparison of R-6 and R-7
V. Implementation of R-7 Zone
VI. East Bayside Land Use Considerations
VII. Land Use Policy
VIII. Commonly Asked Questions
IX. Planning Process
X. Planning Board Recommendation


## I. FINDINGS

Existing Zoning: R-6 1,000 sf or 43 units per acre
Proposed Zoning: R-7 435 sf or 100 units per acre
Land Area: 10.79 acres
Existing Dwelling Units: 164 units or 2,865 sf per dwelling unit
Bayside Anchor Proposal
Land Area: 20,147 sf
Dwelling Units: 45 units or 447 sf land area per dwelling unit
Total Dwelling Units: 209 units
Existing Parking Spaces: 183
Proposed Parking Spaces: 157

## II. BAYSIDE ANCHOR PROPOSAL

PHA would like to construct a 45 unit multi-family building (Bayside Anchor) at the corner of Boyd Street and Oxford Street on the site of an existing parking lot. The Bayside Anchor site is located within the PHA campus, but will be owned and developed by an affiliate corporation and needs sufficient land to satisfy R-6 density requirements. The 20,147 sq. ft. lot would fall short of the R-6 density requirements hence the request for an R-7.

Attachment 2 includes a vicinity map and a map of the PHA campus identifying the zone change area and the various housing developments within the campus, including existing housing unit counts and residential density. A conceptual site plan has been submitted and is shown as Attachment 5.

Uses
In addition to residential uses the proposed building will feature Head Start, a neighborhood policing office and PHA administrative offices on the first floor which will be relocated from an existing one story building on Boyd Street. The PHA offices appear to be accessory to the campus, the police office is a permitted municipal use and Head Start (an accessory or conditional use).

Parking

The proposed development will occupy the site of an existing 26 space parking lot and therefore be dependent on other PHA off-street parking areas on their campus to meet their parking needs. Currently PHA has 201 parking spaces for 155 dwelling units or a ratio of 1.18 spaces per dwelling unit. See Attachment 2. With the Bayside Anchor housing project in place, PHA indicates they will have a total of 157 spaces or 0.78 parking spaces per unit. As an affordable housing development it qualifies under sec. 14-332.2(b) providing for a reduced parking standard with review by the Planning Board.

Scope of Map Change

Initially PHA submitted a zone change for the Bayside Anchor site but upon further consideration and consultation with Planning Staff expanded the map change to cover their entire campus. PHA indicates the "R-7 zone will allow increased flexibility and density as PHA and PHDC begin planning for future renovation and expansion of its properties within the East Bayside neighborhood."

The Bayside Anchor site needs an R-7 zoning designation since it does not meet R-6 setbacks, density, lot coverage and possibly open space requirements. The PHA campus as a whole is well under the R-6 density requirements but its development pattern is out of character with the surrounding residential neighborhoods in terms of building placement, orientation and layout. An R-7 designation will assist future PHA efforts to facilitate infill and redevelopment more in keeping with typical neighborhoods found on the peninsula.

For purposes of holding a public hearing, the Board decided to consider the entire R-6 district of East Bayside for rezoning to R-7 so that land use and zoning policy issues could be reviewed comprehensively rather than on a piecemeal basis. See Section X of this memo for the Planning Board zone change recommendation.

Development Reviews

Assuming the zone change is approved, the development will be subject to Planning Board site plan and subdivision review.

## III. COMPARISON of R-6 and R-7 ZONE

A chart comparing the R-6 with the R-7 is shown below. Generally the R-7 has more flexible dimensional requirements than the R-6 zone including density, minimum lot size, setbacks and height

| Zoning requirements for R-6 versus R-7 zones | | |
|---|---|---|
| **STANDARD** | **R-6** | **R-7** |
| **Purpose** | **Sec. 14-135. Purpose.**<br>The purpose of the R-6 residential zone is: (a) To set aside areas **on the peninsula** for housing **characterized primarily by multifamily dwellings** at a **high density** providing a wide range of housing for differing types of households; and to conserve existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses. | **Sec. 14-141. Purpose. (excerpt)**<br>The purpose of the R-7 Compact Urban Residential Overlay Zone is to encourage and accommodate **compact residential development** on appropriate locations **on the Portland peninsula,**. . . .<br>Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations **characterized by moderate to high density multi-family** housing in a form and density exceeding that allowed in the R-6 Zone . . . |
| **Permitted Uses** | **Residential:** Single and Two-family; Multifamily dwellings; Handicapped family unit; Single-family, multiple-component manufactured housing; Single-family single-component manufactured housing<br>**Other:** Lodging house; Cemeteries; Parks; Accessory uses; Home occupation; Municipal uses; Special needs independent living units; Conversion into bed & breakfast; Hostels; Wind energy systems | Uses permitted in the R-6 Zone |
| **RESIDENTIAL*** | **R-6** | **R-7** |
| **Min. Lot Size** | 4,500 sf | None |
| **Min. Street Frontage** | 40 feet | None |
| **Min. Front Yard** | 10 feet | None |
| **Min. Rear Yard** | 20 feet | 5 feet |
| **Side Yard** | **10 feet – 1 to 3 stories**<br>**12 feet – 4 stories**<br>**15 feet – 5 stories**<br>**Side street: 10 feet** | 5 feet<br>Side street: None |
| **Structure Height** | 45 feet | 50 feet |

| | | | |
|---|---|---|---|
| **Max. Lot Coverage** | | 40% for lots which contain 20 or more dwelling units<br>50% for lots which contain less than 20 units | 100% |
| **Min. area per dwelling unit** | | 600 sf additional units<br>1,000 sf gross area<br>1,200 sf for each unit after first 3 | 435 sf gross area<br>400 sf habitable floor area |
| **Open space ratio** | | 20% | n/a |
| **Parking** | | Off-street parking is required | Off-street parking is required |

**All other uses in the R-7 Zone shall observe the requirements of the R-6 Zone (Sec.14-142 (a)6e)*

Residential Density

As previously indicated the R-7 provides more flexibility than the R-6 zone to address the opportunities of infill development including a higher residential density. A discussion on the context of density and neighborhoods is appropriate particularly since peninsula neighborhoods have far fewer people today than in the past.

Census Bureau data indicates that Portland's population reached its peaked in 1950 with 77,634 people. Over a period of time population declined as growth in suburban areas drew people outside the City.

Attachment E is a map showing the density of people living in the City in 1950. The map indicates most Portland residents lived on the peninsula with a comparatively small number of people off-peninsula. This contrasts with present day where North Deering has the largest population of any neighborhood and 64 percent of the city's residents live off-peninsula. (1990 Census).

The latest Census count indicates Portland's population stands at 66,194 people which is comparable to the population around World War I. Historically peninsula neighborhoods and housing were built with a higher density of people in mind. In earlier times, family sizes were larger thus there were more people per housing unit than present. Suburbanization and people having fewer children changed that. While the R-7 density is higher than the present R-6 density standard (see above) there are now fewer people per unit occupying the City's housing stock.

According to the 1950 Census the average Portland household (population per household) had 3.16 persons with several census tracts in Munjoy Hill having 3.43 persons per housing unit. Today the average household size in Portland is 2.07 (2010 Census). As we go back in time this disparity would likely increase. An R-7 designation may not necessarily translate into a significant increase in the total number of people living in a given residential building when compared to an earlier time in the neighborhood's history.

Clearly the automobile wasn't a factor at the turn of the 20th century but it is today. Depending on the size of the site and number of units proposed, the amount of residual lot area available to accommodate parking may be limited. But there are other considerations. In an in-town location not everyone needs a car since public transportation is available and jobs, shopping and services are often within walking distance. The Planning Board is able to modify the normal one space per dwelling requirement in which parking demand is reduced through travel demand management programs, shared-use vehicles and other measures.

## IV. IMPLEMENTATION of R-7 ZONE

Since the enactment of the R-7 zoning text in 1999 a number of R-7 map changes have been implemented on the peninsula. These rezonings and the subsequent housing developments provide a track record of how this zoning concept has worked. Generally these developments have been well received, contribute towards neighborhood revitalization, and blend in well with their surroundings.

The R-7 is a valuable tool to enhance infill development in a neighborhood. The present layout and pattern of residential development in many R-6 neighborhoods could not be replicated under the present R-6 zoning text. In many cases existing buildings constructed at the turn of the century (well before zoning) could not meet present day R-6 requirements such as minimum lot size, setbacks, lot coverage and density. It is precisely these building placement traits that contribute toward the physical character of a neighborhood. The R-7 on the other hand is more flexible which means building placement can reflect the traditional development pattern of a neighborhood.

Below is a list of R-7 rezonings. Several of these zone changes also included conditional zoning. Three of the R-7 rezonings have taken place in East Bayside including corner of Greenleaf and Monroe; corner of Smith and Oxford; corner of Cumberland and Anderson. The PHA proposal would be the largest R-7 rezoning to date.

| Project | Land Area (sq. ft.) | Housing Units | Reason for Zone Change |
|---|---|---|---|
| Unity Village (Berman) | 31,000 | 33 | Density, setbacks |
| Greenleaf and Monroe (PROP) | 10,833 | 9 | Side yard and parking |
| Hanover (PROP) | 3,820 | 3 | Side yard and parking |
| Smith and E. Oxford (AVESTA) | 14,790 | 20 | Density |
| Cumberland/Anderson (PROP) | 5,005 | 4 | Parking, setback |
| Grant and Mellon (PROP) | 18,980 | 16 | |
| Valley and Gilmanton (Shalom) | 19,683 | 24 | Density and parking |

| | | | |
|---|---|---|---|
| 91 State Street (Butterfield) | 8,548 | 10 | Density and min. dwelling size |
| High on Danforth (CHOM) | 7,656 | 30 | Density and parking |
| 66-68 High Street (CHOM) | 23,797 | 38 | Density and "lot coverage?" |
| Federal Street (Gan) | 11,528 | 8 | Parking, side yard |
| 53 Danforth Street (Szanton) | 16,470 | 43 | Side yard, density, height, |

## V. EAST BAYSIDE LAND USE CONSIDERATIONS

In assessing the entire East Bayside R-6 neighborhood a number of observations can be made regarding land use, housing, and development patterns.

Overview

The existing East Bayside R-6 is framed by a B-2b zone along Washington Avenue, a B-2b along Congress Street, Franklin Street, an I-Lb zone and B-5 zone between I-295 and the neighborhood as well as an R-OS zone (Fox Field).

The existing R-6 residential zone is almost entirely residential except for the Mayo Street Art facility (12 Mayo Street), City of Portland Recreation Services building (90 Anderson Street), Ingraham Volunteers (165 Cumberland Avenue) and Union Bagel (147 Cumberland Avenue). The Cathedral Church, Portland Adult Education facility (formerly Cathedral School) and Bayside Variety Store (166 Cumberland Avenue) are located between Cumberland Avenue and Congress Street. The Three G auto repair facility is located on the corner of Anderson, Fox and Everett Streets.

Neighborhood park facilities include Peppermint Park (playground), Bayside Playfield (4 acres with Fox Field, a playground and basketball courts) and Boyd Street open space (a 1.5 acre green area with a community garden). A new trail connecting Boyd Street to the Bayside Trail has been partially constructed and will be completed next year. Most residences are within a two or three block walk of open space or park facilities.

As discussed three R-7 zones have been implemented to date in the neighborhood. See Attachment F for site photos.

East Bayside Lot Data

As part of the zone change analysis, Planning Staff reviewed City Assessor data comprising 16 blocks in East Bayside including land area, land use and housing units for each lot. This analysis did not include Hammond Street, the PHA campus and the blocks between Cumberland and Congress. A review of this data reveals the following.

- The prevalent housing type is single, two and three family dwellings with an intermixing of some larger residential buildings. Single family houses constitute in excess of forty-five percent of the developed housing lots in the neighborhood.

- There are 8 four unit buildings in the neighborhood. Larger scale multi-family buildings are represented by four other properties having 7 unit, 12 unit, 15 unit and 20 unit buildings respectively.

- Neighborhood lots are generally small. Of the 149 lots (developed and vacant) only 26 exceed the R-6 4,500 sf minimum lot size standard.

- Most lots though small do meet the R-6 density standard of 1,000 sf of land area. Only 21 lots are nonconforming in terms of the R-6 residential density standard.

- In reviewing maps with building footprints, it appears at least one-half of the lots do not meet one of the R-6 side yard requirements or some other dimensional requirement.

- Seventeen lots are listed as vacant or having a garage (with no other use) according to City Assessor records. The largest vacant parcel is only 4,800 sf in size. There are no oversized vacant non-PHA parcels that could serve as sites for larger size housing developments.

- Although not a vacant lot, the non-conforming Three G auto repair facility (20,440 sf; corner of Fox and Anderson) is the largest underutilized non-PHA parcel in the neighborhood. See property photo on Attachment H.

Neighborhood Development Pattern

The PHA campus is an anomaly in East Bayside as it doesn't fit the traditional building orientation, configuration or layout of the neighborhood. When the campus was created the traditional street grid was ignored and buildings were typically placed in a suburban layout pattern.

Ironically the 10.8 acre PHA campus is well under the R-6 density with just one dwelling unit per 2,865 sf of land area. As buildings are replaced over time (Kennedy Park buildings are 40 years old) there is an opportunity for new infill development to be designed inline with the traditional neighborhood. A first step in that direction is the proposed Bayside Anchor development.

The remainder of East Bayside follows a traditional neighborhood grid pattern and appears to be intact except for a few vacant lots. A closer review of Richard's Atlas (1914) reveals a denser neighborhood back then with generally more buildings per block than exist today. See Attachment C. Most block groups have experienced some reduction in the number of residential buildings over time (exclusive of the losses associated with the PHA blocks) which suggests some opportunities for infill development.for new construction in the neighborhood.

Past and present development patterns in East Bayside suggest potential for infill development whether by adding a unit or two to an existing building or newly constructed buildings. Context sensitive architectural designs as exemplified in the three R-7 zoned developments and reinforced by site plan design standards are a significant advancement over suburban designs of the 1960s and 1970s, such as the original PHA buildings.

Attachments A and G shows the footprint of existing buildings which is helpful in understanding the neighborhood development pattern including the relationship of building mass to available land, spatial relationship between buildings. As discussed previously much of the neighborhood could not be replicated under the present R-6 because of more restrictive setbacks and lot coverage requirements.

## VII. LAND USE POLICY

As stated the purpose of the R-7 Compact Urban Residential Overlay Zone is:

*"To encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.*

*Locations for siting the R-7 zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties..."*

*Housing: Sustaining Portland's Future* contains several goals which are applicable to this proposed map amendment. Chief among them is *Policy #1 Ensure an Adequate and Diverse Supply of Housing for All* which states:

*"Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future."*

- Objective 1.a. Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels for both renter and owner-occupied.

- Objective 1.b. A variety of housing choices should be available such that no one should have to spend more than 30% of their income for housing. Encourage and support Portland Housing Authority to become active in development of more housing.

- Objective 1.c: Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation.

  Encourage higher density multi-family developments and mixed-use projects with housing, along major public transportation routes, near service areas, and in redevelopment or infill areas.

- Objective 1.d: Increase Portland's rental housing stock to maintain a reasonable balance between supply and demand yielding consumer choice, affordable rents, and reasonable return to landlords.

  1.d.2 Evaluate and update current zoning, as needed, to eliminate barriers to the creation of rental housing . . .

*Policy #5: Portland's Comprehensive Plan encourages a manageable level of growth that will sustain the City as a healthy urban center in which to live and work and to achieve a shared vision for Portland. Portland should encourage sustainable development patterns and opportunities within the City by promoting efficient land use, conservation of natural resources, and easy access to public transportation, services, and public amenities.*

- *Objective 5.b: Maximize development where public infrastructure and amenities, such as schools, parks, public/alternative transportation, sewer lines, and roads exist or may be expanded at minimal costs.*

## VIII. COMMONLY ASKED QUESTIONS

Below are responses to some pertinent questions regarding the R-6 to R-7 rezoning proposal.

**Question: What is the link between the R-7 and affordable housing?**

Response: The R-7 has more flexible zoning provisions than the R-6 in terms of setbacks, density, lot coverage and other zoning provisions. This can facilitate housing since it removes certain barriers to house construction otherwise associated with the R-6 zone.

Of the twelve R-7 zones approved to date, ten of them involved affordable housing developments. Non-profit housing groups have used R-7s to further their development goals.

Building more housing, increases the supply of housing in the community. In the market place, an increase in supply should stabilize or decrease housing costs to consumers. While the "trickle down" theory is an economic argument that supply impacts cost, there is no obligation for a developer (under R-7) to provide affordable housing.

Zoning generally does not regulate housing price or rental rates although a number of communities have used inclusionary zoning to mandate affordable housing as a certain percentage of a development's unit mix. Portland's zoning ordinance provides a bonus density of up to 25% for developers if they provide affordable housing under sec. 14-488.

However this bonus density on a R-6 zoned site would still be below the maximum density of the R-7.

**Question: For a homeowner and their property what are the practical differences between the R-6 and the R-7?**

A chart comparing the R-6 and R-7 was provided earlier in the report but an explanation of the ordinance nonconformity provisions is in order.

Many existing houses in East Bayside do not meet the R-6 setback requirements such as side yards, rear yards or other dimensional requirements. If a house falls in that category, renovations that increase living space are limited. Additions are restricted to modifying the upper floor/attic area of a house while first floor additions are prohibited. Newly created floor area is restricted to the equivalent of not more than 80 percent of the first floor area of the house. So if the house has a first floor area of 1,000 sf, the upper floor/attic addition is limited to 800 sf. If a house does not meet the R-6 land area requirement, the limitation in floor area is restricted further to the equivalent of 50 percent of the first floor area of the house.

In contrast the R-7 has more flexible setback and dimensional requirements thus proposed additions would more likely be allowed and not restricted by the limitations described in the above paragraph. For a homeowner wanting to add an apartment to their building, the R-7 standard (425 sf of land area/dwelling) is more likely to allow it than an R-6 zoned property (1,000 sf of land area/dwelling).

A graphic showing a comparison of three parcels with existing buildings in East Bayside showing "zoning envelopes" for existing R-6 zoning, existing R-7 zoning and proposed changes to the R-6 zoning text. See Attachment I.

**Question: Explain the review process that a proposed R-7 housing development would need to go through.**

There are a number of requirements a R-7 housing development must address as part of the city review process.

The Planning Board reviews a R-7 development that has three or more units. Planning Board review typically includes site plan and subdivision ordinance reviews which encompass review standards such as drainage, landscaping, fire, utilities, traffic and other impacts. Special design standards (sec. 14-143) were created for the R-7 zone "to achieve an attractive and comfortable city neighborhood environment". Standards require a design approach that provides a "permanent expression of the character of the neighborhood" while providing that the "façade shall be varied and articulated to provide visual interest to pedestrians".

The Planning Board as a process includes sending notices to area residents to inform them of the submission of the development proposal. A copy of the plans are available in the Planning Office for residents to come in and review. Generally one or more planning board workshops are scheduled to review the project which are open to the public and includes time

for public comment. Notices of all workshops and public hearings are sent to area residents. The developer is required to schedule a meeting with the neighborhood as an opportunity for residents to ask questions and provide comments to the developer prior to a public hearing. At the end of the process, a public hearing is scheduled to provide the opportunity for public comment prior to the Planning Board making a decision on a development application.

**Question: How do any proposed map amendments from R-6 to R-7 affected by the current discussion of text changes to the R-6 district?**

The changes under discussion for the R-6 zone would lower the minimum lot size and relax the setback requirements, among other changes. However, staff analysis of the part of East Bayside closest to the PHA campus (see Attachment I) suggests that the built form in that area would still not be reflected by the R-6 zone, even after such amendments. The proposed changes to the R-6 zone may improve the conformity of many buildings on Munjoy Hill, and even in the eastern portion of East Bayside such as Hammond Street. It would be impossible to develop text changes to the R-6 zoning district that would make all of the existing R-6 districts more conforming without allowing for inappropriate scale of development in some parts of the district.

The R-7 zone has the ability to help property owners in some parts of East Bayside without running into excessive regulations. Under the current R-6 zone, most of these buildings are already nonconforming and therefore their ability to add even a small addition is significantly limited.

## IX. PLANNING PROCESS

The applicant held a neighborhood meeting in East Bayside on February 27, 2014. Information on the meeting is shown on Attachment 10.

Planning Staff held a neighborhood meeting in East Bayside on March 31st to discuss the larger R-6 to R-7 rezoning proposal. Notes from the meeting are shown as Attachment J. The predominant view expressed at the neighborhood meeting was that the R-7 density and lack of setbacks was viewed as incompatible with the existing development pattern in the neighborhood, and several residents expressed the opinion that they would not want an adjoining lot to be developed so closely and at a scale exceeding their homes. At least one person did express support for the R-7 rezoning.

Planning Staff attended an East Bayside Neighborhood Organization meeting on April 15th to provide further information on the proposed R-7 map change and the differences between the R-6 and R-7. There was very limited support for a neighbor wide rezoning to R-7. Support for any R-7 rezoning focused on the Bayside Anchor site.

The Planning Board held an initial workshop on the PHA proposal at their March 11, 2014 workshop. In reviewing the application, the Board determined that a comprehensive review of the entire East Bayside R-6 was in order and so a second workshop was scheduled on April 8, 2014. At both workshops public comment was taken.

On April 22, 2014 the Planning Board held a public hearing on the proposed R-7 rezoning. For purposes of holding the public hearing, the public notice included the entire R-6 zone in East Bayside so that land use and zoning issues could be considered comprehensively rather than in isolation. The overwhelming majority of comments at the public hearing was against a neighborhood wide R-7 rezoning at this time. There was general support for the Bayside Anchor rezoning but not the entire PHA campus.

Public notice of the workshops and public hearings consisted of two newspaper ads in the Portland Press Herald for each meeting as well as 271 notices sent to area property owners.

## X. PLANNING BOARD RECOMMENDATION

At a public hearing held on April 22, 2014 the Planning Board voted 5 to 2 (Hall and Morrissette opposed) on the following motion regarding the PHA map change.

> Based upon the information contained in the Planning Report for the April 22, 2014 public hearing dated April 18, 2014, the comprehensive plan of the City of Portland, the Hearing, and other factors, the Planning Board finds that:
>
> The proposed zoning map amendment from R-6 to R-7 is consistent with the comprehensive plan of the City of Portland, and therefore recommends the proposed amendment to the City Council.

The Board also passed a motion to communicate to the Council that the votes in opposition were in support of a more comprehensive text and map amendment for the East Bayside neighborhood.

The recommendation reflects extensive discussions of an appropriate boundary for the zone change. In the Planning Staff Report for the public hearing, three options were outlined for the Board's consideration.

Option 1: Rezone all of the PHA campus plus seven blocks that abut the PHA campus (including the Three G site).
Option 2: Rezone to R-7 all of the PHA campus.
Option 3: Rezone to R-7 the Bayside Anchor site plus several other abutting parcels.

In the end the Board decided that Options 1 and 2 were too large at this time particularly with public sentiment against these options. A neighborhood wide R-7 rezoning was not listed as a viable option because of overwhelming public opposition. Option 3 had merit but should be enlarged to integrate with the adjacent PHA blocks so that R-7 inspired development could help rebuilt the adjacent PHA blocks rather than just one or two parcels.

The recommended map change includes the Bayside Anchor site plus portions of several blocks in the Boyd Street, Mayo Street and Oxford Street block area. These parcels are directly adjacent to Franklin Street and include Bayside Terrace, PHA community center and portions of Kennedy Park. This area constitutes about 5 acres or just less than one-half of the 10.8 acre PHA campus. All of the zone change area is controlled by the PHA except for a 4,340 sf lot with a single family house at the corner of Oxford Street and Mayo Street.

During this process the neighborhood brought up several concerns with the existing R-7 text including lot coverage (100%) and height (50 feet). With discussion of potential revisions to the R-6 text, public comment and several Board members suggested that a large scale rezoning for the neighborhood was premature until such text changes are resolved. As the R-6 text amendments move forward, revisions to the R-7 text will be integrated with such efforts.

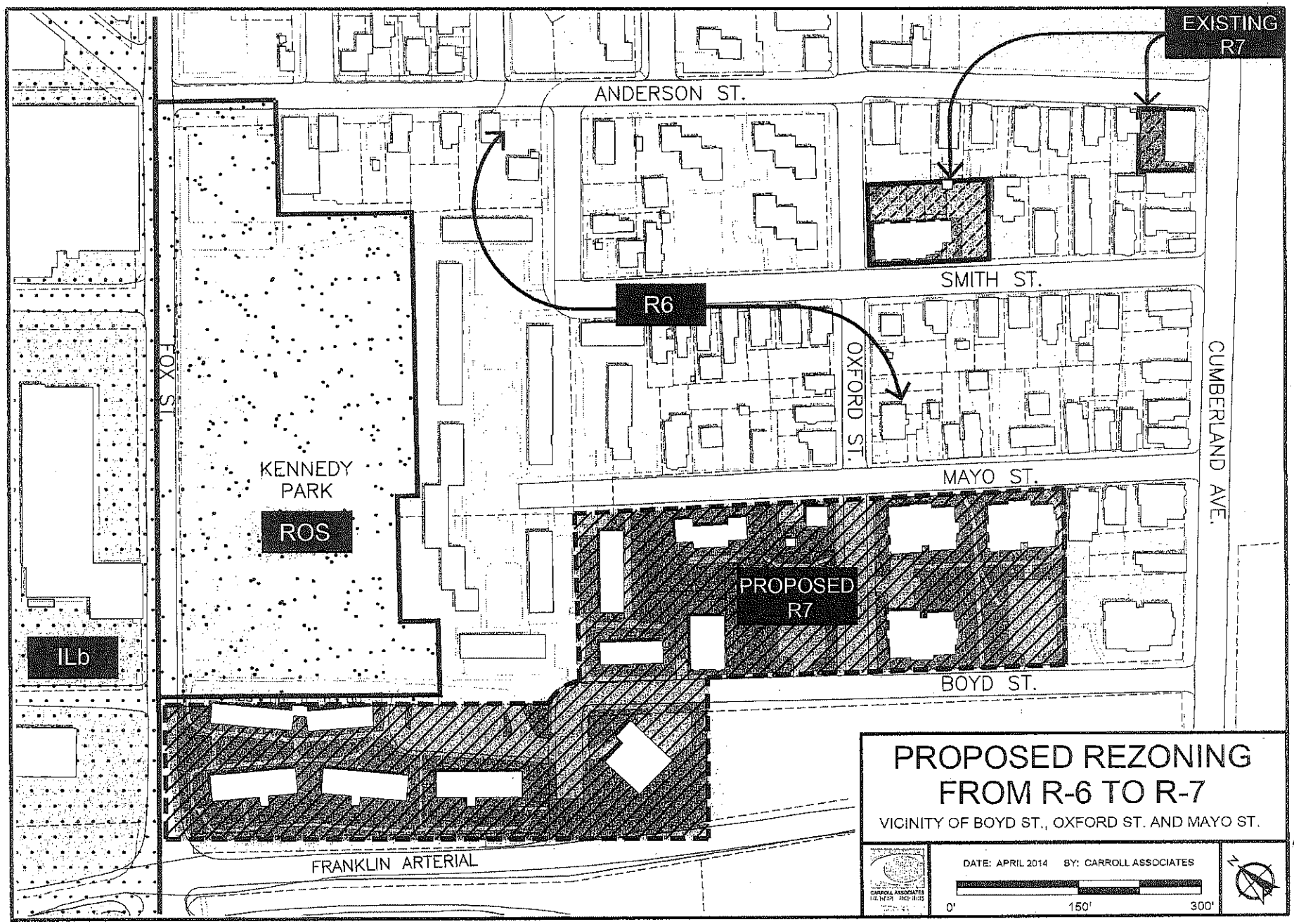
## ATTACHMENTS

Staff Attachments

A. Recommended R-6 to R-7 Zoning Map Amendment
B. East Bayside Map Area and Zoning Map.
C. Excerpt of Richard's Atlas (1914) of East Bayside
D. Memo from Marge Schmuckal, Zoning Administrator, dated 4-17-2014 (with attached documentation from applicant)
E. Portland Density Map of 1950
F. Photos of Existing R-7 Sites in East Bayside
G. East Bayside Map with Numbered Blocks Representing Non-PHA Parcels
H. Photo of Three G Property (Fox-Anderson-Everett)
I. Comparison of Three Parcels in East Bayside of Zoning Envelopes of Existing R-6, Existing R-7 and Proposed R-6 Zoning Amendments.
J. Neighborhood Meeting Notes Held on 3- 31-2014
L. Written Public Comment

Application Submissions

1. Zone Change Application
2. Vicinity Map and Updated PHA Campus Map with Residential Density and Parking (received 3-31-2014)
3. List of PHA Properties to be Rezoned
4. Deeds (excerpt, remainder on file in Planning Offices)
5. Site Plan
6. Zone Change Map (dated 2-4-2014)
7. PHA Campus Density (dated 2-26-2014)
8. PHA Campus Parking Count (dated 1-10-2014)
9. Bayside Anchor Ownership Info.
10. Neighborhood Meeting Notes Held on Feb 27, 2014

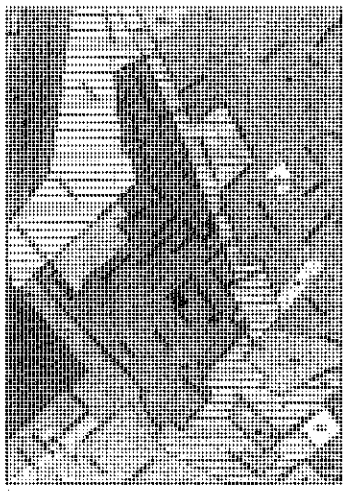

EXISTING
R7
ANDERSON ST.
SMITH ST.
R6
OXFORD ST.
CUMBERLAND AVE.
FOX ST.
KENNEDY
PARK
ROS
MAYO ST.
PROPOSED
R7
ILb
BOYD ST.
FRANKLIN ARTERIAL
PROPOSED REZONING
FROM R-6 TO R-7
VICINITY OF BOYD ST., OXFORD ST. AND MAYO ST.
DATE: APRIL 2014 BY: CARROLL ASSOCIATES
0'
150'
300'
N

Att. A

AH.B

# East Basyide
# Proposal to Rezone From
# Residential R-6 to Residential R-7

- Study Area
- Existing R-7
- Portland Housing Authority Parcels
- Adjacent Parcels
- Buildings
- Zone Lines



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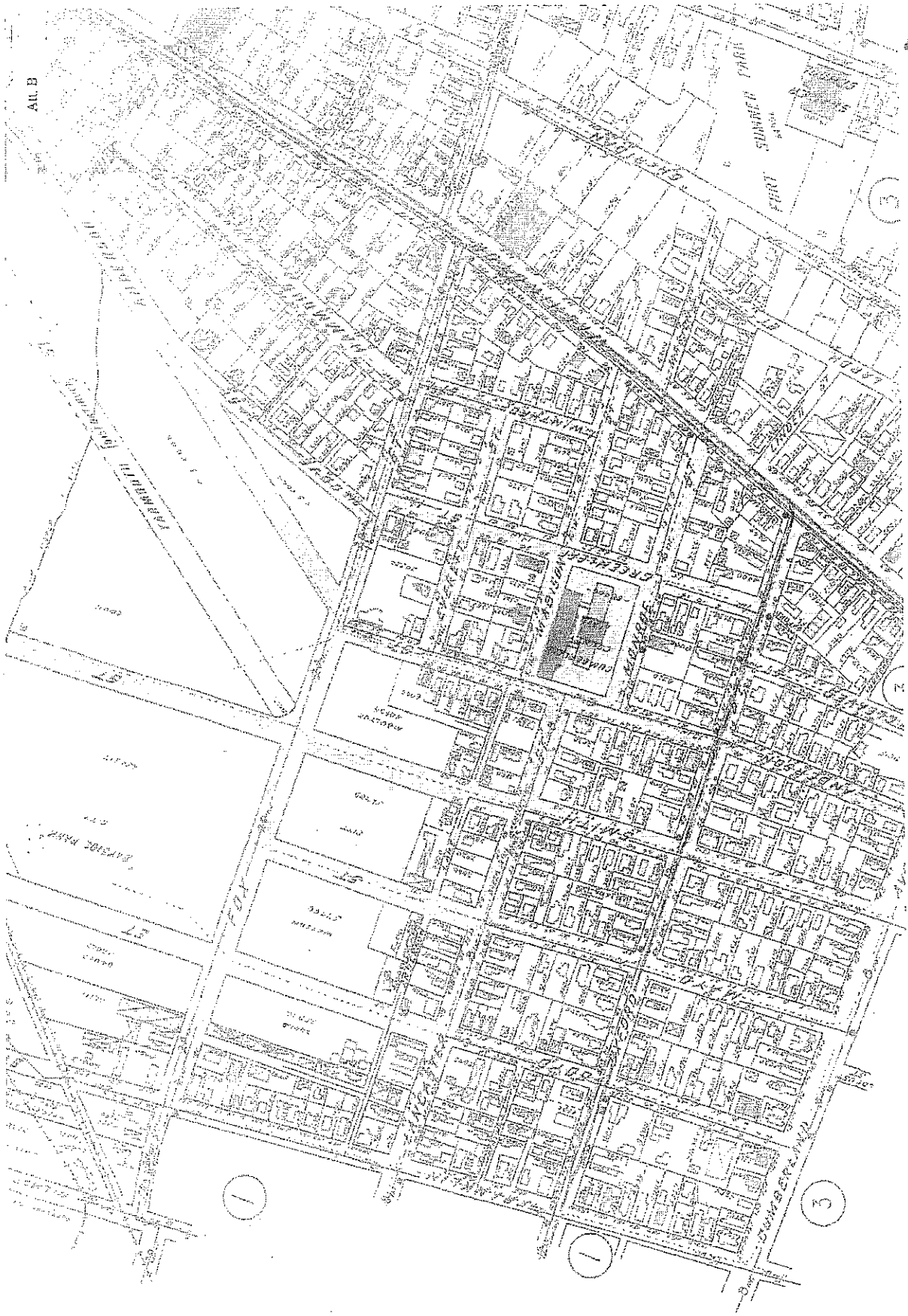



RICHARDS ATLAS (1914)

AH.D

## Rick Knowland - Re: Bayside PHA ownership

**From:** Marge Schmuckal
**To:** Patrick Carroll; Rick Knowland
**Date:** 4/17/2014 10:11 AM
**Subject:** Re: Bayside PHA ownership
**CC:** Brooks More; Jeff Levine; Jesse Thompson; Mark B. Adelson

Hi Pat,
I am in receipt of your April 2, 2014 letter to me. Thank you for the outline. It was pretty complete. I have accepted the concept that the property owned and operated by Portland Housing authority in the East Bayside area does function in a campus-like manner. Maintenance and grounds keeping is done by the same entity. It does function in concept no differently than for example, the USM campus which is located on many lots and blocks and crosses several different streets. I am also comfortable that there is written agreements that will turn the Bayside Anchor project over to the PHA for management within three (3) years after the completion of construction.

I would like a bit more information concerning your parking management for the East Bayside PHA campus. How are the different areas of parking managed. Is there a coded sticker program for residents? Can you elaborate as to how parking requirements for the Bayside Anchor project will be specifically located and managed? I think your parking management is crucial to being able to make the Bayside Anchor project work.

Thank you,
Marge Schmuckal
Zoning Administrator
(207) 874-8695

>>> Patrick Carroll <pcarroll@carroll-assoc.com> 4/7/2014 10:54 AM >>>
Hi Marge,

Wondering if you have had time to look into the PHA ownership of East Bayside properties as requested in my email last week. We have a PBWorkshop tomorrow afternoon and I was hoping we might be able to discuss prior to that. I am out today but available anytime tomorrow if you want to meet and discuss. Please let me know if you have any questions or need any additional information.

Pat Carroll
Sent from my iPad

D.1

# Rick Knowland - PHA Campus in East Bayside

**From:** "Patrick Carroll" <pcarroll@carroll-assoc.com>
**To:** RWK@portlandmaine.gov; JLT@portlandmaine.gov; MES@portlandmaine.gov
**Date:** 4/2/2014 3:40 PM
**Subject:** PHA Campus in East Bayside
**CC:** bmore@avestahousing.org; madelson@porthouse.org
**Attachments:** Marge Schmuckal Letter April 2 final.pdf

Hi Marge,

As indicated in the attached letter, we are working with the Planning Staff on several issues relating to the Bayside Anchor project, and one that has surfaced several times relates to how the Portland Housing Authority projects in the East Bayside neighborhood are owned and managed. This neighborhood contains a significant amount of underutilized parking and PHA is proposing to manage the parking such that Bayside Anchor could utilize some of the excess parking to meet their parking demand. This is a critical component to the Bayside Anchor project as it uses available parking rather than constructing new spaces in the neighborhood, keeping site costs down, minimizes impervious cover, and makes the project affordable. We believe the entire PHA neighborhood should be considered a campus, similar to USM or Maine Medical Center, and PHA is prepared to develop a Parking Management Plan for all of their East Bayside properties that regulates and manages their parking to insure that all tenant parking needs are being met. A key zoning issue relates to interpretation of 'Ownership", and so we have prepared the attached letter that attempts to clarify how the PHA properties are owned and managed.

This issue is important now, as the PHA and City are looking at a rezone from R6 to R7, and if necessary there might need to be a text change to make this work for Bayside Anchor. We are hopeful, however, that you will concur that the PHA East Bayside neighborhood, including the Bayside Anchor site, can be considered a campus for the purposes of sharing and managing the parking demand.

We would like to schedule a meeting with you, Jen, and Planning Staff to review this issue, ideally this week before the Planning Board workshop which is scheduled for April 8.
Please let me know if you have any questions or need additional information. I believe Rick Knowland has exhibits and maps of the East Bayside neighborhood describing the areas and parking demands, I am glad to also send them to you and Jen if desired.

Regards, Pat

**Patrick J. Carroll**
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

Please consider the environment before printing this email.

D.2

CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS

April 2, 2014

Ms. Marge Schmuckal, Zoning Administrator
City of Portland
389 Congress Street
Portland, ME 04101

RE: East Bayside PHA Campus

Dear Marge,

We have been meeting with City Staff regarding the pending rezone of the East Bayside neighborhood and one question that keeps arising is our interpretation of the PHA properties as a 'campus', controlled and managed under one Ownership. I am hoping this letter will provide some background and clarification from your perspective about whether this is a valid classification of use and ownership.

The overriding mission of the Portland Housing Authority is to "*provide and expand affordable housing and services that improves quality of life, builds community, enhances safety, and promotes personal success in the people they serve and neighborhoods in which they reside*". PHA is a major contributor to the Portland's housing stock and owns/ manages over 1,100 dwelling units across the city, providing a multitude of affordable housing opportunities for a wide range of families and individuals.

PHA's inventory in the East Bayside neighborhoods of Bayside Terrace, Kennedy Park, and East Bayside were all developed in the 1960's and 1970's, and provide a mix of housing types and arrangements for low income families. These three developments, while separate by name, deed and building style are all owned and managed by Portland Housing Authority, and fall under the same HUD assigned group designation.

The continuous presence of PHA is central to the neighborhood, offering programs such as a Head Start preschool program, after school education and study programs, a community Center with regular tenant events and activities, and a Community Policing Center in addition to managing the housing stock.

In 1983, the Portland Housing Authority created the Portland Housing Development Corporation (PHDC) to act as its development arm in ventures into creating new affordable housing units. While PDHC is a separate legal entity it is a component corporation of the Portland Housing Authority with interlocking boards of directors. The intent is that any new housing developed through the PHDC or its affiliates will be managed through PHA as part of their portfolio. To date they have purchased one property in the East Bayside neighborhood, a 9 unit building at 47-49 Boyd Street, and have a second parcel under contract. This is the parcel of land targeted for development of the Bayside Anchor project at the corner of Boyd and Oxford Streets. These properties are adjacent to PHA property and will continue to be controlled and managed by the Portland Housing Authority as part of their East Bayside portfolio.

Virtually all affordable housing being developed in Maine today utilizes the federal program of Low Income Housing Tax Credits, administered through MaineHousing. The structure of these programs requires separate Limited Partnerships and LLC's for each project. This requirement has led to creation of distinct entities for legal reasons, but the overall control and management still remains with the parent company. A good example of this is Pearl Place, where Avesta Pearl Street One, LP developed Phase One (66 DU) and Avesta Pearl Street Two, LP and Pinecone Housing Corporation, GP developed Phase Two (54 DU). Both projects are managed under the umbrella of Avesta Housing. It is noted here that the parking for Phase One and Phase Two is shared with mutual easements and use agreements across both properties.

D.3

For the Bayside Anchor project, the PHDC is creating a separate Limited Partnership with Avesta Housing. This partnership was created to maximize the ratings of the development team in its Maine Housing project rating, and also to provide PHA with expertise and training in developing and managing Tax Credit projects. Per the project's Development Services Agreement, Bayside Anchor will be managed by PHA within three (3) years after the completion of construction.

We believe the properties managed and controlled by Portland Housing Authority in East Bayside are considered a campus. They are owned and managed under the umbrella of PHA, which provides a daily presence on the property, PHA provides various services and activities programmed through their offices, and they have a vested interest in the neighborhood. Bayside Anchor is envisioned to be a strong vibrant contributor to that campus and is proposed to house the community services currently located at the East Bayside Community Center.

We are currently looking at using underutilized parking within the PHA East Bayside Campus to help meet the parking demand for the Bayside Anchor project. As mentioned above, we believe it is all currently being managed as a campus and request your review and opinion on whether this is a valid approach. Your ruling on this will affect our approach moving forward. Please review with Counsel if necessary and get back to either Staff or our office. We would like to meet with you to review this in greater detail or answer any questions that you might have, ideally by the end of the week if your schedule permits.

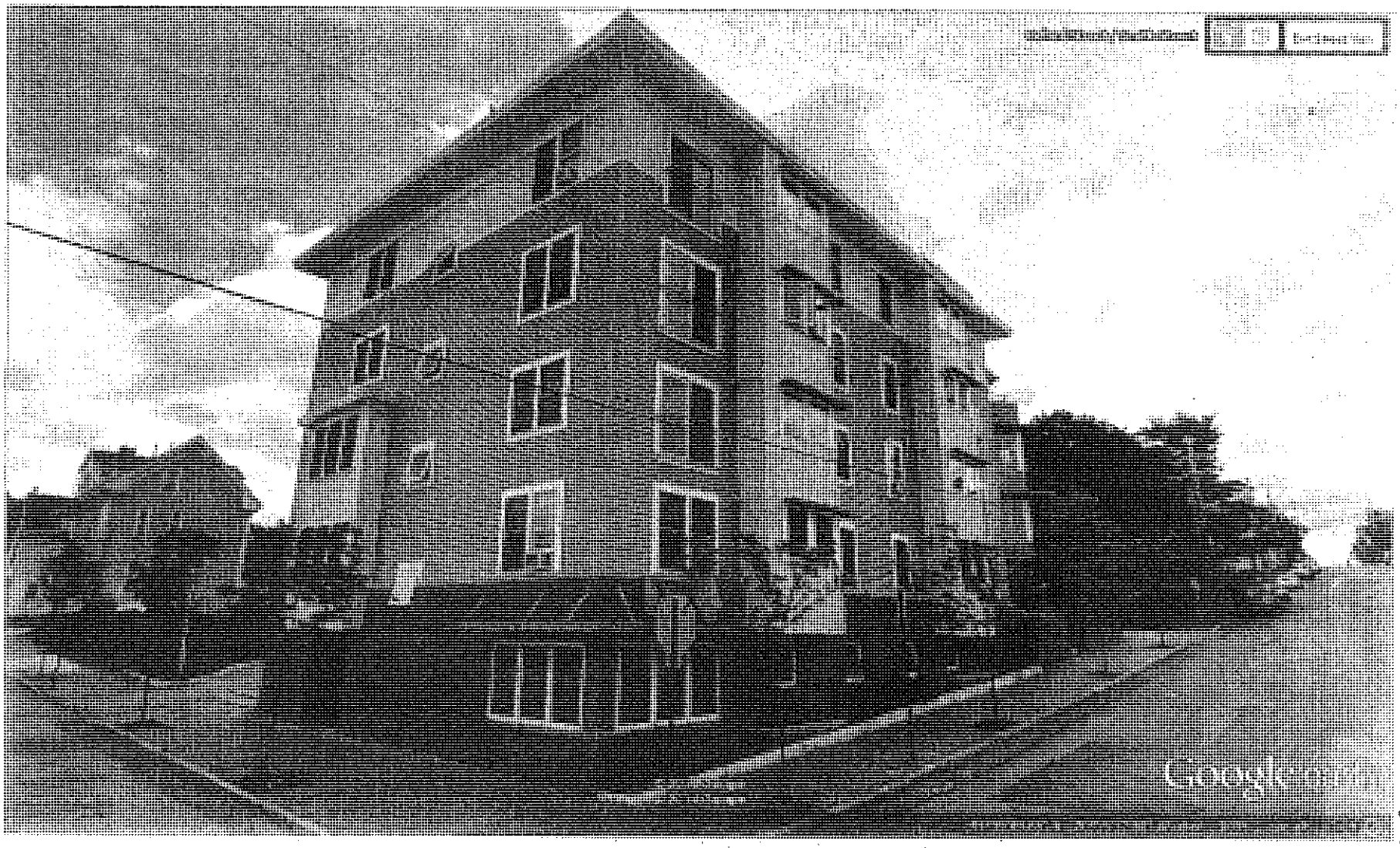
With Regards,
CARROLL ASSOCIATES

Patrick J. Carroll, Principal

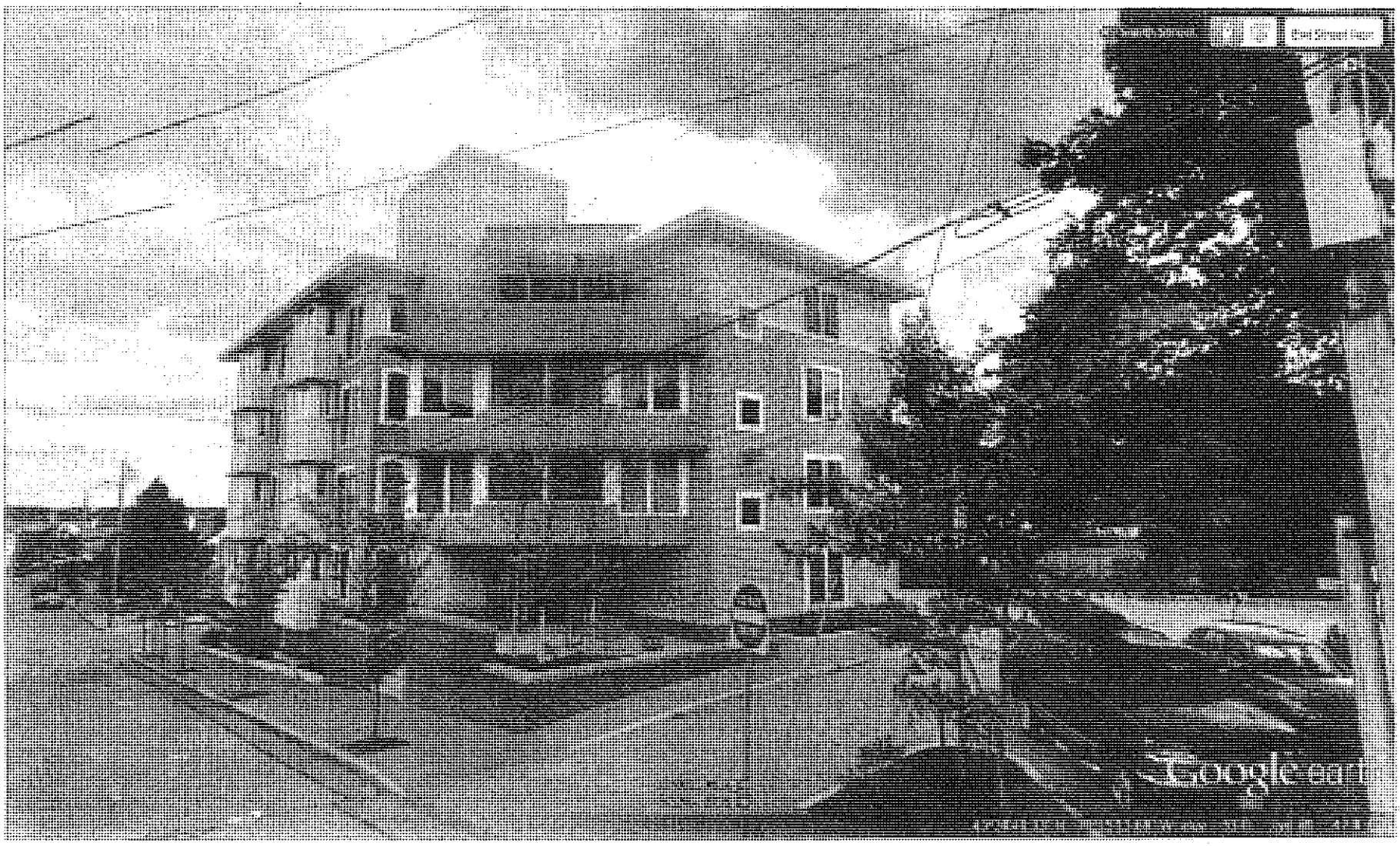
CC: Mark Adelson, PHA
Brooks More, Avesta
Rick Knowland, City of Portland

Att. E

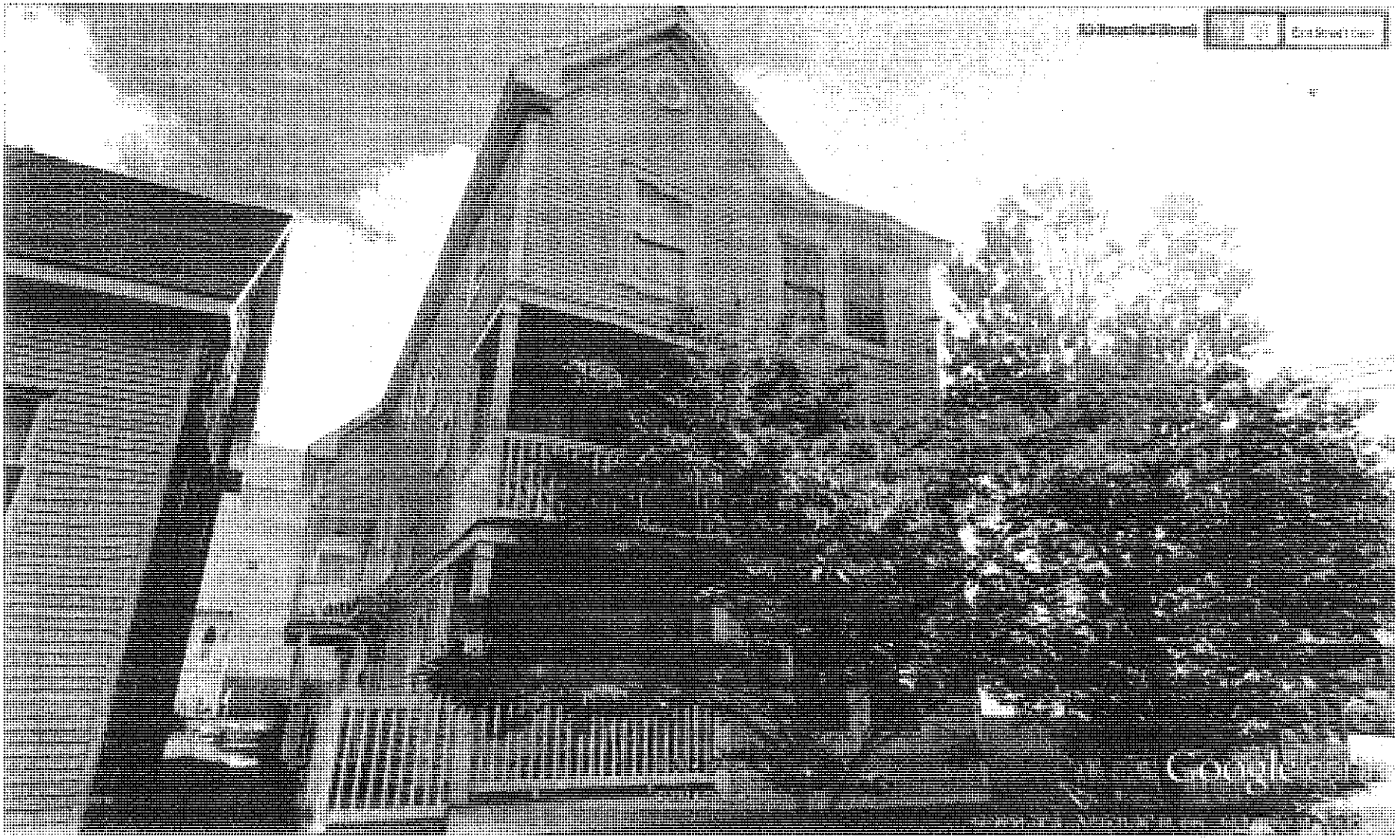
POPULATION
LEGEND
— 10 PERSONS
1950 CENSUS
BACK COVE
PORTLAND HARBOR
FORE RIVER
PORTLAND, MAINE



Smith and Oxford Existing R-7 Zone




Smith and Oxford Existing R-7 Zone




9 Greenleaf Street Existing R-7 Zone

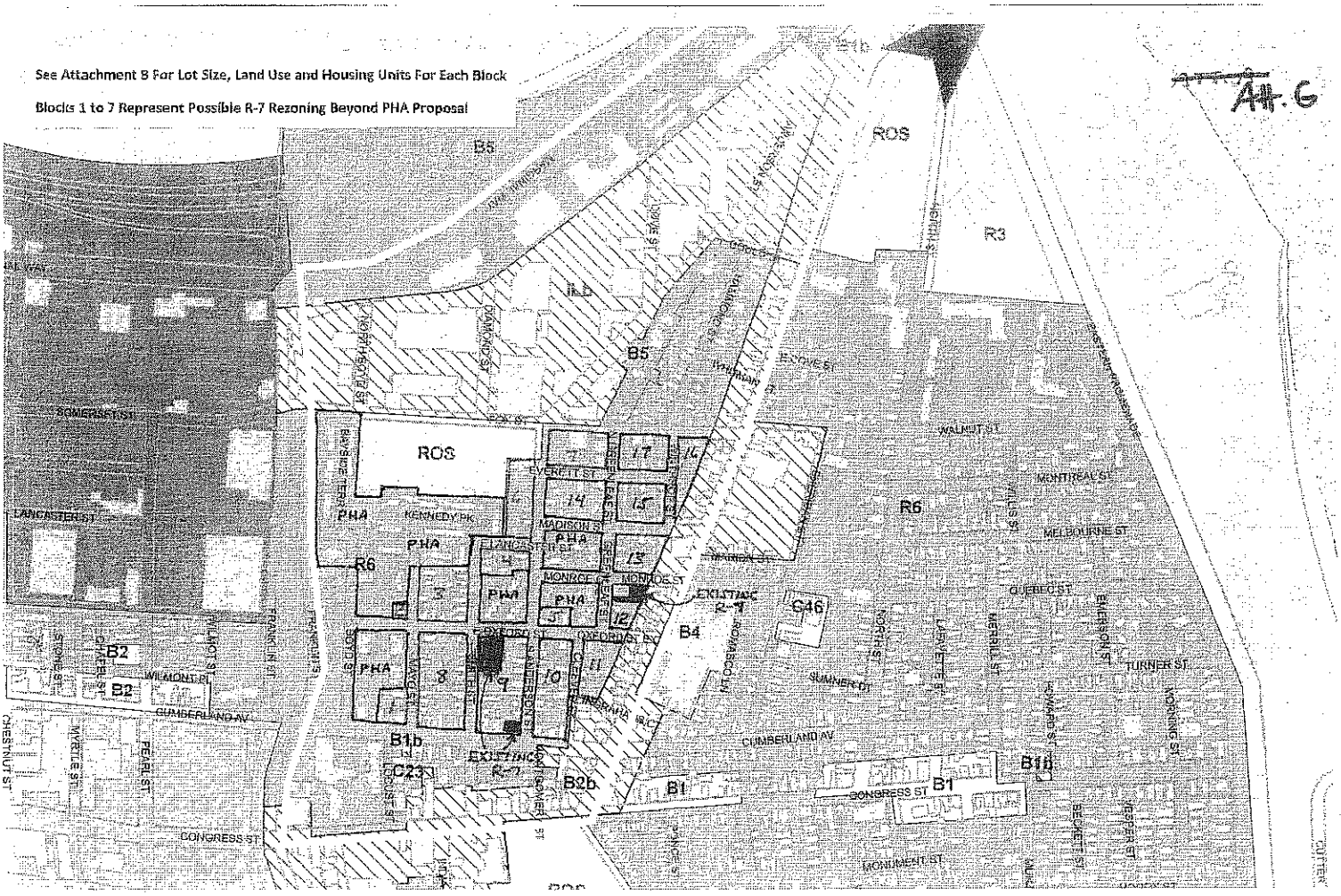
14 Monroe Street Existing R-7 Zone

Cumberland and Anderson Existing R-7 Zone

See Attachment B For Lot Size, Land Use and Housing Units For Each Block

Blocks 1 to 7 Represent Possible R-7 Rezoning Beyond PHA Proposal

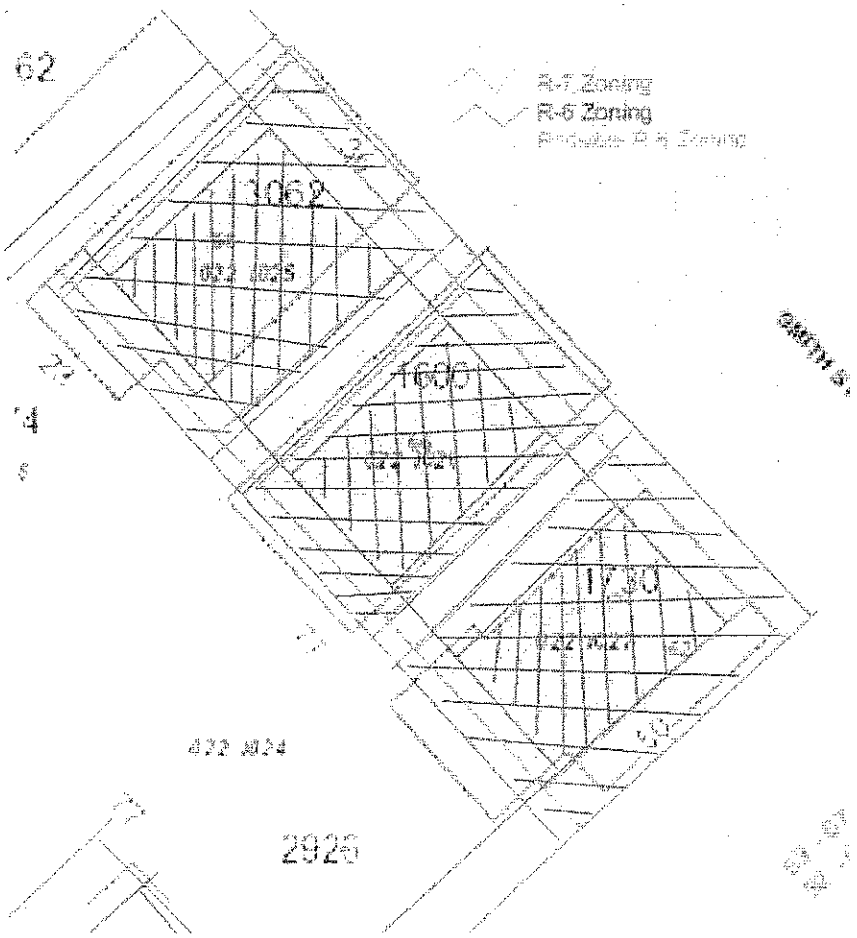
Att. 6



Three G Auto Repair Site Fox-Anderson-Everett

ATT. 2

Comparison of Three Parcels in East Bayside
Existing Buildings and "Zoning Envelopes"
R-6 Zoning, R-7 Zoning and Proposed R-6 Zoning Changes



Att. J

# R6/R7 Neighborhood Meeting Notes
## PHA Community Room 6:00 – 7:30 PM

**Attendance Sheet**

| | |
|---|---|
| Alex Jaegerman | Portland Planning Department |
| Kevin Donoghue | City Councilor |
| Patrick Carroll | Carroll Associates |
| Mark Aldelson | Portland Housing Authority |
| Brooks More | Avesta Housing |
| Jesse Thompson | Kaplan Thompson Architects |
| Morgan Law | Kaplan Thompson Architects |
| Hope Chrupcala | 86 Anderson Street |
| Michele Castner | 86 Anderson Street |
| Cynthia Cochran | 17 Hammond Street |
| Ellen Bailey | 17 Hammond Street |
| Rebecca Leeman | 23 Fox Street |
| Wendy West | 23 Fox Street |
| Byron Davis | 77 Anderson Street |
| Chris Teret | 77 Anderson Street |
| Kathleen McKeon | 53 Hammond Street |
| Megan Garauy | 24 Cleeve Street |
| Erin Kelly | 24 Cleeve Street |
| Chelsea Valentine | 24 Cleeve Street |
| Even Carroll | 5 Everett Street |
| Sasha Salzberg | 5 Everett Street |
| Judith Ridge | 190 Washington Avenue |
| Brendon O'Neil | 105 Walnut Street |
| Jeff Levine | Portland Planning Board |
| Ben Chipman | 5 Mayo Street |

J.1

**March 31, 2014**
**East Bayside Neighborhood Meeting**

Kevin Donoghue: Introduction

Jeff Levine: Opening remarks to set context (Power Point Presentation)
Several Areas on the peninsula under consideration for R-7. Parkside, Parts of Libby town and East Bayside. We are also looking at zoning text in R-6 and R-7. Presented Housing Policy issues, including the housing affordability gap.

Rick Knowland: Presented the map of area under consideration for rezone from R-6 to R-7, and presented the differences between R-6 and R-7 and street view images of existing R-7 projects in the neighborhood.

Michelle Castner (Anderson Street): Asked about the auto repair garage site – If rezoned would garage be allowed?

> Rick Knowland response: It is and would still be grandfathered.

Kevin Donoghue: Does housing stock resemble more of R-6 or R-7?

> Rick Knowland response: Setbacks are R-7, height and density is R-6.

Judy Ridge (Washington Avenue): Lots of area was (used to be) industrial zone. Are they grandfathered?

> Jeff Levine response: Most are grandfathered.

Ken Lord (Deering Street): Why 5' difference? How is height measured?

> Rick Knowland response: Explained height measurement.

Chris Teret (Anderson Street): How would change to R-7 lead to more affordable housing? Concerned that the neighborhood will lose its affordable housing. New housing won't necessarily be affordable. Portland Housing is affordable; we don't want to lose existing affordable housing.

> Jeff Levine response: New supply will offset demand even though new housing will charge what it can. The City is also looking ahead to consider zoning provisions to proceed but much housing is very expensive, driving market rate development. Most existing houses are much lower than 45 or 50 feet. The issue is how to encourage affordable housing types, but not producing just high end units.

Evan Carroll (5 Everett Street): Echoed Chris and Kevin's comments Likes more units in neighborhood and dense zoning. Would like to see R-7 for entire East Bayside, good idea by Planning Board and Department to look at that. How is affordability to be assured?

Keri Lord : Concerns about affordability of all new development in Portland, and size of some units. How can we regulate unit sizes? People with larger families, especially immigrants families, should not be pushed off peninsula. Lives in Parkside – Who is building 3 bedroom apartments? Parkside used to be more stable, people would stay longer. Now more transient, less stable. We need ample places for families to live – 2 babies now on Deering Street. Need affordable family size units.

Kathleen McKeon: Lives across from Hammond Street's 2 new tri-plexes. More attention to environmental conditions, especially after clear cut Jack path site.

Cynthia Cochran: RE: Hammond Street - you say those R-7's fit the neighborhood on Hammond Street and other locations where R-7 would not fit. These are established neighborhoods.

Byron Davis (Anderson/Madison Street): If R-7 is proposed in your neighborhood, would you have standing to object to proposed building next door?

> Jeff Levine response: Site plan and design standards would apply.

Rebecca Leeman: Fox Street house has no setbacks or yard. I do not want that new development 5 feet from my house. Can't hang out in the yard. Parking requirements – Planning Board always gives waivers for parking.

Ellen Barley (Hammond Street): Has traffic concerns. This is not the 1950's. It is a different world. Corner of Fox and Washington is already dangerous. Already too congested and dangerous. More density will bring more traffic and more accidents, more dangerous conditions. Especially bad in the winter.

Megan Garay (Cleeve Street): Has a yard and driveway. She would not want to see more buildings with less space. The neighborhood needs setbacks. In winter conditions, no one shovels sidewalks. R-7 with minimum yards and frontage is not good.

Brendan O'Neil (Walnut Street): Does the Planning Department have data on parking utilization on the street? Also, projects that have not gone forward due to zoning that would go forward with R-7?

> Jeff Levine response: We are getting parking data from Portland Housing Authority. Not aware of projects that have not gone forward. Usually developers move on when zoning won't work for them. No data on lost opportunities.

Kevin Donoghue: Framed as unaffordable city or concern about building envelope and protection of setbacks and sky exposure. E. Bayside has more sky than Munjoy Hill. Answers don't fit R-6/R-7 box. People do not like zero setbacks next door. How to protect open spaces and allow affordable housing.

Chris Teret: What is the process going forward where this decision will be made?

> Jeff Levine response: Planning board will have another workshop or two then have a public hearing and recommendation to the City Council. Final decision rests with the City Council.

_____: Portland Housing Authority was the catylist for this, then Planning Board was inspired to look at R-7 in larger area.

Brendan O'Neil: Clarified his question on what prompted the Board?

Ben Chipman (5 Mayo Street): What is R-6 density? Lots of 2-3 unit buildings. Could not re-build if they were torn down.

Kevin Donoghue: Which aspects of the R-7 does Portland Housing Authority need?

Jesse Thompson: R-6 goes back many decades and does not allow much to be built, especially buildings that fit the older pattern of development. Especially need lower front yard to meet the street. Side yards get larger with height. Side yard needed relief. Height not so much. Area per dwelling unit is critical. 435 is more workable than 1,000. Minimum lot size 4,500 is rare but we meet that. In summary, Bayside anchor needs changes to area per dwelling unit and setbacks. (Front and sides in our care). R-6 zone can't make a good city building. Did not want or need 100% lot coverage.

_____: Why not rezone the entire peninsula?

_____: How many units are allowed in the R-6 versus R-7?

> Jeff Levine response: For a 5,000 sq. ft. lot, 5 units, or 10-11 units in R-7.

_____: If inclusionary zoning goes forward, how many units would be affordable?

> Jeff Levine response: Range from 1 in 6 to 1 in 12 or negotiable. Likely 1 in 10 units but still under development.

Keri Lord: The impetus for this is Portland Housing Authority, this is too broad. Parts should staff R-6, some to R-7. Would not want that Portland Housing Authority building next to her house. Need to re-think the peninsula and living on peninsula. Lots of 3 unit buildings in the neighborhood. What is wrong with that for East Bayside? Do we want tall new buildings? All

new buildings look like tenements, big buildings with flat roofs. Portland Housing Authority should get what they need but not rezone larger area. Preserve and respect existing neighborhood. What is wrong with 2 family house units and a nice back yard? Don't jeopardize _____ houses.

Michelle Castner (Anderson Street): Went to some neighbors houses to spread the word of this meeting. Renters don't get notices and they knew nothing about this. One neighbor works 3rd shift. Lots of folks who are concerned but cannot be here or don't get notice of meetings. I own my home but renters are concerned that their landlord will sell for development and they will be displaced after decades of living there. Premature to rezone large area. There is no vision. We do not need ½ million dollar condo's. Do this more thoughtfully and carefully.

> Jeff Levine response: There is no database for renters. We try house social media. If people call, we will talk to them.

Kevin Donoghue: Notices to addresses not people. Homeowners in East Bayside are working class. Cost of housing construction and changes to R-6 zone are critical.

Michelle Castner: Any connection to Franklin Street planning process?

> Jeff Levine response: Franklin Street will lead to a review of zoning allowing street edge. Possible TIF associated with _____ around Franklin Street.

_____: Will R-7 change property value? Property taxes?

> Jeff Levine response: Assessor does not tax for maximum development capacity. Move about what current use is.

_____: Can Portland Housing Authority sell the land?

> Mark Adelson response: Sale of property is controlled by the federal government.

_____: Suggestion to use community police to hand out meeting notices.

Meeting adjourned at 7:30 p.m.
Respectfully submitted: Alex Jaegerman

AH. L

**From:** Bucky <bucky@gwi.net>
**To:** "RWK@portlandmaine.gov" <RWK@portlandmaine.gov>
**Date:** Monday, April 21, 2014
**Subject:** East Bayside rezoning

Dear Mr. Knowland,
My name is Beth Koehler and I live at 24 Hammond St. And I am very concerned about the efforts to rezone our quiet neighborhood to R-7.

I understand that at one of your last meetings someone showed some pictures of our neighborhood consisting of the only 3 apartment buildings on the street which represent a very small section of Hammond Street. We are a neighborhood consisting of many houses more than 100 years old and my fear is that an R-7 zoning will drastically change the flavor of our street.

My thought is that this is one more way that single-family homes and middle-class people are being pushed out of the city. In Seattle Washington, the city officials are very aware of keeping single-family homes and green space and trees within city limits.

I believe that allowing R-7 zoning to is unwise.

L.1

**Rick Knowland - Vacant Land in East Bayside-R7 discussion**

**From:** Sasha Salzberg <sasha@bildarchitecture.com>
**To:** Jeff Levine <JLEVINE@portlandmaine.gov>, Evan Carroll <evan@bildarchitec...
**Date:** 4/21/2014 7:12 PM
**Subject:** Vacant Land in East Bayside-R7 discussion

Jeff,

My husband and I live at 5 Everett Street in East Bayside. We recently attended the neighborhood meeting and heard your presentation regarding the zoning change. We have been in favor of the R6 to R7 zoning change since it was proposed. My husband Evan Carroll is a commissioner with the Portland Housing Authority, and we own an architecture firm here in Portland.

I'm writing to let you know that we support the zoning change for several reasons. But most impactful to us, the zoning change would allow us to someday build on a vacant piece of land that we own adjacent to 5 Everett Street, 1 Winthrop Street. 012 J013001. Under the R6 we do not meet the requirements, as this tiny lot (19'x40') is contiguous with the lot on which our house sits. In fact, if you look at the assessors database for Winthrop Street, you will find (4) "vacant" parcels that are all contiguous with other same-owner parcels and considered un-buildable.

The proposed R6 changes also will not help us develop this vacant land. It seems like a space that is perfect for new housing development.

Thanks Jeff,
Sasha Salzberg

--

**Sasha R. Salzberg** Co-Founder
**bild ARCHITECTURE**
PO Box 8235 Portland, Maine 04104
t. 207.284.3637 www.bildarchitecture.com

L.a

**Rick Knowland - East Bayside Rezoning - Against**

**From:** Karen Snyder <karsny@yahoo.com>
**To:** "RWK@portlandmaine.gov" <RWK@portlandmaine.gov>
**Date:** 4/23/2014 10:51 AM
**Subject:** East Bayside Rezoning - Against
**CC:** Kathleen McKeon <kmckeon@maine.rr.com>, "jlevin@portlandmain.gov" <jlevi...

Mr. Knowland,
I am strongly against blanket rezoning all of East Bayside from R6 to R7. Rezoning should be only on a property by property case basis.

I attended last night's planning meeting and I would like answered and documented in the meeting minutes the first two points that the Planning division said regarding their reasonings for rezoning.

1) What are the quantitative and qualitative reasons for justifying rezoning east bayside from R6 to R7? The specifics were never elaborated on. For example, what variables, constants, statistical trending, or linear trending analysis was used and what were the actual results?
2) Why is the terminology "infill" used as a justification for rezoning to R7? Doesn't this contradict the terminology supposedly used on the Portland planning website of wanting open and green spaces within the city limits?
3) Do any of the Planning board members live in the Eastbay rezoning area and are affected by these zoning changes? It appears that the developers, architects and people that have a financial incentive for rezoning are given a higher priority within the Planning boards decisions rather than the input from the community and neighbors that actually lives in these neighborhoods and whom have no financial incentive but to enjoy where they live.
4) It was clear last night that the proposals by Avesta on their developments of respecting setbacks and green spaces are taken into account. However, this will not be the case with the private developers who will want to build on every square inch of their property to maximize their profit margin and not respect setbacks, easements or height restrictions. A prime example would be the 89 Anderson property that Jonathan Cully of Redfern Development, a private developer, has or will purchase which was the old 3 Gs site at Fox and Andersen. Putting 45 units on that one small space is quite excessive. This too small of a property to put that many units and again destroying the character and neighborhood of Eastbay by having no green or open space, setbacks, and creating traffic problems and congestions at that intersection. This is the reason that rezoning should ONLY be on a case by case and reviewed with skepticism by planning board members rather than having open arms and allowing private developers to ruin the character of neighborhoods and the environment by

L.3

bending ordinances and sub-ordinances.
Jonathan Cully uses the justification for building his developments " to eliminate suburban sprawl" but there is no evidence of this excuse is viable for him. I contend it will be the exact opposite. Because this market rate development push will actually push out the middle class people from the city they live in and force them to live in the suburbs because they can not afford living in Portland any longer.

Consequently, the planning board's decision in being pro-development at all costs to environment, to the existing community, middle class, and neighbors will effectively gut and destroy the reason why it is desirable to live within the city limits of Portland.
Ultimately, what will it take to put a moratorium on the planning decisions being quickly made and permits being given to this Portland development rush without fully involving the community? A moratorium was initiated in the 1970's to slow down the Portland development push back then. It is certainly needed now.

Regards,
Karen Snyder
Munjoy Hill Resident

L.4

# Rick Knowland - East Bayside rezoning

**From:** "Tim Carolan" <tim@marineelectric.biz>
**To:** <rwk@portlandmaine.gov>
**Date:** 4/8/2014 9:42 AM
**Subject:** East Bayside rezoning

Mr Knowland, Unfourtunatly I cannot attend the Plannning Board Workshop this evening.
I am sending this email to let you and the Planning Board know that I am fully supportive of a change from R-6 to R-7 zoning.
I am the principal operator of Perigee LLC, which owns the land and buildings on the corner of Fox Street and Anderson Street. CBL 012-I-001-001 and CBL 012-I-005-001.
It is my beleif that the rezoning is best for East Bayside's future.
Please feel free to contact me if I can be of assistance.
Tim Carolan, Owner
Marine Electric
P.O.Box 4714
Portland, Me 04112
207.874.9569
www.facebook.com/marineelectricportland

L.5

**From:** "Jonathan Culley" <jonathan@redfernproperties.com>
**To:** "'Jeff Levine'" <jlevine@portlandmaine.gov>, "'Alex Jaegerman'" <AQJ@por...
**CC:** "'Rick Knowland'" <RWK@portlandmaine.gov>
**Date:** Wednesday, April 16, 2014
**Subject:** 89 Anderson Street, East Bayside - R-7

Jeff and Alex,
I am following up on 89 Anderson St. as it relates to the Planning Board meeting on April 22nd. We have now established Right, Title, and Interest (a firm P&S) for the site and will most certainly need R-7 to develop the feasible market-rate apartment project that we envision.

I am interested in what Staff will be presenting to the Planning Board for a vote next Tuesday night. My sense from the Workshop is that nearly all Board members support the PHA Bayside Anchor project and most support a rezoning of the entire PHA property. However, it seems to get complicated in that some members of the Planning Board may not support a broad 'map expansion', while others are philosophically against 'spot zoning'.

I wonder if the 89 Anderson Parcel can be part of a compromise solution, in the event that the PHA plus the 7 additional blocks does not garner enough support. Given that 89 Anderson is a very logical site for R-7 (a large underutilized parcel on the edge of the ILB Zone), and that we, with Right, Title, and Interest, are seeking R-7 (this may be different from some of the other blocks where owners are more hesitant), maybe this can be part of a less controversial package, where the Board can recommend a smaller (and less controversial) package of parcels for R-7 rezoning to the Council.

I plan to attend the Public Hearing and will remind the Board that we want R-7 for the 89 Anderson site.

Please let me know if there is anything else I can be doing to support the Staff proposal. Thanks!

Jonathan Culley
Redfern Properties LLC
Cell: 207-776-9715
Office: 207-221-5746
Fax: 207-221-2822
jonathan@redfernproperties.com
www.redfernproperties.com
www.redfernhomes.com
www.munjoyheights.com

-----Original Message-----
From: Jeff Levine [mailto:jlevine@portlandmaine.gov]
Sent: Monday, April 07, 2014 11:16 AM
To: Alex Jaegerman; Barbara Barhydt; jonathan@redfernproperties.com
Cc: Rick Knowland
Subject: Re: RE: 89 Anderson Street, East Bayside - R-7

That parcel is still in the group that staff supports rezoning. We plan to advance that set to the Planning Board. It includes the PHA properties and a

L.6

March 20, 2014

To City of Portland Planning Board and Planning Staff:

My name is Evan Carroll, I live at 5 Everett Street, and I am writing the in regards to the proposed R-7 rezone in East Bayside. I am a local architect conducting business in Portland and I am a commissioner for the Portland Housing Authority. I attended an East Bayside Neighborhood meeting on Tuesday, March 18th and I feel that many of my neighbors expressed sentiments similar to what I will express.

In this greater context, I am writing only on behalf of myself and my wife, Sasha Salzberg.

I am in support of zoning that allows more dense housing to be created in East Bayside. This is critical to the healthy growth of a city, and is also inevitable in East Bayside, given the market pressures on the Peninsula. I support denser housing because it will allow more people to live in close proximity to their jobs and their daily needs. I moved to East Bayside because it had the qualities of an urban neighborhood, including families. I love the mix of backgrounds in our neighborhood, and support the creation of more subsidized housing and more market-rate housing.

I also appreciate that the City has developed a comprehensive response to a specific and isolated rezoning request. This approach builds trust between the neighborhood and the City by setting a tone that everyone must play by the same rules. I would support a rezone of the entire residential area of East Bayside.

With my support I would also like to issue a challenge: I hope that as a city and a neighborhood we can find a way to make sure that newly created market rate living units continue support the variety of economic strata that already live in East Bayside; my particular focus is in young families. I challenge us all to plot a path that is an alternative to the housing trend that we have seen on Munjoy Hill.

I am not against the creation of high end units, I am in favor of the creation of living units for many demographics, including young families. The city has been building a brand: "Yes. Life's good here." This brand is based on the creativity of our citizens, our quality of life, and the relative affordability of living in Portland when compared to other cities in New England. I hope that we will also compare the affordability of our urban living to the suburban and rural communities directly around us. Otherwise, the growth of Portland could lead to an exodus of families and the end of the sustainable demographics that currently support our city.

I expect that a direct discussion of the cost of market-rate living units will be critical to the necessary success of the East Bayside R-7 re-zoning.

Thank you for your time.

Evan A. Carroll

Evan A. Carroll
5 Everett Street
Portland, Maine

L.7

**Rick Knowland - Zoning in East Bayside**

**From:** Melissa Hoskins <Melissa.Hoskins@opportunityalliance.org>
**To:** "'rwk@portlandmaine.gov'" <rwk@portlandmaine.gov>
**Date:** 4/3/2014 8:43 AM
**Subject:** Zoning in East Bayside

Dear Rick,

I am contacting you in regard to the zoning discussion in East Bayside. After attending the meeting in which a rezone of R-7 was discussed I feel strongly that the policy of "spot zoning" for this area should be upheld. I understand that it slows the process for developers because it requires that each exception to current zoning standards be considered on an individual basis. I am supportive of the changing face of our neighborhood and I think it is vital to the health and future wellbeing of this area that those currently living here are giving an opportunity to shape these changes. A rezone of R-7 would jeopardize this opportunity.

There is an overwhelming consensus among the residents here that a broad R-7 zoning change would be harmful to our community and potentially threaten the valued mix of low and median housing currently available in East Bayside. Further, the enabling larger structures on a grand scale would literally change the landscape of the neighborhood. I currently live across the street from Bayside East, a building built with acceptations to the current zoning standards. Though this particular structure, with its zero set back from the street and 5 story height is well placed, I would not be supportive of multiple structures of this size built without careful consideration and feedback from affected property abutters and other local residents. Buildings of this size literally block out the sun and affect the character of the space.

I am a home owner in East Bayside and a member of the East Bayside Neighborhood Organization and hope to continue to make this my residents for myself and my family for years to come. I hope that you will consider my voice in this decision. Thank you for your time and consideration.

Sincerely,

Melissa Hoskins

*Together we'll build a stronger community.*

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L.8

PSA

To the Members of the Planning Board: April 3, 2014

The Portland Society for Architecture favors rezoning parts of East Bayside in order to allow construction that more closely approximates historic building patterns in that neighborhood and to allow flexibility in the use of smaller, otherwise nonconforming lots. Rezoning a sizeable contiguous area is preferable to the current practice of applying modifications on a lot-by-lot basis as individual projects are proposed. The Portland Housing Authority properties in East Bayside should also be included in the R-7 district.

The R-6, as written, is not appropriate for any of the Peninsula locations where it is applied. It has building setbacks, minimum lot and dwelling unit sizes that stymie construction and do not reflect the existing neighborhood fabrics. The R-6 should be addressed soon, but waiting for a hypothetical future repair to R-6 will continue to discourage improvement in East Bayside at a time when the demand for housing at all income levels and sizes is high.

The current R-7 designation is not without flaws, but considering the currently available options for East Bayside, R-7 is the best overall fit. It allows a smaller land area per dwelling unit, more reasonable minimum dwelling unit sizes and it would permit the construction of 4 -story residential buildings.

Given the critical importance of creating affordable housing in Portland in coming years and the city's commitment to increasing density without compromising the quality of neighborhood life, it is fitting to rezone the East Bayside portion of the Peninsula to R-7. Our hope is that these new spaces will include a full range of unit sizes that will be affordable to a wide range of Portland residents.

Thank you.

The Portland Society for Architecture

L.9

EAST BAYSIDE

NEIGHBORHOOD ORGANIZATION

**Mission:**
We create and maintain a safe neighborhood, help community members to thrive, ensure East Bayside is represented in city matters, and create a sense of community while preserving and respecting diversity.

Mr. Rick Knowland, Senior Planner and Members of the Planning Board
Planning and Urban Development Department
Planning Division
City Hall, 4th Floor
389 Congress Street
Portland, Maine 04101

April 14, 2014

Dear Mr. Knowland and Members of the Planning Board,

We are grateful for the opportunity to express our interest in the application for the proposed R-6 to R-7 Residential zoning for the East Bayside area. Such a proposal is potentially an exciting one, and with the right balance, has the opportunity to expand the success of existing developments that have contributed to our thriving neighborhood. Our commitment to the wonderfully diverse community to which we belong and serve is to ensure that we are represented in City matters that impact our neighborhood. However, we believe that the short timeframe in which this significant proposal has evolved does not engage adequate, thoughtful discussion of how to create and share a deliberate vision for East Bayside.

While we embrace change, vitality, and thoughtful development of our neighborhood we, the EBNO Board, strongly object to the Planning Board/City Council recommending any zoning changes until there has been adequate time to consider the significant proposal before us. A responsible period of time would also allow for consideration of the Housing and Community Development Committee's work on possible R-6/R-7 zone amendments, which could potentially be a better fit for our neighborhood. We recognize this stance may delay future development on the Boyd/Oxford Street parcel. To expedite a zone change proposal, however, would not be in the best interest of our community.

We look forward to sharing the same ultimate goal of building a vibrant small city. We are committed to development that respects the scale and character of traditional development patterns while preserving the socio-economic and cultural diversity of our neighborhood. We believe that effective, thoughtful planning creates a balance of housing/development opportunities across sectors. We encourage you to review the

L.10

attached Sustainable Design Assessment Team (SDAT) Program report that outlines many of the visions, goals and objectives that EBNO continues to work toward and achieve. We are grateful for your service to the City of Portland and are looking forward to continued collaboration with you to ensure that East Bayside remains a thriving neighborhood and destination.

Sincerely,

Members of Board
East Bayside Neighborhood Organization

ATT 1-A

PORTLAND HOUSING AUTHORITY

COMMISSIONERS
Tom Valleau, Chairperson
Robyn Tucker, Vice Chairperson
Faith McLean, Commissioner
Shirley Peterson, Commissioner
Christian MilNeil, Commissioner
Mariar Balow, Commissioner
Evan Carroll, Commissioner

Mark B. Adelson
Executive Director

14 Baxter Boulevard
Portland, Maine 04101
Office: 207-773-4753
Fax: 207-761-5886
www.porthouse.org

Ms. Barbara Barhydt
Planning Division
City Hall 4th Floor
389 Congress Street
Portland, ME 04101

February 4, 2014

Dear Barbara,

On behalf of Portland Housing Authority and the Portland Housing Development Corporation we are pleased to submit this Application for a Zone Map Change associated with our properties in East Bayside. We are proposing the Portland Zoning Map be modified to shift our East Bayside properties which are currently in the R-6 Residential Zone District to the R-7 Residential Zone District. These properties include approximately 164 units of affordable rental apartments including our Public Housing developments of Bayside Terrace, Bayside East, and Kennedy Park, and the Development Corporation's property at 47-49 Boyd Street. The R-7 zone will allow increased flexibility and density as PHA and PHDC begin planning for future renovation and expansion of its properties within the East Bayside neighborhood.

This change is also in response to a new project that we are proposing named Bayside Anchor, which is located at the corner of Boyd and Oxford Streets. This project will complement the existing PHA properties and contain 45 new residential apartments, along with non-residential space including a relocated Head Start program, a neighborhood policing office, and administrative offices for PHA. The proposed program does not fit within the R-6 Zoning requirements, and rather than request a Zone change just for this particular property it seems logical to look at a larger zone that encompasses much of the neighborhood.

Attached and made part of this Application are the signed Application Form, Application Fee, and supporting documents and exhibits. We welcome the opportunity to begin the discussion with the Planning Staff and Planning Board on this project and look forward to working closely with you as this proposal moves forward. Please contact myself or Patrick Carroll if you have any questions or need additional information.

With Regards,

Mark B. Adelson,
PHA Executive Director and PHDC President

Enc.

CC: Seth Parker, Avesta Housing
Brooks More, Avesta Housing
Jesse Thompson, Kaplan Thompson Architects
Patrick Carroll, Carroll Associates

# Zoning Map/Text Amendment Application
# Portland, Maine

Planning and Urban Development Department
Planning Division and Planning Board

Portland's Planning and Urban Development Department coordinates the development review process for 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. The **Application Process for a Zone Change** is summarized below under Section I and the associated costs for reviews are found under Section II, **Development Review Fees, Public Notices and Guarantees,** and are listed on the fee structure sheet.

## I. APPLICATON SUBMITTAL

**Pre-application meeting**

Prior to submitting a zoning amendment application, the Planning Division recommends that the applicant or the designated representative schedule a pre-application meeting to discuss the review process and applicable standards for a proposal. Please contact Barbara Barhydt, Development Review Services Manager at 874-8699 to schedule a meeting.

**Zoning Amendment Application**

**All plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process.**

- Submit one (1) complete paper set of the zoning amendment application with a concept plan and a written narrative. Contract and conditional rezoning applications must include 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. Applications may be submitted between 8 a.m. and 4:30 p.m. Monday through Friday at the Planning Division on the 4th floor of City Hall, 389 Congress Street, Portland.
- All applications are processed in the order in which they are received.
- In order for the Planning Division's Administrative Staff to accept and log-in an application, the application form must be complete, it shall be signed by the applicant's or the applicant's designated representative, and all applicable fees paid at the time of submittal.
- The Land Use Code is available on the City's website at www.portlandmaine.gov.
- If the application is found to be incomplete, the applicant will be informed in writing of the required plans and materials.

## II. DEVELOPMENT REVIEW FEES, PUBLIC NOTICES AND GUARANTEES

**Zoning Application Fees**

- Each application must be submitted with the applicable fees as listed in the fee structure on page 4. The fees cover general administrative processing costs.
- Application fees may be paid in cash or by check (addressed to the City of Portland).
- An application will not be processed without the required application fees.

1-C

## Fee for City Review Services

- The City of Portland charges fees for service to cover the cost of reviews by Planning and Legal staff members. The charges will be billed at an hourly rate and will be invoiced monthly for reimbursement.
- Current billing rates: Planning services, $40.00/ hour and Legal services: $75.00/hour.

## Fee for Third Party Review

- Portland contracts with local engineering firms to conduct engineering reviews of development proposals. The direct cost of all engineering services or third-party consultant reviews, such as the civil engineering review of stormwater management plans, traffic impact reviews and such other reviews as required under the City's Ordinances, will be included in the monthly invoices for reimbursement.

## Public Notices

- Public notices must be sent to property owners within 500 for all proposals at the time an application is received. Zoning map amendments for Industrial zones require notices to be sent to property owners within 1,000 feet.
- In advance of a Planning Board workshop or public hearing, public notices for projects must be sent to property owners and are posted in a legal ad in the Portland Press Herald and on the City's web site.
- In addition, zoning map amendments, text amendments and conditional rezoning agreements require individual notices to be posted in the Portland Press Herald.
- The Planning Division mails public notices and posts notices in the newspaper. The applicant will be billed for actual or apportioned costs for advertising and sending mailed notices.
- The applicant is required to hold a neighborhood meeting under the City's regulations for zone change requests. The mailing labels must be purchased from the Planning Division for the neighborhood meeting invitation. A request for labels requires a minimum of two business days to generate the mailing labels and a charge of $1.00 per sheet will be payable upon receipt of the labels.

## Third Party Review Fees

- Engineer and Third Party Review Fees - The fees are assessed by the Consulting Engineers and Third Party Reviewers.
- Inspection Fee - This fee is 2% of the Performance Guarantee or as assessed by Planning or Public Works Engineer with $300.00 being the minimum.

## Noticing/Advertisements Planning Board/City Council Review

- Legal Advertisement: Percent of total bill
- Notices: .75 cents each
  (notices are sent to neighbors upon receipt of an application, workshop and public hearing meetings for Planning Board and public hearing meeting for City Council)

| | |
|---|---|
| **Planning Division**<br>Fourth Floor, City Hall<br>389 Congress Street<br>(207) 874-8721 or 874-8719 | **Office Hours**<br>Monday thru Friday<br>8:00 a.m. – 4:30 p.m. |

I-D

**PROJECT ADDRESS:** East Bayside Neighborhood - various parcels and addresses bounded by the following streets, Cumberland, Boyd, Fox, Mayo, Oxford, Smith, East Lancaster, Anderson, Monroe Court and Greenleaf.

**CHART/BLOCK/LOT:** See Attachment B- listing of affected properties

**DESCRIPTION OF PROPOSED ZONE CHANGE AND PROJECT:**

Proposed change from R6 to R7 zoning to allow future renovation and infill development of residential properties currently controlled by Portland Housing Authority (PHA) and the Portland Housing Development Corp. (PHDC), which are co-applicants, including Bayside Terrace, Bayside East, Kennedy Park, 47-49 Boyd Street, and the proposed Bayside Anchor Project (currently under design).

**CONTACT INFORMATION:**

| | |
|---|---|
| | **Applicant's Contact for electronic plans**<br>Name: Patrick Carroll<br>e-mail Address pcarroll@carroll-assoc.com<br>work # 207-772-1552 |
| **Applicant – must be owner, Lessee or Buyer**<br>Name: Mark Adelson<br>Business Name, if applicable: Portland Housing Authority<br>Address: 14 Baxter Boulevard<br>Portland, ME 04101<br>City/State : Zip Code: | **Applicant Contact Information**<br>Work # 207-773-4753<br>Home#<br>Cell # Fax# 207-774-6471<br>e-mail: madelson@porthouse.org |
| **Owner** – (if different from Applicant)<br>Name: Co-applicants: Portland Housing Authority and Portland Housing Development Corporation<br>Address: Attn: Mark Adelson<br>14 Baxter Boulevard<br>City/State : Portland, ME 04101 Zip Code: | **Owner Contact Information**<br>Work #<br>Home#<br>Cell # Fax#<br>e-mail: |
| **Agent/ Representative**<br>Name: Patrick Carroll<br>Carroll Associates<br>Address: 217 Commercial Street, Suite 200<br>Portland, ME 04101<br>City/State : Zip Code: | **Agent/Representative Contact information**<br>Work # 207-772-1552<br>207-329-8976<br>Cell # pcarroll@carroll-assoc.com<br>e-mail: |
| **Billing Information**<br>Name: Mark Adelson<br>Portland Housing Authority<br>Address: 14 Baxter Boulevard<br>Portland, ME 04101<br>City/State : Zip Code: | **Billing Information**<br>Work # 207-773-4753<br>Cell # Fax# 207-774-6471<br>e-mail: madelson@porthouse.org |
| **Engineer**<br>Name: John Mahoney<br>Ransom Consulting, Inc.<br>Address: 400 Commercial Street, Suite 404<br>Portland, ME 04101<br>City/State : Zip Code: | **Engineer Contact Information**<br>Work # 207-772-2891<br>Cell # 207-831-6165 Fax# 207-772-3248<br>e-mail: john.mahoney@ransomenv.com |

| Surveyor | Surveyor Contact Information |
|---|---|
| Name: Owen Haskell, Inc<br>Address: 390 US Route 1, Unit 10<br>Falmouth, ME 04105<br>City/State : Zip Code: | Work # 207-774-0424<br>Cell # Fax#<br>e-mail: jswan@owenhaskell.com |
| **Architect** | **Architect Contact Information** |
| Name: Jesse Thompson<br>Kaplan Thompson Architects<br>Address: 424 Fore Street<br>Portland, ME 04101<br>City/State : Zip Code: | Work # 207-842-2888<br>Cell # Fax#<br>e-mail: jesse@kaplanthompson.com |
| **Attorney** | **Attorney Contact Information** |
| Name: Gary Vogel<br>Address: Drummund Woodsum<br>84 Marginal Way<br>Portland, ME 04101<br>City/State : Zip Code: | Work # 207-253-0518<br>Cell # Fax# 207-772-3627<br>e-mail: gvogel@dwmlaw.com |

**Right, Title, or Interest:** Please identify the status of the applicant's right, title, or interest in the subject property:

See Attachment C- Right Title and Interest

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

**Vicinity Map:** Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.) See Attachment A

**Existing Use:** Describe the existing use of the subject property:

The properties are currently developed for rental apartments. A total of 164 dwelling units currently exist within the boundary area. Additionally, there are minor community based non-residential uses that occur on several parcels, including a Head Start program, Administrative Offices and Community Police Department Office. The properties in this neighborhood have been developed by PHA over the past 30+ years and provide affordable housing for a significant population in Portland.

**Current Zoning Designation(s):**

Properties are all currently zoned R-6 Residential

**Proposed Use of Property:** 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.

The properties are proposed for rezoning from R-6 to R-7 to better provide for future development of new housing and renovation of existing facilities and apartments and better management of existing housing units. One project is currently proposed within the PHA holdings, Bayside Anchor, consists of new construction of 45 rental apartments and relocation of the Head Start, Portland Police, and PHA administrative offices proposed to be located on land at the corner of Oxford and Boyd Streets. Additional renovation and expansion projects will likely occur in these neighborhood over the next few years depending on availability of funding and tenant demand.

**Site Plan:** 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.

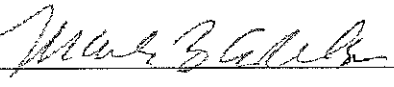
See Attachment D, Bayside Anchor Conceptual Site Plan
Attachment E, Proposed Zone Map Boundary Change

1-6

## APPLICATION FEE:

**Check the type of zoning review that applies. Payment may be made in cash or check payable to the City of Portland.**

| | Fees Paid (office use) | |
|---|---|---|
| **Zoning Map Amendment**<br>__X__ $2,000.00 (from __R6__ zone to __R7__ zone) | ___ | The City invoices separately for the following:<br>• Notices ($.75 each)<br>(notices are sent to neighbors upon receipt of an application, workshop and public hearing meetings for Planning Board and public hearing meeting for City Council)<br>• Legal Ad (% of total Ad)<br>• Planning Review ($40.00 hour)<br>• Legal Review ($75.00 hour)<br>Third party review is assessed separately. |
| **Zoning Text Amendment**<br>___ $2,000.00 (to Section 14- _____)<br>(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~~) and language to be added is depicted as underline (<u>example</u>) | ___ | |
| **Combination Zoning Text Amendment and Zoning Map Amendment**<br>___ $3,000.00 | ___ | |
| **Conditional or Contract Zone**<br>___ $3,000.00<br>(A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances 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, Sections 14-60 to 62.) | ___ | |

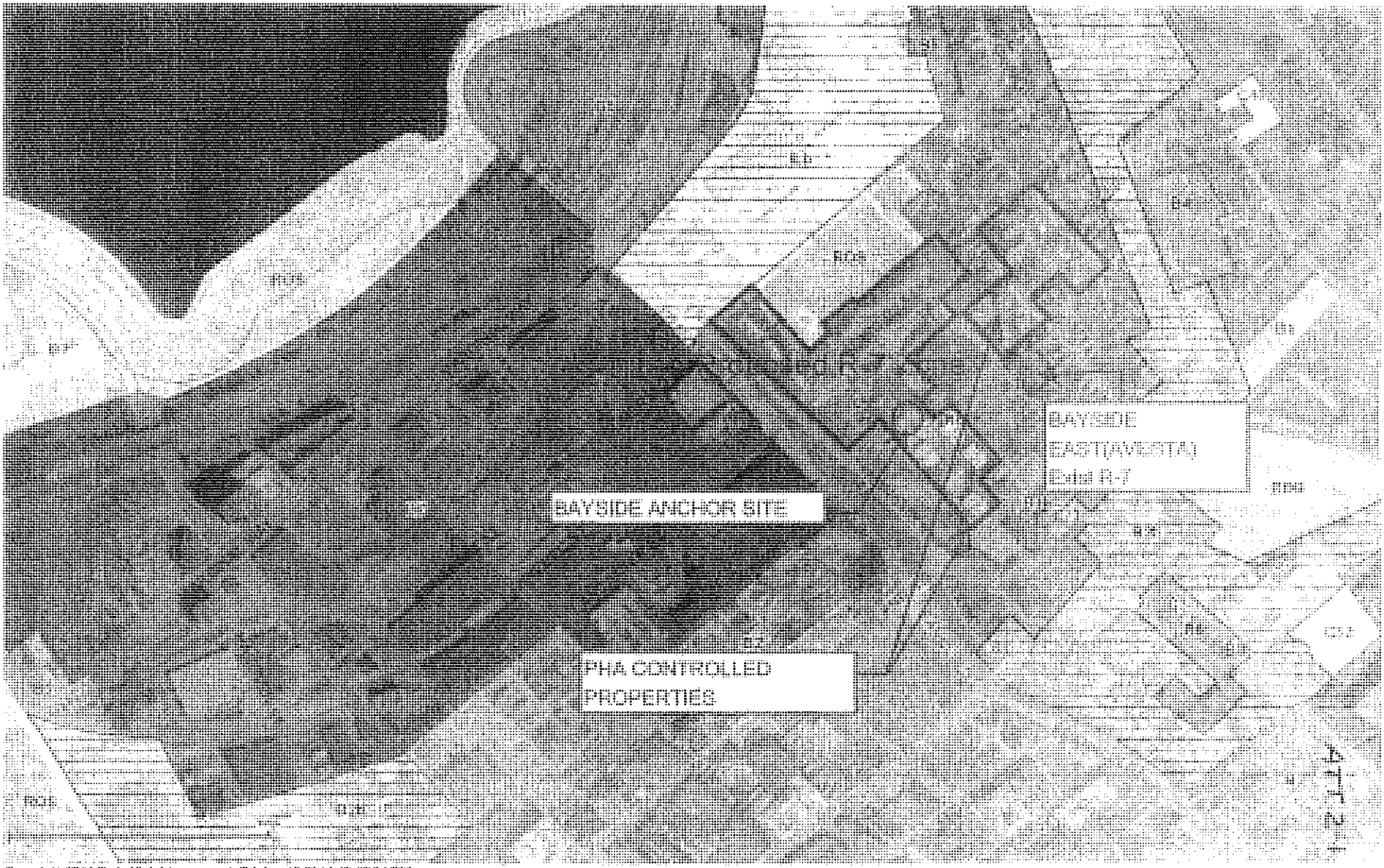
| **Signature of Applicant:** | **Date:** |
|---|---|
|  | 2/4/14 |

**Further Information**

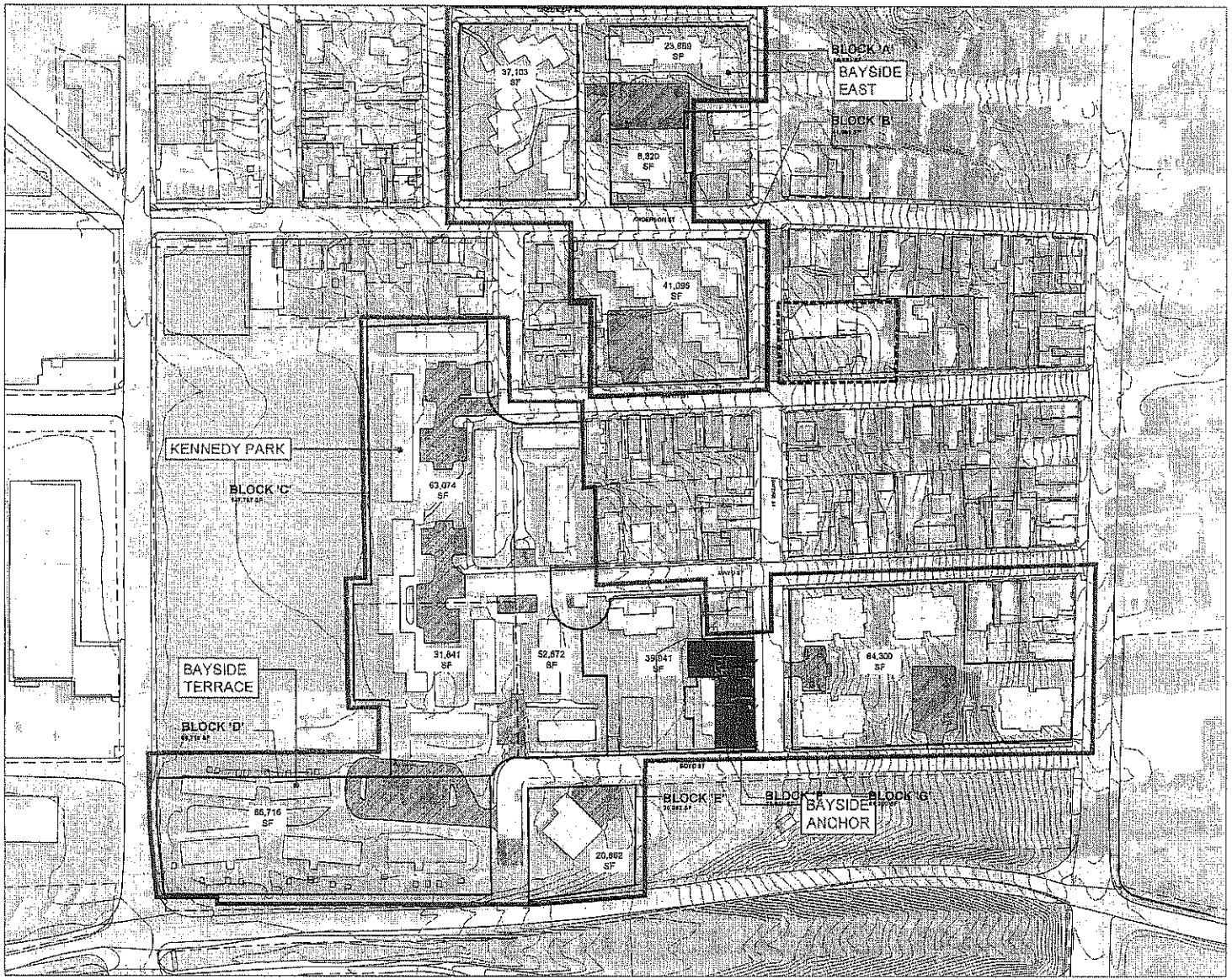
In the event of withdrawal of the zoning amendment application by the applicant, a refund of two-thirds of the amount of the zone change fee will be made to the applicant as long as the request is submitted to the Planning Division prior to the advertisement being submitted to the news paper.

# Potential R-7 Rezoning

Attachment
Vicinity Map




Copyright (©) 2011 Esri, All rights reserved. Fri Jun 10 2011 12:16:31 PM




LEGEND

- EXISTING PARKING
- KENNEDY PARK
- BAYSIDE TERRACE
- BAYSIDE EAST
- BAYSIDE ANCHOR
- PHA/ PHDC OWNED
- PHA LAND HOLDINGS

| BLOCK | SQUARE FOOTAGE | ACRE | # OF UNITS | DENSITY (UNITS / AC) |
|---|---|---|---|---|
| A | 69,292 | 1.59 | 25 | 15.72 |
| B | 41,095 | 0.94 | 17 | 18.02 |
| C | 147,787 | 3.39 | 45 | 13.26 |
| D | 86,716 | 1.99 | 24 | 12.06 |
| E | 20,862 | 0.48 | 0 | 0 |
| F | 39,941 | 0.92 | 13 | 14.18 |
| G | 64,300 | 1.48 | 40 | 27.10 |

* SQUARE FOOTAGE IS ACQUIRED FROM PORTLAND TAX MAPS WHEN EVER POSSIBLE, OTHERWISE DERIVED FROM GIS PARCEL DATA

| PARKING COUNT | EX. DU | PROP DU | EXISTING PARKING | PROPOSED PARKING |
|---|---|---|---|---|
| KENNEDY PARK | 45 | 45 | 60 | 60 |
| BAYSIDE TERRACE | 24 | 24 | 30 | 30 |
| BAYSIDE EAST | 86 | 86 | 67 | 67 |
| BAYSIDE E. OVERFLOW | / | / | 26 | 0 |
| BAYSIDE ANCHOR | 0 | 46 | 0 | 0 |
| TOTAL | 155 | 201 | 183 | 157 |
| Cars / Units | | | 1.18 | 0.78 |

* NIC on-street parking

# EAST BAYSIDE PHA PROPERTIES

## PROPOSED ZONE MAP CHANGE

OXFORD STREET, PORTLAND MAINE

EXISTING DENSITY & PARKING

DATE: MARCH31, 2014 BY: CARROLL ASSOCIATES

0' 60' 120'

ATT. 3

**East Bayside Rezone Request**
**List of Affected Properties**

The following properties are included in the proposed Rezone Request:

Bayside East
- Map 12 R 001
- Map 13 N 001
- Map 13 B 001
- Map 13 B 002
- Map 22 H 001
- Map 22 K 007

Bayside Terrace
- Map 24 B 006
- Map 24 B 008

Kennedy Park
- Map 22 I 030
- Map 23 B 030
- Map 23 B 031

Other Properties
- Map 22 I 001
- Map 22 I 003
- Map 22 I 004
- Map 22 I 009
- Map 22 F 001

22-1-3 ATT 4-A
22-1-9

Doc#: 14534 Bk:30462 Pg: 167

# Warranty Deed

MOONSTONE PROPERTIES LLC, also known as Moonstone Properties, LLC, a Maine limited liability company with a mailing address of 661 Allen Avenue, Portland, ME 04103, for consideration paid, grants to **Portland Housing Development Corporation**, a Maine Corporation with a mailing address of 14 Baxter Boulevard, Portland, ME 04101, with WARRANTY COVENANTS, a certain parcel situated in the City of Portland, in the County of Cumberland, and State of Maine, bounded and described as follows, to wit:

See Attached Exhibit A

MAINE REAL ESTATE TAX PAID

Meaning and intending to describe the same premises conveyed by Quitclaim Deed Without Covenant from Synergy Properties, LLC to Moonstone Properties, LLC dated and recorded November 15, 2012 in the Cumberland County Registry of Deeds in Book 30131, Page 245.

In Witness Whereof, the said Jennifer W. Greaves, in her capacity as Sole Manager and Member of Moonstone Properties LLC, has set forth her hand this 12th day of March, 2013.

Jennifer W. Greaves

Jennifer W. Greaves, Sole Manager and Member
Moonstone Properties LLC
Duly Authorized Thereunto

STATE OF MAINE
CUMBERLAND, ss.

March 12, 2013

Then personally appeared the above-named Jennifer W. Greaves, in her capacity as sole member and manager of Moonstone Properties LLC and acknowledged the foregoing instrument to be her free act and deed and the free act and deed of Moonstone Properties LLC.

Before me,

~~Notary Public~~/Attorney at Law

JONATHAN L. GOLDBERG

4-B

Doc#: 14534 Bk:30462 Pg: 168

EXHIBIT A

47-49 Boyd Street, Portland, ME

A certain lot or parcel of land with the buildings thereon, situated in the City of Portland, County of Cumberland, and State of Maine bounded and described as follows:

Beginning at a point on the easterly side of Boyd Street, said point being situated one hundred thirty-five and fifty-eight hundredths (135.58) feet northerly from the intersection of said line of Boyd Street with the northerly line of Oxford Street; thence easterly by a line parallel to Lancaster Street one hundred eight (108) feet to Boyd line, so-called; thence northerly by said Boyd line fifty (50) feet, more or less, to a point; thence westerly by a line parallel to Lancaster Street one hundred eight (108) feet to Boyd Street; thence by said Boyd Street to the point begun at.

Also another certain lot or parcel of land with the buildings thereon, situated in said Portland, and bounded and described as follows:

Beginning at a stake in the northeasterly sideline of Boyd Street nineteen (19) feet from the house on Boyd Street formerly owned by Samuel H. Colesworthy and Joseph C. Colesworthy; thence running southeasterly along the said sideline of Boyd Street thirty (30) feet to land formerly of Samuel H. Colesworthy, being the northwesterly corner of the first parcel above; thence northeasterly along said first parcel above, formerly of said Colesworthy; thence by said Colesworthy land northwesterly thirty (30) feet to the other land formerly of said Colesworthy; thence sixty (60) feet to the point of beginning. Excepting and reserving however, that portion of said parcel conveyed by Cumberland Savings and Loan Association to Florence S. F. Hooper by deed dated June 23, 1943, and recorded in the Cumberland County Registry of Deeds in Book 1720, Page 96.

Also another certain lot or parcel of land, situated in the rear of Boyd Street in said Portland, bounded and described as follows:

Beginning at the northeasterly corner of a lot of land conveyed by Cumberland Savings and Loan Association to Florence S. F. Hooper by deed dated June 23, 1943, at a point on the division line between the northeasterly sideline of said Association's land and the southwesterly sideline of said Hooper's land; thence northeasterly on a prolongation of the southeasterly side of the premises conveyed by said Association to said Hooper by the aforementioned deed forty-eight (48) feet, more or less, to the northeasterly sideline of land of said Hooper; thence southeasterly along the northeasterly sideline of said Hooper's land fifteen (15) feet to a point in the southeasterly sideline of said Hooper's land; thence southwesterly along the last named bound forty-eight (48) feet, more or less, to the division line between the northeasterly sideline of said Association's land and the southwesterly sideline of said Hooper's land; thence northwesterly along said last named division line fifteen (15) feet, more or less, to the point of beginning.

Received
Recorded Register of Deeds
Mar 12,2013 03:35:55P
Cumberland County
Pamela E. Lovley

BK13150PG152

22-144-C

032817

43BOYD.QUI.DED.1
04.16.97

97 JUL -9 AM 11:35

**QUITCLAIM DEED**

**KNOW ALL PERSONS BY THESE PRESENTS,** that the **City of Portland**, a body politic and corporate in the County of Cumberland, State of Maine, in consideration of one dollar ($1.00) and other valuable consideration paid by **Portland Housing Authority**, a quasi-municipal corporation of Portland, County of Cumberland, State of Maine, the receipt whereof is hereby acknowledged, does hereby remise, release, bargain, sell and convey and forever quitclaim to the said **Portland Housing Authority**, its successors and assigns, a certain lot or parcel of land described in Schedule A, attached hereto and incorporated herein by reference.

**IN WITNESS WHEREOF,** the said City of Portland has hereunto caused this instrument to be signed by Duane G. Kline, its duly authorized Director of Finance, this 16th day of April, 1997.

Witness

CITY OF PORTLAND

By: _____
Duane G. Kline
Director of Finance

STATE OF MAINE
CUMBERLAND, ss.

April 16, 1997

Personally appeared the above-named Duane G. Kline, in his capacity as the Director of Finance of the City of Portland, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the City of Portland.

Before me,

Notary Public/~~Attorney at Law~~

Printed Name

JENNIFER L. BABCOCK
Notary Public, Maine
My Commission Expires 6-26-03

4-D

43BOYD.QUI.DED.1
04.16.97

**SCHEDULE A**

A certain lot or parcel of land known as Tax, Map and Lot 22-I-4 as shown on the maps of the Tax Assessor for the fiscal year 1997.

Meaning and intending to convey the interest acquired by the Grantor by virtue of a real estate tax lien filed in the Cumberland County Registry of Deeds on June 15, 1992 in Book 10118, Page 126; a real estate tax lien filed in the Cumberland County Registry of Deeds on June 11, 1993 in Book 10756, Page 176; a real estate tax lien filed in the Cumberland County Registry of Deeds on June 7, 1994 in Book 11473, Page 226; a real estate tax lien filed in the Cumberland County Registry of Deeds on June 8, 1995 in Book 11952, Page 010; and a real estate tax lien filed in the Cumberland County Registry of Deeds on June 19, 1996 in Book 12570, Page 206.

RECEIVED
REGISTRY OF DEEDS
1997 JUN 20 PM 1:31
CUMBERLAND COUNTY
John B O'Brien

4-E

VERRILL DANA LLP

CHRISTOPHER J.W. COOPERSMITH
PARTNER
ccoopersmith@verrilldana.com
Direct: 207-253-4502

ONE PORTLAND SQUARE
PORTLAND, MAINE 04101-4054
207-774-4000 • FAX 207-774-7499
www.verrilldana.com

May 14, 2002

Peter A. Howe, Executive Director
Portland Housing Authority
14 Baxter Boulevard
Portland, Maine 04101

Re: Property Deeds

Dear Peter:

In accordance with your request, we have reviewed the records in the Cumberland County Registry of Deeds and identified the deeds by which Portland Housing Authority acquired property between 1968 and 1974.

Enclosed are copies of the following deeds which occurred during that period:

Kellogg Street, Portland, Maine

Book 3090, Page 105, from Antonio J. Amoroso, et al.
Book 3102, Page 397, from Charles A. Brown, et al.
Book 3112, Page 239, from Fay Avrech
Book 3112, Page 240, from Beatrice M. Star, et al.
Book 3120, Page 368, from Portland Renewal Authority (four parcels)

West End - Dermot Court, Clark Street, Danforth Street and Emery Street, Portland, Maine

Book 3176, Page 103, from Housing Opportunities, Inc. (Dermot Court and Clark Street)
Book 3198, Page 97, from F. D. Rich Housing Corp. (Danforth and Emery Streets)

East Deering Area, Portland, Maine

Book 3150, Page 101, from City of Portland (Cummings, Front and Presumpscot Streets)
Book 3196, Page 834, from Stirling Homex Corporation (Cummings, Front and Presumpscot Streets)
Book 3459, Page 186, from F. D. Rich Housing Corp. (Presumpscot and Sherwood Streets and Washington Avenue)

4-5

Forest Avenue and Maine Turnpike Area, Portland, Maine

Book 3280, Page 329, from F. D. Rich Housing Corp. (19.86 acres)

South of Cumberland Avenue, East of Franklin and West of Washington Avenue, Portland, Maine

Book 3129, Page 374, from Portland Renewal Authority (12 small parcels)
Book 3096, Page 206, from King E. Butland (Greenleaf Street)

Please give me a call if you have any questions.

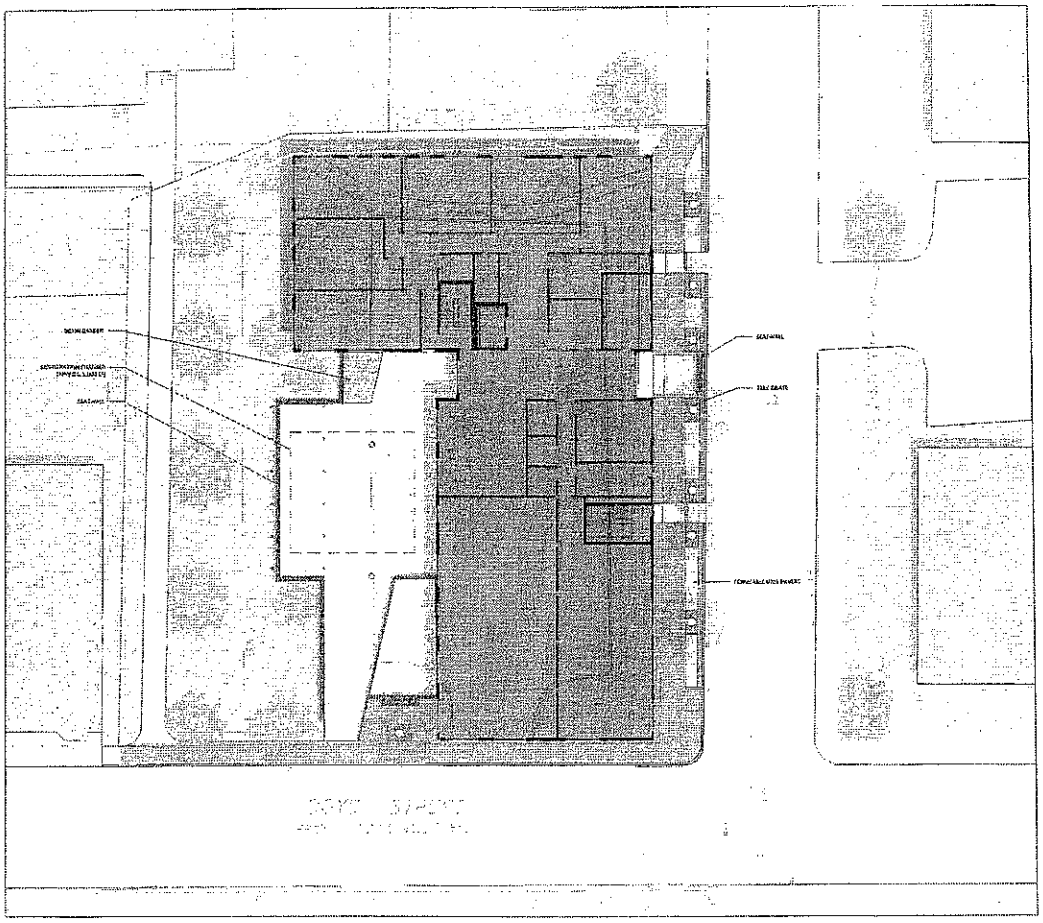
Sincerely,

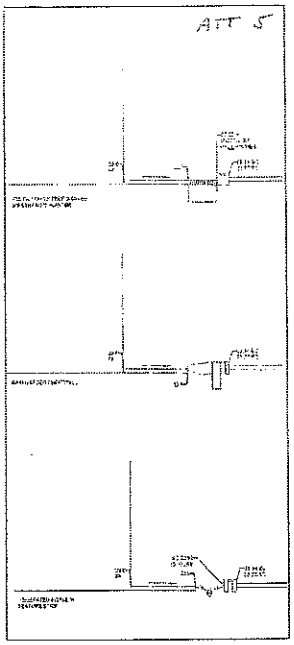
Christopher J.W. Coggeshall

CJWC:cmp

Enclosures

P:\CJWC\LETTERS\Howe 051402.doc





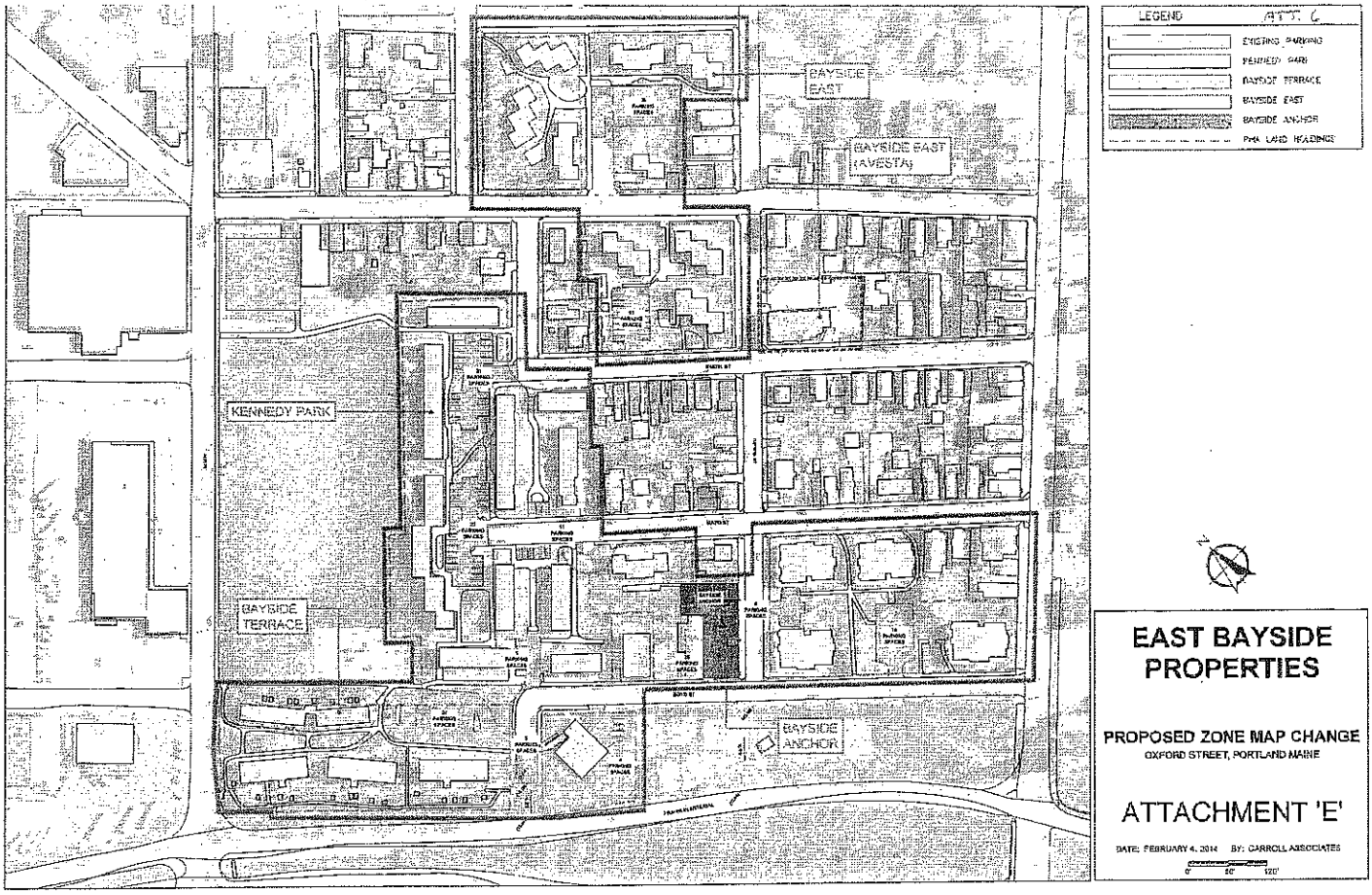

# BAYSIDE ANCHOR

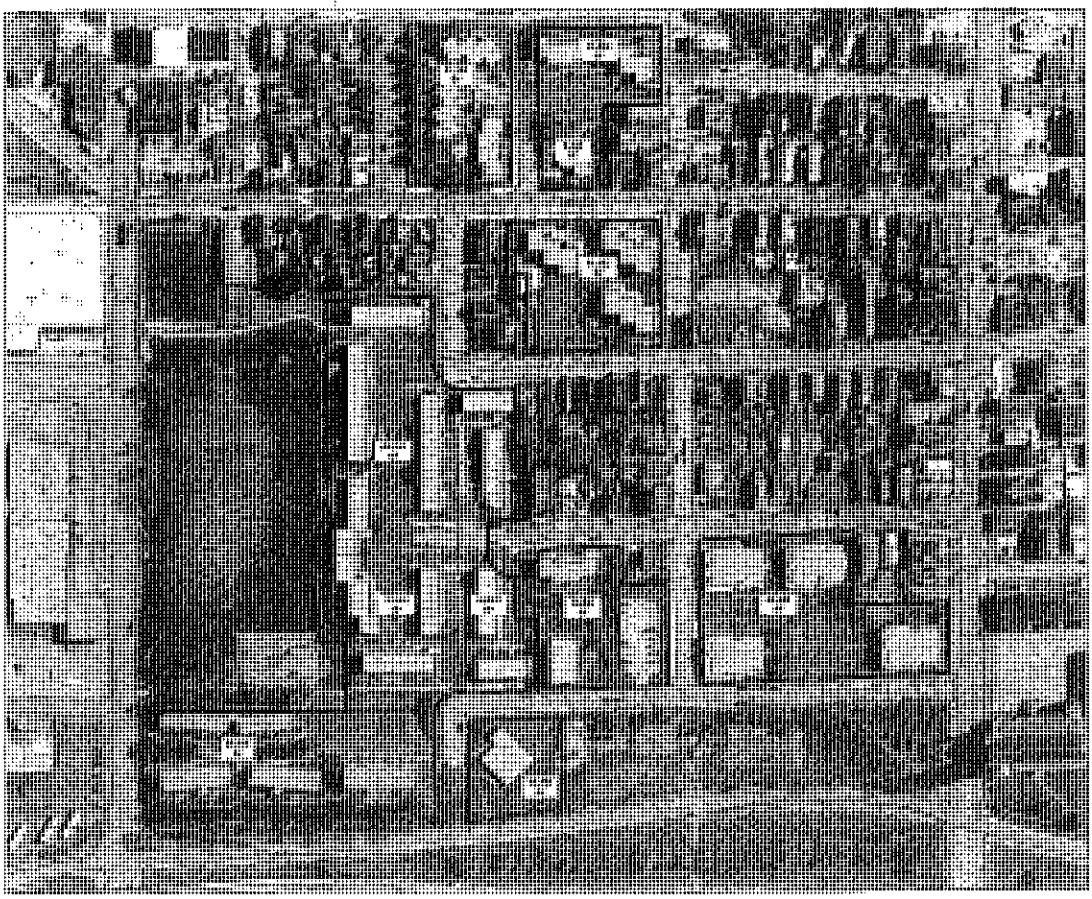
ATTACHMENT D

## SITE PLAN

OSFORD STREET, PORTLAND MAINE

DATE: AUGUST 22, 2019 BY: CARROLL ASSOCIATES


LEGEND
EXISTING PARKING
PENFIELD PARK
BAYSIDE TERRACE
BAYSIDE EAST
BAYSIDE ANCHOR
PHA LAND HOLDINGS
BAYSIDE EAST
BAYSIDE EAST (AVESTA)
KENNEDY PARK
BAYSIDE TERRACE
BAYSIDE ANCHOR
EAST BAYSIDE PROPERTIES
PROPOSED ZONE MAP CHANGE
OXFORD STREET, PORTLAND MAINE
ATTACHMENT 'E'
DATE: FEBRUARY 4, 2014 BY: CARROLL ASSOCIATES
0' 60' 120'



LEGEND

- EXISTING PARKING
- KENNEDY PARK
- BAYSIDE TERRACE
- BAYSIDE EAST
- BAYSIDE ANCHOR
- PHA OWNED
- PHA LAND HOLDINGS

| BLOCK | SQUARE FOOTAGE | ACRE | # OF UNITS | DENSITY (UNITS / AC) |
|---|---|---|---|---|
| A | 69,282 | 1.59 | 25 | 15.72 |
| B | 41,055 | 0.94 | 17 | 18.02 |
| C | 147,787 | 3.39 | 45 | 13.28 |
| D | 85,716 | 1.99 | 24 | 12.06 |
| E | 20,562 | 0.48 | 0 | 0 |
| F | 39,641 | 0.92 | 13 | 14.19 |
| G | 64,300 | 1.48 | 40 | 27.10 |

# EAST BAYSIDE PHA PROPERTIES

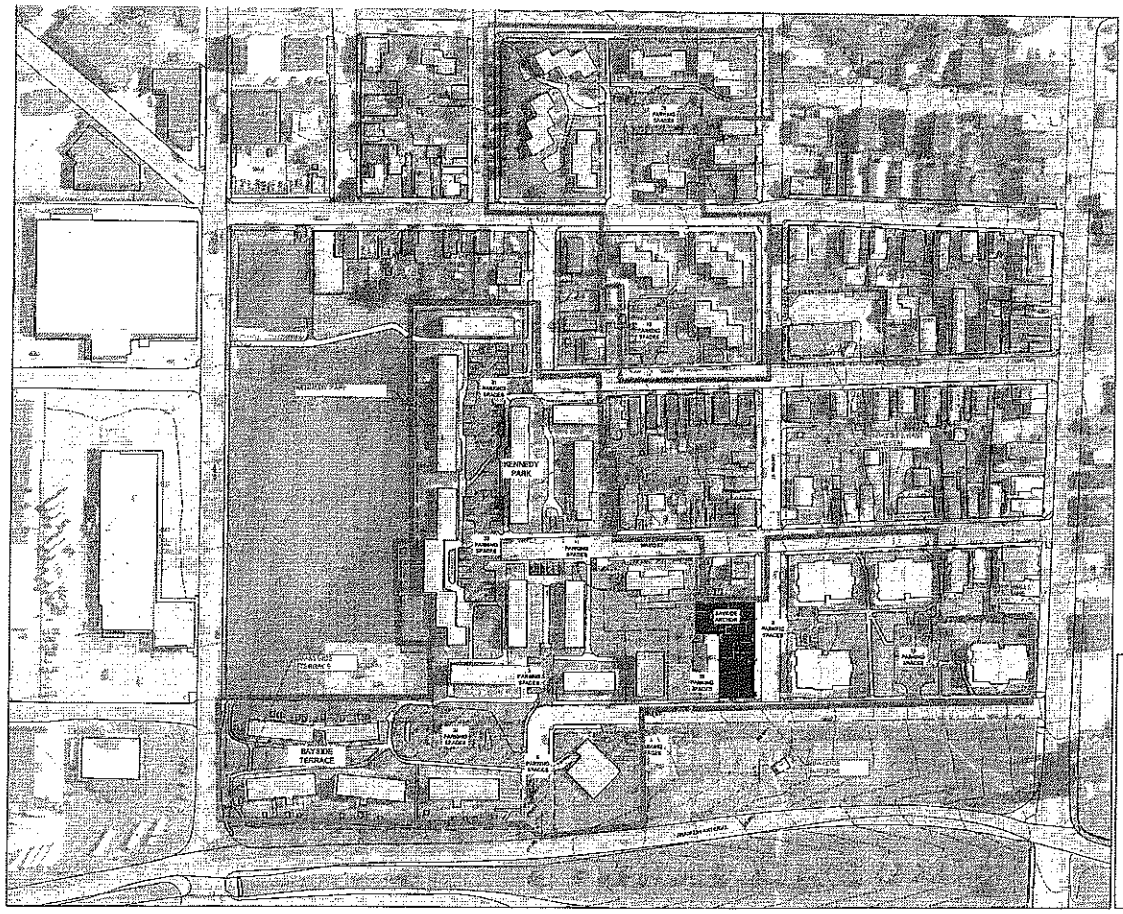
## PROPOSED ZONE MAP CHANGE

OXFORD STREET, PORTLAND MAINE

**EXISTING DENSITY**

DATE: FEBRUARY 25, 2014 BY: CARROLL ASSOCIATES

0 80' 120'




| LEGEND | ATT 8 |
|---|---|
| | EXISTING PARKING |
| | KENNEDY PARK |
| | BAYSIDE TERRACE |
| | BAYSIDE EAST |
| | BAYSIDE ANCHOR |
| | PHA LAND HOLDINGS |

| PARKING COUNT | EX. DU | PROP. DU | EXISTING PARKING | PROPOSED PARKING |
|---|---|---|---|---|
| KENNEDY PARK | 45 | 45 | 80 | 80 |
| BAYSIDE TERRACE | 24 | 24 | 30 | 30 |
| BAYSIDE EAST | 86 | 86 | 67 | 67 |
| BAYSIDE E. OVERFLOW | / | / | 26 | 0 |
| BAYSIDE ANCHOR | 0 | 46 | 0 | 0 |
| TOTAL | 155 | 201 | 183 | 157 |
| Cars / Units | | | 1.18 | 0.78 |

* Does not include on street parking

# BAYSIDE ANCHOR

## PHA PARKING COUNT

OSFORD STREET, PORTLAND MAINE

DATE: JANUARY 10, 2014 BY: CARROLL ASSOCIATES

0 50' 125'

ATT 9

**Rick Knowland - RE: height of building**

**From:** "Patrick Carroll" <pcarroll@carroll-assoc.com>
**To:** "'Rick Knowland'" <RWK@portlandmaine.gov>
**Date:** 3/6/2014 3:42 PM
**Subject:** RE: height of building
**CC:** "Mark Adelson" <madelson@porthouse.org>, "'Seth Parker'" <SParker@avesta...

Hi Rick,

The building will be 4 stories, height will not exceed 50 ft per R7 requirements. I believe a copy of the LIHTC submission that shows the intended massing was included in the rezone application, if you don't have it let me know and I will send it over.

Wrt your earlier ownership question, Bayside Anchor will be developed and owned by a separate LLC (required for all LIHTC Projects). Partners include the Portland Housing Development Corp and Avesta Housing. PHA has partnered with Avesta due to their successful experience in developing and managing LIHTC projects.

PHDC is a component corporation of PHA, established specifically for the purpose of developing additional affordable housing, and as such Bayside Anchor is considered part of the PHA "Affordable Housing" portfolio. Although BA is not public housing it will be located on land that is currently part of the PHA campus. So it doesn't expand the campus in terms of acreage. BA will initially be managed by Avesta. This is necessitated by the competition for MaineHousing's tax credit financing but within a short timeframe (three years) the management will be turned over to PHA.

I hope this answers your questions.

Regards, Pat

**Patrick J. Carroll**
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

Please consider the environment before printing this email.

ATT. 10

PORTLAND HOUSING AUTHORITY

COMMISSIONERS
Tom Valleau, Chairperson
Robyn Tucker, Vice Chairperson
Faith McLean, Commissioner
Shirley Peterson, Commissioner
Christian MilNeil, Commissioner
Mariar Balow, Commissioner
Evan Carroll, Commissioner

Mark B. Adelson
Executive Director

14 Baxter Boulevard
Portland, Maine 04101
Office: 207-773-4753
Fax: 207-761-5886
www.porthouse.org

**Neighborhood Meeting Invitation**

February 10, 2014

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for **Rezoning of Portland Housing Authority land in the East Bayside Neighborhood from Residential R-6 to Residential R-7 Zone District.** The properties include all of Bayside Terrace, Bayside East, and Kennedy Park neighborhoods managed by Portland Housing Authority (PHA) located north of Franklin Street.

| | |
|---|---|
| Meeting Location: | PHA Kennedy Park Community Room, 58 Boyd Street |
| Meeting Date: | Thursday, February 27, 2014 |
| Meeting Time: | 6:00 PM |

(The City code requires that property owners within 500 feet (1000 feet for proposed industrial subdivisions and industrial zone changes) of the proposed development and residents on an "interested parties list", be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.)

If you have any questions, please contact:

Patrick Carroll
Carroll Associates
207-772-1552
pcarroll@carroll-assoc.com

Sincerely,

Applicant:
Portland Housing Authority
14 Baxter Boulevard
Portland, ME 04101

**Portland Housing Authority (PHA) and Portland Housing Development Corp. (PHDC)**

**Application for R-6 to R-7 Map Amendment**

**Neighborhood Meeting - February 27, 2014 - 6:00 P.M.**

MINUTES

**Location:** 58 Boyd Street – PHA Community Room
**Meeting Time:** 6:00 P.M.
**Applicant and Representatives Attending:**
Mark Adelson (PHA/PHDC), Jesse Thompson (Kaplan-Thompson Arch.), Pat Carroll (Carroll Associates), Brooks More (Avesta Housing), Morgan Law (Kaplan-Thompson Arch.)
**City Representatives Attending:** Alex Jaegerman, Rick Knowland

Mr. Adelson introduced the development team, and explained the reason for requesting the zone change from R-6 to R-7. He explained PHA's Strategic Plan is to development more affordable housing to help solve the City's housing crisis. And, using PHA resources such as excess land is part of the plan. The zone change is the first step in the process.

Mr. Carroll explained the rezoning application, the land to be rezoned and why this approach is being taken. The primary purpose for the rezoning is the development of the Bayside Anchor housing project at the corner of Boyd and Oxford Streets. He described a second potential project is at 58 Boyd St, when the Head Start Program and Management Office moves to the first floor of Bayside Anchor, the PHA Community Building (where the meeting was taking place) would be demolished to make way for another housing development. He reviewed the preliminary site plan for Bayside Anchor and stated there will be another neighborhood meeting specifically about housing development at a later date. This meeting is about the rezoning. Mr. Carroll reviewed the differences between the R-6 and the R-7 zones. The larger area to be rezoned is all PHA property in the immediate area. The campus approach offers PHA the flexibility for future developments. Also, the City is interested in a more comprehensive approach to rezoning R-6 to R-7 instead of the development by development applications that are currently reviewed. Private property owners may also benefit from rezoning if their property doesn't currently conform to the R-6, R-7 may provide the opportunity to expand homes.

Questions and comments from attendees:

East Bayside resident; does the rezoning apply to only the PHA property, concerned about private developers taking advantage of it in the future in the balance of the neighborhood. Response was only PHA property. Alex Jaegerman explained the city's interest in rezoning larger areas.

Portland resident; will the daycare and management office be considered an assessor use or will the ZBA need to grant conditional uses. Response; we're asking the city that very question.

East Bayside resident, can the rezoning be restricted to just the development parcel, concerned about height issues and taller buildings casting shadows on their property.

Several people commented re: height issues; such as why isn't PHA considering taller buildings. Other stated that taller buildings are out of scale with PHA's smaller two story building. It was also mentioned that there are financial and programmatic parameters that prohibit building taller than four stories.

Support was stated conceptually of the R-7 for the PHA property, but unsure about the larger area. City staff was asked about the previous projects that were rezoned from R6 to R7. Rick Knowland listed of 12 previous projects, located in East Bayside, West Bayside, Parkside and the West End. Comments were made that these seem to blend in very well to the neighborhoods.

West Bayside resident; stated he's in favor of the rezoning the larger area and for his neighborhood as well. The R-7 projects fit in very well.

West End resident described this as a fundamental change from rezoning infill lots to larger areas. He's unsure if the results will be the same, the devil's in the details of what designed and built. He asked if Pearl Place was R7. The response was no, it's a business zone and yes it would have been allowed in the R-7.

West Bayside Resident stated he's supportive of the R-7 for the larger area because there's a lot of wasted space that could be developed. But, he warned residents should be concern about inadequate parking.

East Bayside resident commented about her concern for rezoning the larger area R-7, she feel the projects like the Bay House condos are too imposing, she's feel it for in-fill projects.

Mr. Carroll explained the schedule for the rezoning and site plan applications. It hoped that all local approvals will be completed in July, in preparation of the next round of financing in the fall.

An East Bayside resident in favor of the development stated by rezoning all PHA property would make future development less costly and more efficient by not needed to go thru a second review.

There was discussion about parking in the area. A PHA neighbor stated during snow bans people from all over come to find off street parking in East Bayside, including PHA's lots and her driveway. So the parking lot slated for development is needed during snow bans. Mr. Carroll stated the city will require a parking management plan be completed for the PHA campus as part of the site plan review. PHA already takes steps to manage its parking. Approximately 75% of PHA residents have at least one vehicle. It was stressed that the parking demand analyses take place at night when people are home.

An East Bayside neighbor of PHA stated he appreciates the open space and off street parking in the neighborhood and is concerned about taller buildings shading his property.

There was discussion about the original intent of the R-7, it seems like it was meant for infill only. This is the first comprehensive look at this rezoning. The city spends a lot of time doing individual R-7 overlay reviews for each proposed project because so little is allowed and can be developed in the R-6.

An East Bayside resident stated his support for development because he doesn't want to see East Bayside lose its economic and social diversity, the way Munjoy Hill is going. So it becomes necessary to support architectural change to preserve what's good about the neighborhood.

Mr. Carroll reminded the group that more meetings will be held for their input. The first Planning Board workshop re: the rezoning will be on Tuesday March 11th at 4:00pm. Be sure attend future meetings or to email comments to the City.

Meeting adjourned.

PORTLAND AUTHORITY

COMMISSIONERS
Tom Valleau, Chairperson
Robyn Tucker, Vice Chairperson
Faith McLean, Commissioner
Shirley Peterson, Commissioner
Christian Mitchell, Commissioner
Marian Below, Commissioner
Evan Carroll, Commissioner

Mark B. Adelson
Executive Director

14 Baxter Boulevard
Portland, Maine 04101
Office: 207-773-4753
Fax: 207-761-5886
www.porthouse.org

## Bayside Anchor Rezoning
### Neighborhood Meeting List of Attendees

Meeting Location: PHA Kennedy Park Community Room, 58 Boyd Street
Meeting Date: Thursday, February 27, 2014
Meeting Time: 6:00 PM

| Name | Address | Contact email |
|---|---|---|
| Judith Hall | 38 Mayo St. | |
| TIM LIPPERT | 76 ANDERSON ST | TALIPPERT @ GMAIL.COM |
| Nathaniel Edmunds | 52 Smith St. | |
| Michele Castner | 86 Anderson St | mcastner33@hotmail.com |
| Sue Lippert | 76 Anderson St | sue.lippert@icloud.com |
| Abdullahi Jama | 29 Kennedy Park | A.jama.08@hotmail.com |
| Peter Monro | 32 May St. 04102 | jpmonro@me.com |
| Samuel Albino | 20 Mayo St. # 03 | samalbino@yahoo.com |
| Alex Landry | POB 1331 ~~PQH~~ 04104 | alex@citymouse.us |
| Robert Haines | 250 Holm Ave, 04102 | Mazzic@jxno.com |
| Rosemary Warnock | 21 Greenleaf St 04101 | rosemarycharlotte@yahoo.com |
| Jay York | 58 Wilmot St 04101 | jay@jayyork.biz |
| Rick Knowlton | CITY OF PORTLAND | |
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Order 249-13/14
Tab 28 5-19-14

MICHAEL F. BRENNAN. (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND**
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APROVING THE ALLOCATION AND APPROPRIATION OF $25,000 FROM THE HOUSING TRUST FUND RE: CHOM HOUSING FIRST PROJECT**

**ORDERED,** that $25,000 in funds from the Housing Trust Fund are hereby allocated and appropriated in order to fund a Community Housing of Maine proposal to assist in the development of housing for the homeless.

**MEMORANDUM**
**City Council Agenda Item**

**TO:** City Council

**FROM:** Planning and Urban Development Department
Housing and Community Development Division

**DATE:** May 5, 2014

**DISTRIBUTION:** (City Manager, Mayor, Corporation Counsel, Sonia Bean, Nancy English)

**SUBJECT:** **Order Approving the Allocation of $25,000 from the Housing Trust Fund to Fund Pre-Development Activities associated with the development of a Housing First Project**

**SPONSOR:** Kevin Donoghue, Chair, Housing and Community Development Committee

**COUNCIL MEETING DATE ACTION IS REQUESTED:**
**1st reading May 19 Final Action June 2**

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

**PRESENTATION: City Staff will be available questions**

## I. SUMMARY OF ISSUE (Agenda Description)

The Homelessness Task Force Report submitted to the City Council in November 2012, outlined four recommended actions, one of which was "Rapid Rehousing" (Attachment 1). Under the Task Force Implementation Plan, the Housing and Community Development Committee was assigned "Rapid Rehousing", with the development of three new "housing first" projects as an identified task.

In February, the City Council approved the allocation of $50,000 from the Housing Trust Fund to be allocated in a RFP for pre-development activities associated with the development of a Housing First project. The RFP was issued on February 27 and two proposals were received on March 27. A review committee consisting of Jeff Levine, Planning and Urban Development Department Director, Mary Davis, Housing and Community Development Division Director, Doug Gardner, Health and Human Services Department Director and Sean Dundon, Portland Planning Board member met on April 18 to review the proposals.

The review committee was impressed with both proposals agreeing that each application had strengths and weaknesses across the criteria noted in the RFP. The review committee recommended funding the proposal from Avesta Housing which envisioned the creation of a

traditional Housing First development. (A copy of the Avesta proposal is attachedyou're your information.) However, the team also felt that the proposal received from Community Housing of Maine (CHOM) was also worthy of funding. While it does not propose a traditional Housing First development, the concept proposed by CHOM has the potential to yield units more quickly using a scattered site approach.

Community Housing of Maine (CHOM) proposes "blending the population quickly and seamlessly into a combination of rehabilitated existing small multifamily apartment buildings and larger Low Income Housing Tax Credit and/or Historic Tax Credit funded properties aimed at serving the general public." They identified Elm Terrace and Danforth on High, two of their recently completed projects as examples of the larger model. CHOM's timeline for a larger project is estimated at 2 years and the timeline for smaller projects would be approximately 4 months after securing development financing.

Staff is seeking approval from the City Council to provide an additional $25,000 in Housing Trust Funds for the CHOM proposal.

**The Housing and Community Development Committee met on April 23, 2014 and voted unanimously (3-0) to forward this item to the City Council with a recommendation for passage.**

## II. REASON FOR SUBMISSION (Summary of Issue/Background)

The Housing Trust Fund [Sec.14-489] was established "...for the promotion, retention and creation of an adequate supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the City."

## III. INTENDED RESULT

To allocate the use of Housing Trust Fund assets in a way consistent with the Trust Fund's purpose.

## IV. COUNCIL GOAL ADDRESSED

(1) Promote Housing Availability. (2) Prevent and End Homelessness

## V. FINANCIAL IMPACT

If approved, the RFP will make available an additional $25,000 from the Housing Trust Fund to be used to assist with pre-development activities associated with the construction of a "housing first" project. The current balance in the Housing Trust fund is $724,301.

## VI. STAFF ANALYSIS

The intent of the RFP is to make funds available to assist with pre-development activities associated with the creation of a housing first project. Such activities would include appraisals, architect services, engineering services, environmental assessment services, legal fees, consultant/developer staff costs, market studies, and relocation expenses. The consultant will also be awarded development rights for any proposed project approved by the City.

Once the consultant completes the pre-development activities and site(s) have been selected, the consultant will prepare a Preliminary Development Proposal for review by the HCDC. If the HCDC approves the Preliminary Development Proposal, it will be forwarded to the City Council for approval.

## VII. RECOMMENDATION

Staff recommends approval of this request.

It is recommended that the City Council set the Public Hearing for the City Council meeting on June 2, 2014 at 7:00 p.m.

## VIII. LIST ATTACHMENTS

Copy of the Housing First Pre-Development RFP
Copy of CHOM's proposal
Excerpt from Homelessness Task Force Report
Copy of the Housing Preservation and Replacement Ordinance
Copy of the Housing Trust Fund Ordinance.
Copy of Avesta proposal

Prepared by:

Signature

Revised May 5, 2014
Date

Mary Davis, Division Director
Housing and Community Development

# ATTACHMENT 1

**CITY OF PORTLAND, MAINE**

**REQUEST FOR PROPOSALS**
**FOR**
**DESIGN AND PLANNING SERVICES**
**HOUSING FIRST PRE-DEVELOPMENT GRANT**
**RFP #4614**

The City of Portland, Maine is seeking proposals from a consultant or consultant team in the field of Permanent Supportive Housing (PSH) development, specifically the development of projects utilizing the "housing first" model. See Attachment 1 for the definition of a "housing first" project. This project will require a consultant or consultant team with expertise in this type of affordable housing development.

Sealed Proposals plainly marked "**Housing First Pre-Development Grant**" will be submitted to the City of Portland Purchasing Office at City Hall on 389 Congress Street in Portland, Maine 04101. Eight (8) copies of the proposal will be submitted before **3:00 p.m., Thursday, March 27, 2014**. The City of Portland reserves the right to accept or reject any/or all proposals. Late, unsigned proposals or proposals submitted electronically shall not be accepted. Proposals shall remain open to acceptance for thirty days from their opening.

**All** questions shall be directed to the City of Portland Purchasing Office by telephone at 207-874-8654 or by email at mff@portlandmaine.gov . All questions must be received at least five business days before the opening date. Questions received after this time will not be addressed. Responses that substantially alter this RFP will be issued in the form of written addenda to all those that have registered and received an RFP from the City of Portland Purchasing Office. Oral explanations or interpretations given before the proposal submittal deadline will not be binding.

Proposals from vendors not registered with the Purchasing Office may be rejected; receipt of this document directly from the City of Portland indicates registration. Should a vendor 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.

**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 and all other applicable laws, including the Maine Human Rights Act, ordinances and regulations regarding equal opportunity and equal treatment.

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 installation shall comply at a minimum with any and all Federal, OSHA, State and/or local codes, including applicable municipal ordinances and regulations.

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.

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.

February 27, 2014

Matthew F. Fitzgerald
Purchasing Manager

## I. Background

In November 2011, the Portland City Council created the Task Force to Develop a Strategic Plan to Prevent and End Homelessness. The Task Force created an implementation plan which included a recommendation for the development of three (3) new 35-unit Housing First projects in the Greater Portland Area as one long-term strategy to address homelessness in the City.

The City requests proposals from developers and institutions with interest and experience in facilitating the planning, design, pre- development and final development activities for a "housing first" development. Pre-development activities include architectural and engineering work, site control planning, and other planning activities related to the development of a "housing first" project.

## II. Goals for This RFP

The focus of the desired pre-development activities includes locating a potential site or sites, identifying construction financing, identifying sustainable funding source(s) for the required support services and providing a preliminary design concept for a "housing first" development. The City Council has authorized the use of $50,000 for these pre-development activities. Funds will be disbursed on a reimbursement basis based on actual invoices for services performed. Activities that are eligible for funding include:

1. Appraisals. The consultant's cost to establish the fair market value of the proposed site completed by a qualified and licensed appraiser
2. Architect Services. The design fees charged by licensed architectural/engineering firms for architectural services regarding the project. Project must meet the accessibility requirements of Section 504 of the Rehabilitation Act of 1973, the Fair Housing Act, and the Americans with Disabilities Act, as applicable.
3. Engineering Services. Actual cost of boundary survey, topographic survey, soil borings and tests.
4. Environmental Site Assessment. Actual cost incurred for the environmental site assessment, i.e., Phase I and Phase II.
5. Consultant Services. Expenses related to the development and submission of an approvable project.
6. Cost Analysis. Expenses associated with cost estimation,
7. Legal Fees. The cost for legal services and title binder fees.
8. Market Studies. Costs for a study completed by an independent, third party, market research firm for purposes of examining the need for and verifying the marketability of the proposed project.
9. Organizational Expenses. The actual costs associated with the creation of an owner entity for the proposed project.
10. Relocation Expenses. Cost of relocation assistance if the project involves displacement of site occupants.

Funds may not be used to pay taxes and/or fees due to the City of Portland.

The City of Portland seeks development projects with a high standard of quality, design, and livability. Developments should promote efficient use of land, locations proximate to transportation, shopping, work places and community facilities. They should also incorporate high standards of energy efficiency and "green" design criteria.

The selection process will result in awarding development rights for the project to the selected Consultant. The Consultant selected will prove through its submittal that it possesses the qualifications necessary to implement a comprehensive development plan. Consultant shall be responsible for all design, planning, financing, pre-development and final development activities.

## III. Proposal Narrative

The Proposal Narrative must address each of the following topics:

Phase I:

1. Identification of Developer Entity. Describe the type of organization and provide name and contact information for the primary RFP Contact Person, as well as names and titles of other key principals;

2. Developer's Organizational and Management Capacity. Describe the overall management expertise of the organization. Provide a resume of relevant experience and education for each principal in the firm. Identify the key personnel and their roles in the project and describe their experience with respect to various phases of green development and home building. Include an organizational chart that shows how the Development staff will work together and the lines of responsibility. Describe the organization's experience in developing permanent supportive housing projects specifically a "housing first" type development, and in developing relationships with diverse and sometimes competing interests leading to support for a project. Include organizational documents and financial statements listed in the Checklist.

3. Development Team Members. Identify co-developers, contractor, primary sub-contractors if known, architect, and other team members in the narrative. (Details of their responsibilities and compensations should be provided.)

4. Experience. Provide an overview of the Developer's prior history of performance in similar housing development projects and indicate the following:
    a. Project name and address;
    b. Project Team, specifically Architect, Contractor (s), Construction and Mortgage Lenders,;
    c. Number of square feet of developed space, dollar amount of real estate valuation created;
    d. Sustainable and or green components if applicable;
    e. Evaluation of completed project and whether it was completed according to the original project schedule and original project budget, and community benefits derived;
    f. Summary of partnerships with government and/or other entities;
    g. Elevation drawings or photographs of previous projects, for the purpose of illustrating the quality of architectural design. All drawings and photos will be retained by the City;
    h. Detailed explanation of all sources of funding for the project, both public and private, debt and equity. Including conventional financing, equity, bond financing, government loan guarantees, or other government assistance required in the projects. Developers may provide

additional information that illustrates the Developer's capacity to deliver project financing from public and private sources in an effective manner.

i. State names, telephone numbers and addresses of owners, government officials or others knowledgeable of the projects for verification purposes; and

j. Describe any problems encountered during the planning, design and development of the project and the ways in which such problems were solved.

5. Target Population. Describe how the Project design, marketing, and services will be provided to the target population of chronically homeless individuals as identified in the "Report of the Task Force to Develop a Strategic Plan to Prevent and End Homelessness in Portland".

6. Project Timeline. Describe the timing of key phases of the work and state the total time period required for completion. Provide a detailed task analysis with timeline of the proposed services offered by the Developer and the proposed time period for completing the development on the vacant parcels. The timelines shall include detailed project schedules for closing, securing development approvals, construction and occupancy.

Phase II Once Phase I is complete, Consultant/Developer must submit a Preliminary Development Proposal for approval by the Portland City Council. A Preliminary Development Proposal will include:

1. Market Analysis. Describe the Developer's methods for analyzing the market to ascertain the target market(s), determining the size of the market(s) and the way in which the market analysis was used to establish the unit size mix and income mix.

2. Development Approach with Preliminary Site Plan, Typical Building Elevations and Outline Specs. Provide a narrative overview of the proposed conceptual plan and development approach including the general rationale for the site layout, the locations of various building types, the proposed architectural style and concept for the building facades, the types and locations of public space and open space, landscaping and any other amenities, and any other key features of the development plan. The proposal should describe how the proposed development responds to the development intent of this RFP, and how the development interacts with the existing neighborhood and adjacent developments. This narrative will be accompanied with 3 copies of a preliminary site development plan indicating all the general requirements of a site development plan required by the City, number of units, square footage, lot layout, parking, ingress and egress and traffic circulation within the site. **NOTE:** Once a proposal is selected, a complete site development plan will be required for approval by the City.

3. Green Building Ordinance. Describe the ways in which the proposed project will comply with the City of Portland's Green Building Ordinance.

4. Financial Pro Forma. A detailed financial pro forma including a project budget, an estimate of total development costs broken out by hard and soft costs, sources of funds, including equity, construction financing, permanent financing, and support services required to complete the project. Please use attached Forms. This project budget must include all costs associated with completing the development, including the cost of any on-site or off-site infrastructure improvements, grading, drainage and utility relocation.

5. Project Timeline. Describe the timing of key phases of the work and state the total time period required for completion. Provide a detailed task analysis with timeline of the proposed services offered by the Developer and the proposed time period for completing the development on the vacant parcels. The timelines shall include detailed project schedules for closing, securing development approvals, construction and occupancy.

## IV. Evaluation and Selection Process

Proposals will be reviewed by an evaluation team that will include City of Portland staff. The following process will be used:

1. Upon closing of the RFP application period, all proposals will be reviewed for completeness.

2. Complete proposals will be reviewed under the scoring factors in order to recommend the most qualified proposals based on the information submitted. The proposal review team may confer with the applicants and/or third parties to clarify or verify information and request additional information.

3. Recommendations, along with all proposals and scoring information, will be forwarded to the Portland City Council's Housing and Community Development Committee and Public Safety, Health and Human Services Committee for review and approval. Their recommendations will be forwarded to the Portland City Council for final review and approval.

4. Applicants will be kept informed throughout the review process, specifically in regard to recommendations and funding levels.

5. The evaluation and review process should be substantially complete by April 15, 2014. Applicants will be notified of their proposal status as soon as possible.

## Instructions and Other Information

A. The City of Portland reserves the right, at its sole discretion, to extend deadlines and timeframes, as needed.

B. Confidentiality: Proposals received by the City of Portland shall become a matter of public record subject to public inspection, except to the extent, which an applicant designates in writing, proprietary data to be confidential and submits that data under separate cover, such information may be held from public inspection, as provided in Maine law: 5 MRSA Sections 13119-A and 13119-B

C. Compliance with Federal Law: The selected applicant will be required to certify that the development and management of the proposed housing will be in compliance with all applicable laws, executive orders, OMB Circulars and federal regulations, including but not limited to: Fair Housing Act, Equal Opportunity and Non-discrimination, National Environmental Policy Act (NEPA), the Uniform Relocation Assistance and Real Property Acquisition Policies Act, the

Davis-Bacon Act, the Lead Based Paint Poisoning Prevention Act, Flood Disaster Protection Act, Conflict of Interest, Contractor Debarment and Cost Principles.

## V. Consultant Selection Criteria

The City intends to use a quality based selection process to select a consultant to work on this project. A selection committee made up of City staff members will review the submitted consultant proposals and rank them in terms of the criteria listed below. The selection committee may or may not conduct interviews with the proposers.

| Selection Criteria | Maximum Score |
|---|---|
| Firm's qualifications and experience relating to similar housing first projects | 50 |
| Availability and ability to meet project deadlines | 25 |
| Have a demonstrated satisfactory record of performance | 25 |

If City staff members determine they cannot negotiate a satisfactory contract with the best qualified firm, the City will terminate negotiations with that firm and begin contract negotiations with the second best qualified firm. The City intends to follow this process until a satisfactory consultant services contract can be negotiated and signed for the project.

## VI. Project Resources

Below is a list of resource materials that are important in understanding City efforts and the context in which the project is taking place.

1. Report of the Task Force to Develop a Strategic Plan to Prevent & End Homelessness in Portland, (November 2012) (http://www.portlandmaine.gov/homelesstaskforce.htm)

2. Homelessness Prevention Task Force Web Page (http://www.portlandmaine.gov/homelesstaskforce.htm)

# PROPOSAL FORM

The UNDERSIGNED hereby declares that he/she or they are the only person(s), firm or corporation interested in this proposal as principal, that 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 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 there from, 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 of Portland employee who would be paid to perform services under this proposal. An example of indirect interest would be a City of Portland 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: _____

AUTHORIZED SIGNATURE: _____ DATE: _____

PRINT NAME & TITLE: _____

ADDRESS: _____

PHONE NUMBER: _____ FAX NUMBER: _____

TYPE OF ORGANIZATION - PARTNERSHIP, CORPORATION, INDIVIDUAL, OTHER:

_____

STATE OF INCORPORATION, IF APPLICABLE: _____

FEDERAL TAX IDENTIFICATION NUMBER (Required):_____

DUNS Number:_____

**NOTE: Proposals must bear the handwritten signature of a duly authorized member or employee of the organization submitting a proposal. This form must be signed and returned with the Proposal.**

ATTACHMENT 1

**Housing First**, which is distinct and separate from "rapid re-housing", is a relatively recent innovation in human service programs and social policy regarding treatment of the homeless and is an alternative to a system of emergency shelter/transitional housing progressions. Rather than moving homeless individuals through different "levels" of housing, known as the Continuum of Care, whereby each level moves them closer to "independent housing" (for example: from the streets to a public shelter, and from a public shelter to a transitional housing program, and from there to their own apartment in the community) Housing First moves the homeless individual or household immediately from the streets or homeless shelters into their own apartments.

Housing First approaches are based on the concept that a homeless individual or household's first and primary need is to obtain stable housing, and that other issues that may affect the household can and should be addressed once housing is obtained. In contrast, many other programs operate from a model of "housing readiness" — that is, that an individual or household must address other issues that may have led to the episode of homelessness prior to entering housing.

*https://en.wikipedia.org/wiki/Housing_first*

**WHAT IS THE HOUSING FIRST APPROACH?**

Housing First programs may be constructed in a number of ways, but share the following features:

- The direct, or nearly direct, placement of targeted homeless people into permanent housing. Even though the initial housing placement may be transitional in nature, the program commits to ensuring that the client is housed permanently.
- While supportive services are to be offered and made readily available, the program does not require participation in these services to remain in the housing.
- The use of assertive outreach to engage and offer housing to homeless people with mental illness who are reluctant to enter shelters or engage in services. Once in housing, a low demand approach accommodates client alcohol and substance use, so that "relapse" will not result in the client losing housing (Marlatt and Tapert, 1993). 5
- The continued effort to provide case management and to hold housing for clients, even if they leave their program housing for short periods.

*"The Applicability of Housing First Models to Homeless Persons with Serious Mental Illness". Prepared for the U.S. Department of Housing and Urban Development Office of Policy Development and Research, July 2007. http://www.huduser.org/portal/publications/hsgfirst.pdf*

ATTACHMENT 2

CHOM
Community Housing of Maine

Community Housing of Maine
is pleased to present
this application
in response to the

**CITY OF PORTLAND, MAINE**

**REQUEST FOR PROPOSALS**
**FOR**
**DESIGN AND PLANNING SERVICES**
**HOUSING FIRST PRE-DEVELOPMENT GRANT**
**RFP #4614**

1. **Identification of Developer Entity:**

Community Housing of Maine (CHOM) is a 501 (c) 3 non-profit organization founded in 1993 and is proudly celebrating its ***20th year*** as a successful developer of affordable, supportive housing. CHOM develops, owns, and maintains high quality, affordable, service-enriched housing for people with low incomes and special needs. CHOM provides advocacy, supportive housing, community inclusion, and stability for homeless and special needs populations across the state.

CHOM's mission is to acquire, sell, lease, finance, construct, develop, rehabilitate, own, manage, and maintain housing which is decent, safe, and affordable for low-to moderate-income persons, including homeless persons and persons with special needs; and to foster and support additional housing opportunities for low- to moderate-income persons, homeless persons and persons with special needs through public education.

The primary point of contact for this RFP is:

Erin Cooperrider
Development Director
Community Housing of Maine
309 Cumberland Ave., Suite 203
Portland, ME 04101
(207) 720-0181
erin@chomhousing.org

Other key principals:

Cullen Ryan, Executive Director
Jim Gwilym, Chief Financial Officer
Kyra Walker, Asset Management Director

2. **Developer's Organizational and Management Capacity:**

Since 1993, CHOM has developed more than 75 supportive housing projects. Eight of these were developed for others, and CHOM continues to own and manage the remaining 67 projects. CHOM is a Community Housing Development Organization (CHDO), certified by the City of Portland and by MaineHousing (the Maine state housing finance agency). CHOM has developed housing in 39 communities spanning 12 counties, creating more than 687 units of low-income and special needs housing. CHOM collaborates with more than 35 agencies for service provision and works with more than 19 different subsidy agents.

CHOM is the largest supportive housing provider in Maine, and is the largest housing provider for homeless populations in the state. Within that last group, CHOM is also the largest housing provider for victims of domestic violence, homeless Veterans, and homeless Native Americans.

CHOM advocates for people with special needs, and collaborates on their behalf to produce and maintain community-based housing that fosters a sense of pride, dignity, and respect.

CHOM partners with service providers to ensure that tenants receive consistent, supportive services for successful independent living. CHOM teams with property management companies to ensure that all homes are maintained to rigorous quality standards.

CHOM is entirely premised on collaboration. Referrals into CHOM's supportive housing, which are fundamental to its mission and budget, are entirely dependent on CHOM's partners. CHOM's success is interwoven with 35 other organizations, including service providers, DHHS, and the Department of Veteran's Affairs. CHOM works diligently to set the stage for collaborations through its advocacy and reputation as an effective collaborator in its housing. CHOM also works tirelessly to keep its partners active in the collaboration, and engaged in their role. CHOM's advocacy and broad collaborations with service providers across the state allow for strong relationships across a wide array of organizations.

CHOM has extensive experience developing Housing First, permanent supportive housing projects for chronically homeless populations. CHOM works closely with homeless shelters and outreach providers throughout the state to move individuals directly from homelessness into its housing. Moreover, CHOM uses unique strategies to incorporate supportive housing into larger, tax credit projects for a seamless blend of populations, and uses smaller, four- to ten-unit scattered site projects for targeted populations that blend naturally into their communities, creating truly inclusive communities.

In August 2013, leasing began at a new CHOM tax credit project in Portland called Danforth on High. CHOM encouraged service provider partners to make referrals of chronically homeless individuals at local shelters. Ultimately, 10 chronically homeless individuals, with a collective 16 years of overnights in the shelter, were housed in this building, comprising one-third of all its residents. Support services and case management are available as needed and provided by area social service agencies including the City of Portland, Preble Street's Clinical Intervention Program, and the Opportunity Alliance. The residents and their neighbors are doing very well. No one can tell who was homeless – as it should be. This is a unique approach to housing first, and a model that is easily replicable. It also means that we don't need to waste years fighting NIMBY battles to create specially dedicated large buildings to serve the chronically homeless population; we can blend this population into any large multifamily property. This is a key part of CHOM's strategy, one which will expedite our success.

Through small, dedicated supportive housing properties that are indistinguishable on their streets – hidden in plain sight within neighborhoods, and through blending of special needs populations into larger multifamily properties, CHOM has now done exactly what this RFP is requesting some 67 times. CHOM has expertise, dedication, commitment, and a proven record of success in keeping challenging populations stably housed in its 67 properties. And because of efforts to blend populations in communities, there are no stigmas permanently attached to residents. No one knows that any CHOM tenants were homeless for any period of time. From the neighbors' perspective, they are just people living in a very nice, well-kept building.

It is inherent to CHOM's mission to ensure that its tenants will be successful in their housing. CHOM's housing makes everyone proud; it is of high quality, and is constantly updated to meet the evolving needs of tenants and service providers. In addition, CHOM's experience bears out the results reported in The Bamberger Study, which found that, "the more beautiful the housing, the stronger the healthcare impact" for homeless populations. CHOM encourages tenants to have a strong sense of ownership of their housing -- this is their home. This sense of ownership directly correlates with tenants' willingness to connect with service providers and achieve or maintain sobriety; residents have the desire to better their lives while in CHOM housing.

CHOM partners with social service agencies that work diligently to address the needs of individual tenants once housed. CHOM's model of collaborative partnerships is a proven success. The Housing First model described in this RFP, and as laid out by the Task Force to Develop a Strategic Plan to Prevent and End Homelessness, is consistent with CHOM's model in serving chronically homeless populations. But the true Housing First Model is a harm reduction model at its core. Services are passive; they are there should the tenant opt for them. CHOM's "Community Housing First" model differs here slightly, though not from what is requested in the RFP). Going beyond just a "harm reduction" model (CHOM plays an active role in encouraging tenants to connect with support services and achieve goals they may want to pursue. These goals can include achieving and maintaining sobriety. Should sobriety be the goal, any relapses, which are part of recovery, do not mean a person will lose their housing, it means they may be offered additional support for success with their goal. CHOM and its service provider partners work together creatively to support the success of each tenant, and ensure stability in their housing. Residents have responded very well to this; they have not minded a nudge or our engaged assertive approach.

CHOM is committed to gre n building design and construction not only for reasons of energy efficiency – which is critical to long-term sustainability – but also for reasons of indoor air quality and natural lighting, which residents appreciate. Overall, green building makes economic sense, contributes to better buildings and happier tenants, and improves market appeal. In all its development work, CHOM strives to conserve natural resources, use land efficiently, and design housing to use new technologies and materials that reduce costs and increase energy efficiency. CHOM has partnered with Thornton Tomasetti, a green design consultant, to maximize energy efficiency, indoor air quality, and durability for previous development projects in Portland and Bangor. With careful "green" design and development, CHOM's 38 unit Elm Terrace project in Portland met the Secretary of the Interior's Standards for Rehabilitation, and was the first affordable, multi-family, Maine historic rehabilitation project to achieve LEED Platinum certification.

Elm Terrace has approximately 18 formerly chronically homeless individuals currently residing within it. Sixteen are sober and benefit from AA meetings held regularly in the community room. There are other residents that were formerly homeless as well, and once again, neighbors see them as upstanding neighbors living in a well-kept building. There is no reason for it to occur to them that their neighbors had any history of homelessness.

CHOM and its development team work closely to complete projects on time and on budget. This results in the housing being made available to those in need in the most efficient timeframe

possible. CHOM consistently delivers excellence in new and carefully renovated housing that communicates dignity and respect to the individuals served. Last year alone, CHOM brought on line 8 projects with a total of 127 units, with about 35 serving people who were chronically homeless. Within that group was one individual who had been homeless living outside for 12 years prior to the housing. An article describing that individual's success is attached as Exhibit 7.

- *Please refer to Exhibit 1, "Resumes," for the qualifications of each principal involved in development as requested in the RFP.*
- *Please refer to Exhibit 2, "Organizational Chart," for the CHOM staff list.*
- *Please refer to Exhibit 3, "CHOM Organization Information," for organizational documents requested in the RFP.*
- *Please refer to Exhibit 4, "CHOM 2013 Financial Statement," as requested in the RFP.*
- *Please refer to Exhibit 7, "Homeless Veteran finds Waterville housing after 12 years in the woods."*

**3. Development Team Members:**

A complete list of the development team, with contact information and a description of roles and responsibilities is attached at Exhibit 5.

**4. Experience:**

A resume detailing the experience of CHOM Development Corporation is attached as Exhibit 6, and includes the information requested in the RFP to which this proposal is responding. Listed below are names and contact information for the lenders and investors listed on the attached resume.

Maine State Housing Authority
William Glover, Manager of Lending, Development Division
626.4634

Federal Home Loan Bank of Boston
Tobi Goldberg, Senior Community Investment Manager
617.292.9653

US Department of Agriculture, Rural Development
Robert Nadeau, Multi-family Housing Specialist
990.9114

Genesis Community Loan Fund

William Floyd, Executive Director
563.6073

Coastal Enterprises, Inc. (CEI)
John Egan, Director of Housing Development
882.7552

Boston Capital Corporation
Jeannine Ranaghan, Vice President
617.624.8876

Northern New England Housing Investment Fund
William Shanahan, President
772.8255

TD Bank
Kimberly Twitchell, Senior Vice President Commercial Lending
761.8648

Camden National Bank
Vera Roberts, Senior Vice President Commercial Lending
230.2170

Gorham Savings Bank
Matt Early, Senior Vice President
222.1493

City of Portland
Mary Davis, Division Director, Housing & Neighborhood Services
874.8711

City of Bangor
Jeremy Martin, Development Coordinator, Code Enforcement Division
992.4228

**5. Target Population:**

CHOM staff, including development and asset management, will work in concert with property management staff, area social service providers, and area shelters to target chronically homeless individuals for stable housing. CHOM's current collaboration for the chronically homeless population at Danforth on High, as previously described, will act as one of two models for this endeavor. The other model will be CHOM's smaller multifamily (4-10 unit buildings, most typically 4 units) collaborations which have proven highly successful in serving chronically homeless populations, and have been developed with project based Section 8, offered through MaineHousing in its supportive housing development. CHOM will work with the Portland Housing Authority as well as other subsidy providers to secure a mixture of project based and tenant based Rental Assistance, which will include Section 8, Shelter Plus Care, and Bridging

Rental Assistance (BRAP). CHOM typically has 3-6 of these properties under development around the state at any one time. Last year alone, CHOM brought on line 8 projects with a total of 127 units, with about 35 serving people who were chronically homeless. While working on a larger multi-family development, CHOM will focus its efforts on Portland and surrounding locations offering access to the bus line and walkability to goods and services. Many neighborhoods in and around Portland meet that criteria, and there are hundreds of suitable existing multifamily buildings offering rapid turnaround opportunities for repurposing to serve the target population. This flexible, two-model approach should expedite our success in developing the target 105 units of housing first apartments, and accomplish community inclusion at the same time.

CHOM has established excellent working relationships with design professionals throughout the State. This is critical to CHOM's success as a developer of supportive housing. The architects and contractors who are members of CHOM's development team respect and understand the needs of the tenants for whom the housing is being developed, and work to develop designs that provide universal accessibility, maximize resources, blend seamlessly into the neighborhood, and ensure long-term success. The team builds on learned knowledge from CHOM's 20 years of experience in creating excellent quality housing for homeless and special needs populations.

CHOM is the largest housing provider for homeless populations in the state. CHOM has 67 properties with 687 units of housing and over 35 collaborative partnerships with local service agencies, including the City of Portland Social Service Division. CHOM has been specifically targeting and stably housing chronically homeless populations since 2004, currently housing over 100 individuals in that category.

The target population for this series of projects will come from the Oxford Street Shelter, as well as Milestone Shelter, and the Florence House shelter for women. All three shelters are active in working to find housing in the community for their populations, and all have a history of working collaboratively with CHOM. All three have staff that work in conjunction with other community support providers that follow and deliver support services ensuring the success of the individuals housed. An example of this model is Danforth on High which drew populations that spent time in each shelter, though all ultimately were last staying at the Oxford Street Shelter. Service providers that follow the people in that project are based at the Oxford Street Shelter, Preble Street, and the Opportunity Alliance. This has worked very well, and everyone (11 people referred in total, with one passing away, and the 11$^{th}$ referral taking his place) has remained successful in the housing after more than 6 months.

Working with an array of community support providers and shelter staff, CHOM will identify those members of the chronically homeless population that have stayed at shelters or outside for the longest period of time. This will be determined though Homeless Management Information System data, which is summarized and provided at regular intervals through the Maine State Housing Authority. Known as Long Term Stayers, as of July, 2013, the entire group in the state included 262 people. The group called Long Term Stayers includes and very closely overlaps people who meet the HUD chronically homeless definition. It is very nearly the identical population, but is far easier to identify. It is important to note that one can meet the chronically homeless definition of HUD through 4 shelter stays, not necessarily adding up to a length of stay

reaching the 180 days; the Long Term Stayers by definition have stayed over 180 days in any 365 day period. By targeting Long Term Stayers in this fashion, and working from longest stays to shortest stays, this housing will have the biggest measurable effect on emptying homeless shelters, and the highest impact on ending chronic homelessness in Portland. Within this strategy, there will be room for service providers to be flexible with their referral choices. Some will be based on the Service Prioritization Decision Assistance Tool (SPDAT) assessment for selecting the best and most needy candidate for housing. CHOM will use the longest stay as a primary, though not rigid guideline.

Services will be delivered on an as needed basis, with regular and consistent outreach, and perseverance in service delivery irrespective of the mood of the person housed on any given day. This will meet the criteria outlined in the RFP for the Housing First model, with housing provided with no expectations of sobriety or lack of symptoms of mental illness or other "readiness" prior to housing. Each individual selected will move right in "as is". The services will be assertive, though not mandatory. Outreach to housed individuals will be in an effort to continue a relationship based on engagement and support. The outreach will not be passive, however. It will not be the case that staff will simply be on premises in case clients happen to want to meet with them. The outreach will involve direct, purposeful visits to clients within their housing. Services will be delivered in an effort to engineer success in the housing for each person housed. This is a model proven to work with the 100 plus people currently served within the CHOM portfolio who were chronically homeless. CHOM has remained at or about a 95% occupancy in its chronically homeless population supportive housing for the last 5 years. With the exception of people passing away, that is essentially full.

In July 2013, 116 of the 262 Long Term Stayers in the state were residing at the Oxford Street Shelter. At that time, the shelter's functional capacity (with space taken up by reasonable accommodations for people needing cots vs. mats, etc.) was 130 people. This meant that 116 of the 2166 people who passed through the Oxford Street Shelter stayed night after night, using 116 of the beds, and leaving only 14 beds for the remaining 2050 people to pass through. This explains the need for three emergency shelter overflows. In the summer and fall of 2013, in response to advocacy by Community Housing of Maine, the City of Portland changed its strategy to target outreach, rental subsidy, and community support resources to the specific group called Long Term Stayers, working essentially from longest to shortest within that group.

In most cases, 180 days in a 365 day period has meant a shelter stay that is considerably longer, and in some cases, shelter stays for Long Term Homeless have spanned many years. Three weeks ago an individual was housed who was at the Oxford Street Shelter for 17 years. The strategy is working. Services and an effective strategy currently exists in Portland; what is lacking is landlords willing to accept the population. CHOM is that landlord. CHOM will target the longest stayers within the chronically homeless population because the longer the stay, the greater the impact of successful community housing. This greater impact carries beyond just a significant reduction in numbers at the shelter; it also means a direct reduction in a wide array of community services including police, rescue, emergency room, and detoxification.

Low self-esteem is as abundant as poverty and stigma in the chronically homeless population. The model proposed in this response to the RFP works to cure all three through multiple

approaches. The primary approach is through active and assertive relationship work. Individuals won't be successful in pushing people away and self-isolating. Services will persist despite mood or presentation of the individual. That alone communicates value and worth. Individuals will feel that they matter, that they are important, and that they are not alone.

But beyond that will be the housing itself, which will constantly communicate dignity and respect – externally and internally. Individuals living there will have a sense of ownership in their housing, as well as a sense of belonging and pride. This will be nice, universally desirable housing. Anyone will want to live there. CHOM will target one bedroom units, not just efficiencies or single room occupancy units. Anyone will feel proud to call this their home. That makes a meaningful and lasting difference in self-esteem.

Layered on top of that that will be location. Rather than clustering volumes of individuals in three large outstanding locations to achieve 105 units, CHOM proposes blending the population quickly and seamlessly into a combination of rehabilitated existing small multifamily apartment buildings, and larger Low Income Housing Tax Credit and/or Historic Tax Credit funded properties aimed at serving the general public. This housing will be an active part of nice neighborhoods. CHOM will work to quietly blend in people who have experienced chronic homelessness as a significant fraction, such as 1/3 of the larger developments. Elm Terrace and Danforth on High are two good examples of how this part will be done. By these two approaches, no one will come to see any of this housing as "where the homeless people live". The fact that individuals will have experienced a period of long term homelessness will be no more a part of who they were than if they experienced athlete's foot, or a broken leg at one point in their lives, or whether they wore braces, didn't own a car, or had long or short hair for a period of time. Those facets won't serve to be their identity. When housed, these individuals will be included as part of our community in a true and level fashion, as we at CHOM think it should be.

**6. Project Timeline – Larger project:**

| | |
|---|---|
| Site Selection complete | 5/01/14 |
| Option Agreement fully executed | 5/15/14 |
| Construction Manager at-Risk selection process begins | 5/15/14 |
| Construction Manager Selected | 7/01/14 |
| Design development begins | 7/01/14 |
| MaineHousing LIHTC pre-application due | 8/10/14 |
| Planning Board – discuss sketch plan | 8/15/14 |
| RLP and LIHTC application | 9/26/14 |
| Subdivision and Site Plan applications submitted | 10/15/14 |
| Neighborhood meeting – discuss plans | 11/01/14 |
| Tax credit investor selected /terms of investment est. | 12/15/14 |
| Construction lender selected / terms established | 1/01/15 |
| City of Portland permitting completed | 2/01/15 |
| Construction documents finalized | 3/01/15 |
| Bidding begins | 3/10/15 |

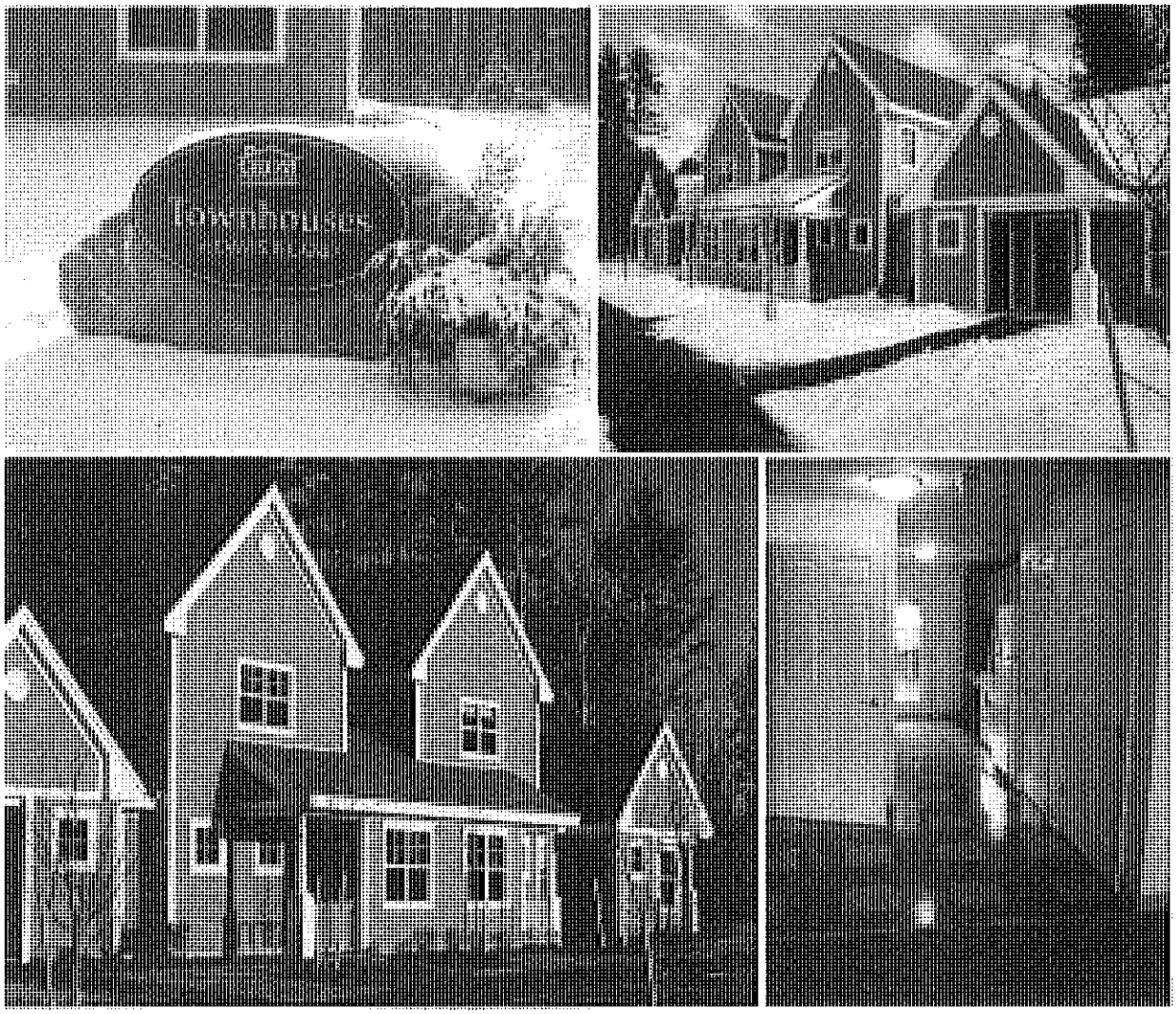
| | |
|---|---|
| Bidding complete | 4/01/15 |
| GMP established and construction contract finalized | 4/15/15 |
| Acquisition and construction loan closing | 5/01/15 |
| Construction starts | 5/01/15 |
| Leasing begins | 1/01/16 |
| Construction complete | 2/01/16 |
| Initial occupancy | 2/01/16 |
| Permanent loan closing | 3/31/16 |

**7. Project Timeline – Smaller projects:**

CHOM is constantly identifying a variety of good prospects of currently listed and to be listed small multifamily apartment buildings in the Portland market. CHOM will seek funds through the MaineHousing Supportive Housing RFP, when it comes out in 2014, 2015, 2016, and beyond, and will seek to develop multiple 4-10 unit projects in each of the upcoming years. CHOM will also seek acquisition and rehabilitation funding through Federal Home Loan Bank (FHLB) of Boston, among other sources. Typically, using MaineHousing or FHLB funds, CHOM can complete construction within about 4 months of construction loan closing on these smaller projects.

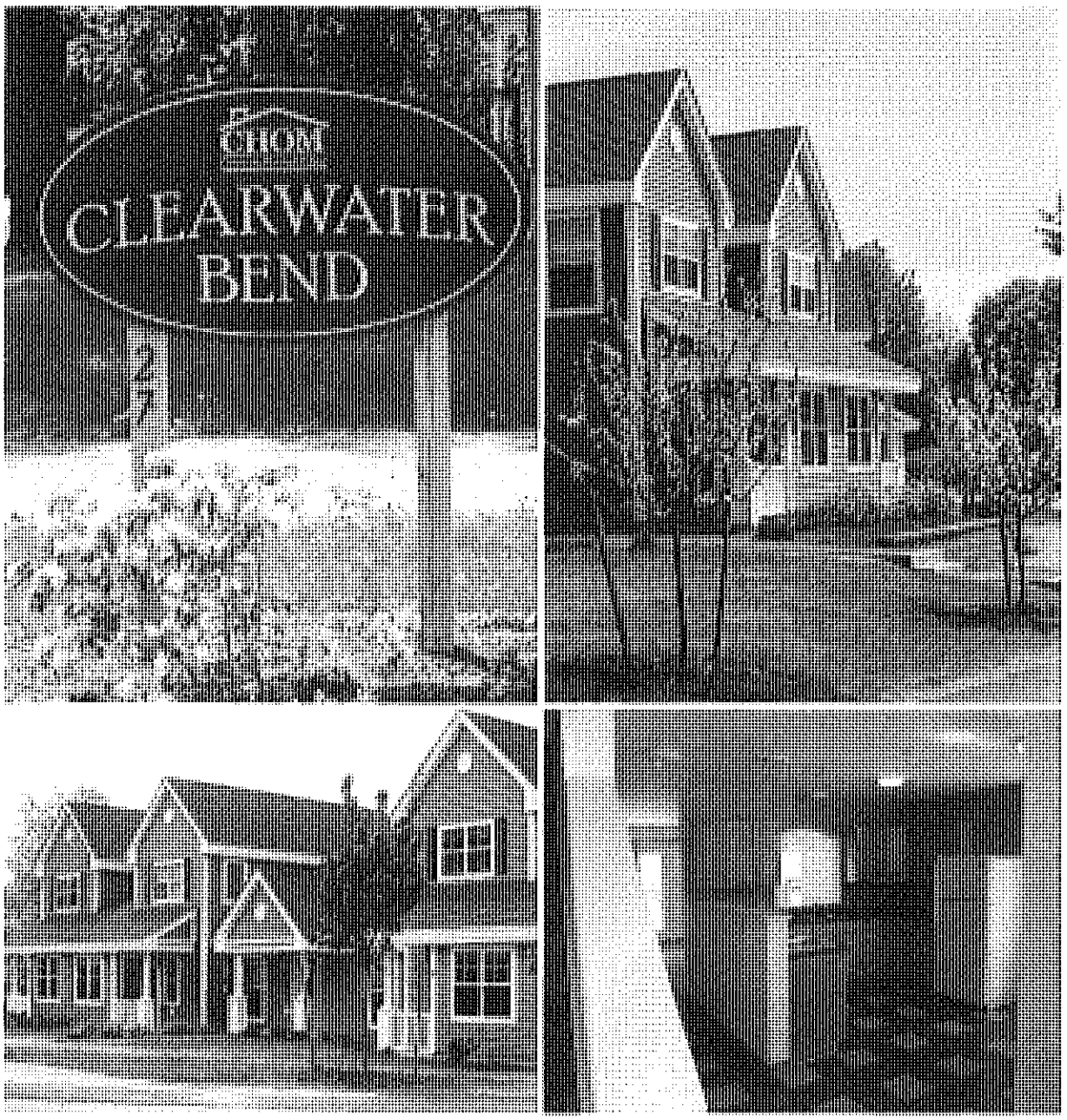
*Exhibit 6*

## Townhouses at Davis Island



2006 / Davis Island Housing Partners, L.P.
9% tax credits / 26 family units, 27,376 Sq. Ft., 45 US Route 1, Edgecomb, Maine
New construction, $5.5 million total development cost
Delivered early and on budget / Portland Builders as General Contractor by Select Bid
Initial occupancy October 2007
Architect: Ben Walter, CWS Architects
Construction Lender: Camden National Bank
Syndicator: Boston Capital Corporation
Property Manager: Preservation Management, Inc.
Project Manager: Erin Cooperrider for CHOM Development Corporation
Meets MaineHousing's green design requirements

## Clearwater Bend

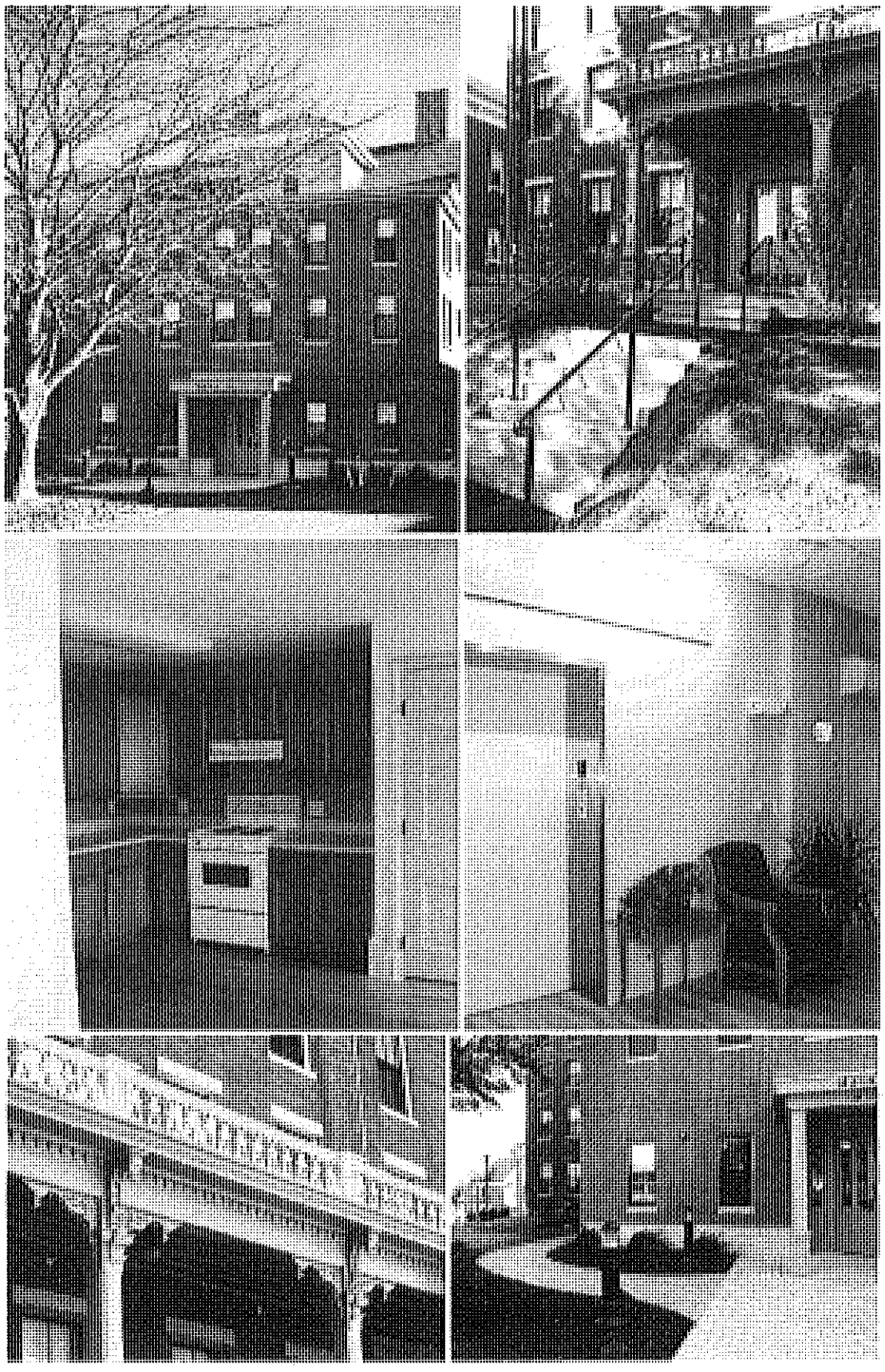



2007 / Reed Street Neighborhood Housing, L.P.
9% tax credits / 23 family units, 26,190 Sq. Ft., 27 Reed Street, Westbrook, Maine
New construction, $5.5 million total development cost
Delivered early and under budget / Benchmark as Construction Manager-at-Risk
Initial occupancy July 2008
Architect: Ben Walter, CWS Architects
Construction Lender: Camden National Bank
Syndicator: Boston Capital Corporation
Property Manager: Preservation Management, Inc.
Project Manager: Erin Cooperrider for CHOM Development Corporation
Meets MaineHousing's green design requirements

*An affiliate of Community Housing of Maine, Inc.*

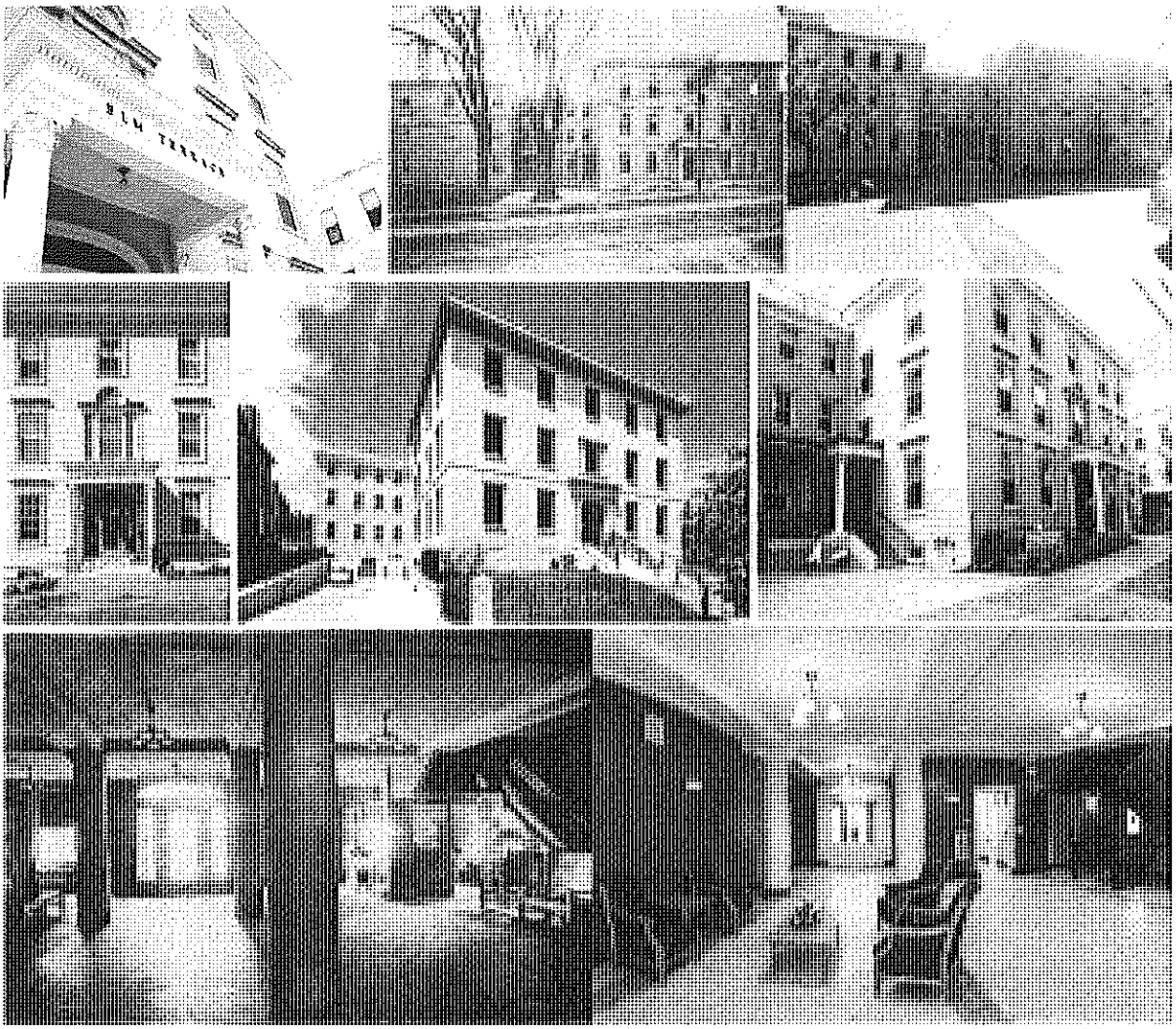
*Exhibit 6*

## Maine Hall



2009 / Seminary Housing Partners, L.P.
9% tax credits / state and federal historic tax credits / 28 senior units, 25,350 Sq. Ft., 288 Union Street, Bangor, Maine
Acquisition and rehabilitation of historic brick building with new construction addition
$6 million total development cost
Delivered on time and on budget / Nickerson O'Day as Construction Manager-at-Risk
Initial occupancy August 2011
Architect: Ben Walter, CWS Architects
Construction Lender: People's United Bank
Syndicator: Boston Capital Corporation
Property Manager: Preservation Management, Inc.
Project Manager: Erin Cooperrider for CHOM Development Corporation
Certified by the U.S. Green Building Council (USGBC) and achieved Leadership in Energy and Environmental Design (LEED) Silver Certification

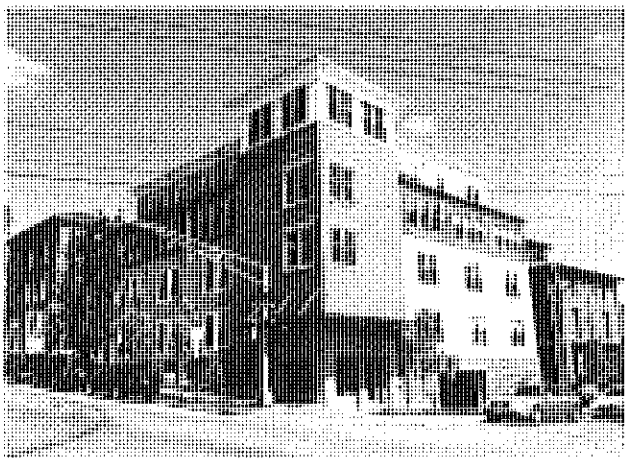
**Elm Terrace**

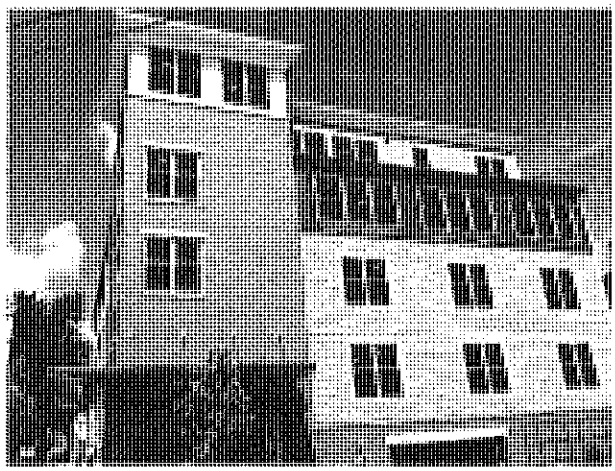


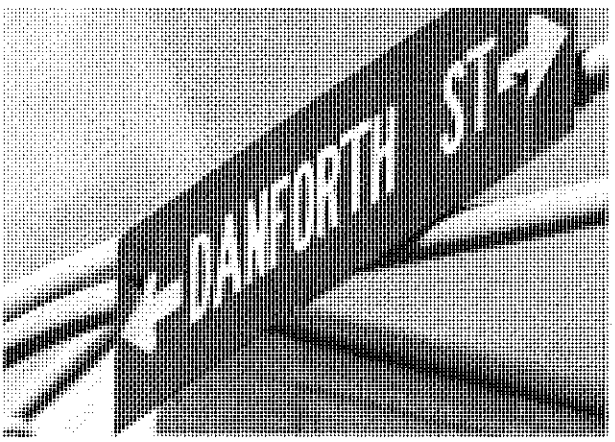
2010 / Children's Hospital Housing Partners, L.P.
9% tax credits / state and federal historic tax credits / 38 family units, 42,864 Sq. Ft., 68 High Street, Portland, Maine
Acquisition and rehabilitation of historic brick building with new construction addition
$10.5 million total development cost
Delivered on time and on budget / Wright-Ryan as Construction Manager-at-Risk
Initial occupancy February 2013
Architect: Ben Walter, CWS Architects
Construction Lender: TD Bank
Syndicator: Boston Capital Corporation
Property Manager: Preservation Management, Inc.
Project Manager: Erin Cooperrider for CHOM Development Corporation
Certified by the U.S. Green Building Council (USGBC) and achieved Leadership in Energy and Environmental Design (LEED) Platinum Certification

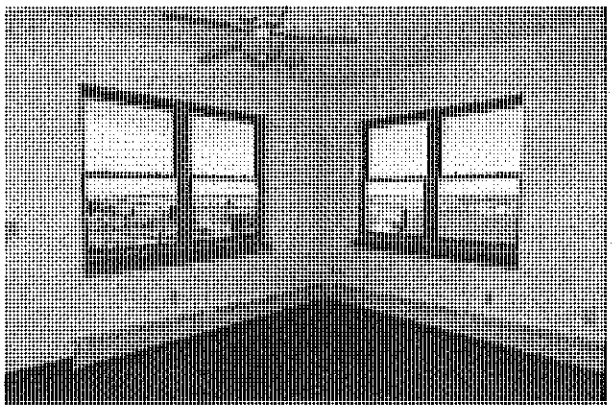
***Exhibit 6***

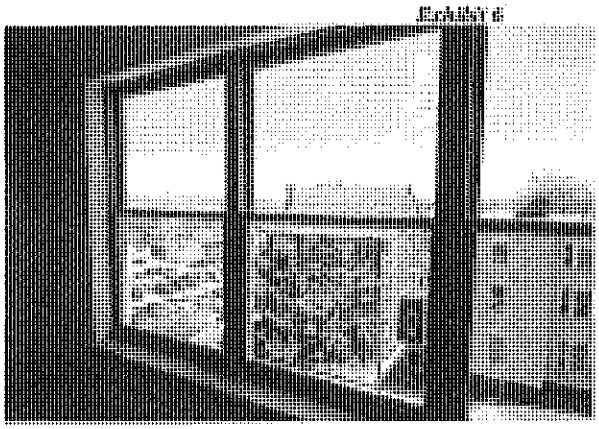
## Danforth on High





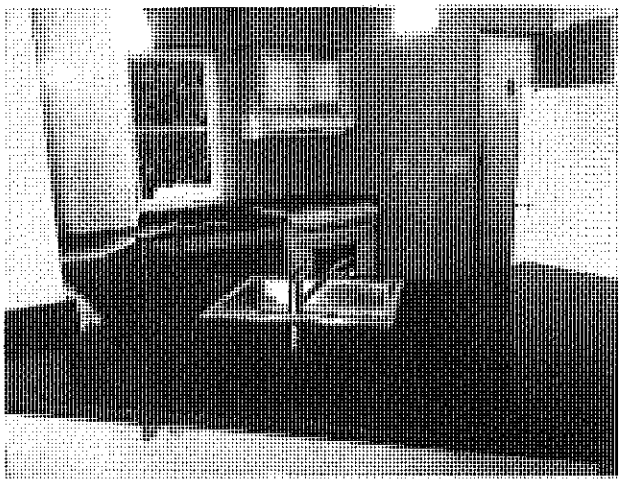


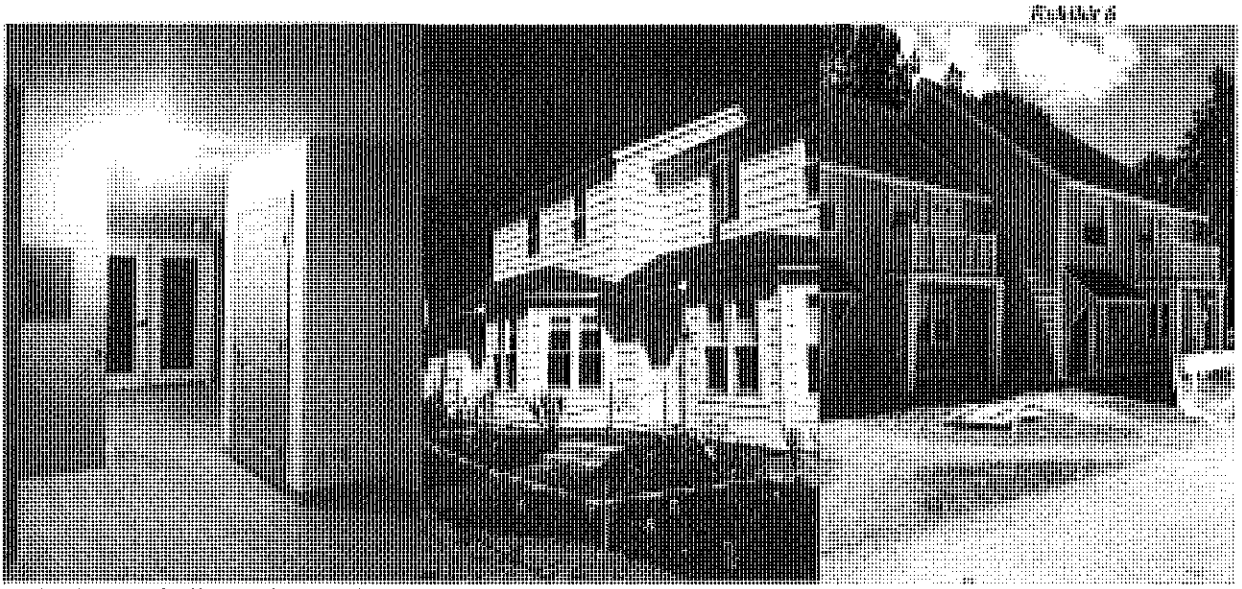




2011 / Danforth on High, L.P.
4% bond deal / 30 senior units, 23,450 Sq. Ft., 81 Danforth Street, Portland, Maine
New construction, $5.6 million total development cost
Delivered on time and under budget / Hebert Construction as General Contractor by Select Bid
Initial occupancy July 2013
Architect: David Lloyd, Archetype
Construction Lender: Gorham Savings Bank
Syndicator: Boston Capital Corporation
Property Manager: Preservation Management, Inc.
Project Manager: Erin Cooperrider for CHOM Development Corporation
Meets MaineHousing's green design requirements

**Campbell Creek Village** (formerly Harbor Pines and West Harbor Pines)





2012 / Campbell Creek Housing Partners, L.P.
4% bond financing and tax credits / USDA Rural Development Multifamily Revitalization Program
16 family units and 20 senior units, 31,165 Sq. Ft., Andrea Lane, Boothbay Harbor, Maine
Acquisition and occupied rehabilitation; $ 4.8 million total development cost
Delivered early and on budget / Great Falls Construction as General Contractor by Open Bid
Initial Occupancy September 2012 (occupied renovation)
Architect: Ben Walter, CWS Architects
Construction Lender: Maine State Housing Authority
Syndicator: Northern New England Housing Investment Fund
Property Manager: Preservation Management, Inc.
Project Manager: Erin Cooperrider for CHOM Development Corporation
Meets MaineHousing's green design requirements

**Village Center Family Apartments**
2014 / Village Center Housing Partners, L.P.
9% tax credits / 48 family units, 55,683 Sq. Ft., 131 State Street, Brewer, Maine
New construction, $9.5 million total development budget
General Contractor by select bid in October 2014
Initial occupancy targeted for January 2016
Architect: Ben Walter, CWS Architects
Construction Lender: TBD
Syndicator: TBD
Property Manager: Preservation Management, Inc.
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High: 25° | Low: 2°
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*February 8*

# Homeless veteran finds Waterville housing after 12 years in the woods

## Steve McFarland spent time at the YMCA developing friendships with state senators who had no idea he was homeless before a medical emergency during a snowstorm nearly killed him.

*By Matt Hongoltz-Hetling mhhetling@centralmaine.com*
*Staff Writer*

On April 1, 2011, a snowstorm took much of the Northeast by surprise. But for Steve McFarland, a homeless veteran who had been living in the woods for more than a decade, it was nearly a death sentence.

More than a foot of wet, heavy snow fell in Bangor, sending cars off the road and shutting down power of more than 10,000 area customers. McFarland woke up that morning in his tent, pitched in a patch of woods a few miles outside of town, near the railroad tracks.

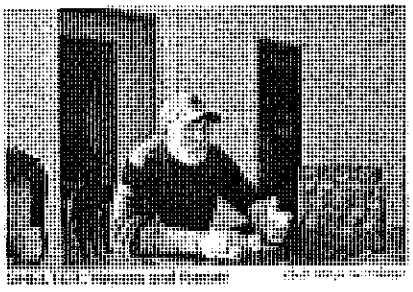
He was in great pain — a shooting, sharp pain that went from the base of his spine all the way down to his ankle.

Frightened, McFarland headed for the hospital, about a five-mile walk. In nice weather, when he was healthy, he enjoyed walking into Bangor. There, he would pass time in the library or at the local YMCA, where he took advantage of his membership to shower or do physical therapy for some old injuries.

In the heavy snow, though, with a leg so painful he could barely walk, McFarland thought he might wind up entombed in a snowbank.

"I said to myself, 'I'm going to die today,'" he said.

But the storm ultimately became McFarland's salvation, touching off a chain of events that landed him in a Waterville apartment operated by Community Housing of Maine, a



homeless person Steve McFarland speaks about the factors in his life that led him to take part in living in one of three housing units that provide shelter to veterans and adults with disabilities in Waterville.

*Staff photo by David Leaming*

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nonprofit organization that provides housing for veterans and disabled adults who have been homeless for extended periods.

service: A U.S. Marine flag waves beside formerly homeless veteran Steve McFarland at a shelter in Waterville that provides housing for veterans with disabilities.

*Staff photo by David Leaming*

Select images are available for purchase at the Kennebec Today Photo Store

The group, the largest provider of housing to the homeless in the state, wants to eliminate long-term homelessness in Maine within four years.

"We could get it done," Cullen Ryan said. "We could end chronic homelessness in Maine."

Ryan is the executive director of Community Housing of Maine, a group that, with a staff of just nine people, provides housing to 1,000 people in the state.

While there are about 7,000 homeless people in the state each year, the large majority of them are going through a transition and only homeless for a short period.

The number of people who are homeless for longer periods is much smaller. There were 262 last year, Ryan said.

The organization, which is bolstered through partnerships with the Maine State Housing Authority, the Department of Veterans Affairs programs and other social service agencies, is growing. It owns 10 properties, including three in Waterville, that are dedicated to homeless veterans, housing a total population of 42 veterans at any given time.

The homes are designed not just to shelter veterans, but to be a place where they can be reached with other services, including mental health counseling that they might need to reintegrate into society. The strategy has significant upfront costs, but Ryan said the approach saves the government money. The group undertook a study of some of its own clients and found a net savings of about $4,400 per resident, based on reduced need for emergency services, shelters and detoxification programs.

McFarland's apartment is spacious and clean, one of four units in an unassuming white house on Gilman Street in Waterville funded by the Maine State Housing Authority. Unlike some public housing projects, the house and its residents are indistinguishable from the houses surrounding it, part of what allows its residents to integrate into the community more successfully, Ryan said.

"They're some of the best neighbors you could imagine," he said. "Our people are finding their place within the community. They're mowing each others lawns, bringing pies over, the whole thing."

NOWHERE TO GO

McFarland, a Bangor native, now 56, always had struggled to put together a professional career. When he was 18, he joined the Marines for four years, most of which he spent stationed in Okinawa. He didn't like what he called the barracks life, living among a group of other young men without family or much to do. He and his friends often wound up at the E-Club, a nightclub for enlisted Marines, drinking to pass the time.

(Continued on page 2)

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*February 8*

# Homeless veteran finds Waterville housing after 12 years in the woods

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*By Matt Hongoltz-Hetling mhhetling@centralmaine.com*
*Staff Writer*

(Continued from page 1)

When he left the military, he returned to Maine and spent five or six years working in shoe shops in the Bangor area.

By the end of the 1980s, the shoe shops closed down. McFarland wandered, sometimes to Southwestern states, including Arizona, working as a builder on construction sites. He always returned to the Bangor area. He never stopped drinking, a habit that eventually cost him jobs and his driver's license.

He thinks drinking is what drove him into homelessness.

In 2000, McFarland was working a gig cleaning chain stores such as Rite Aid, all throughout the Northeast. One day, his co-worker was driving him and another man in a van through Ossipee, N.H., on the way to a job, when he got into a car accident. The driver was killed.

"The other guy in the van, he got stoved up pretty bad," McFarland said. "I got stoved up pretty good."

He suffered compression fractures in his back, dislocated his leg and his knee, broke his jaw and lost some teeth. In addition, some of the cleaning chemicals in the van splashed into his left eye, blinding it.

When McFarland got out of the hospital, he entered a physical rehabilitation center. When

homeless person Steve McFarland speaks about the factors in his life that led him to take part in living in one of three housing units that provide shelter to veterans and adults with disabilities in Waterville.

*Staff photo by David Leaming*

beside formerly homeless veteran Steve McFarland at a shelter in Waterville that provides

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he left the rehabilitation center, he had nowhere to go, so he landed in a homeless shelter in Bangor.

housing for veterans with disabilities.
*Staff photo by David Leaming*

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It was the barracks life all over again.

"I couldn't live in a shelter environment," he said. "'Cause, I don't know, I was going through a lot mentally. I couldn't deal with all the people, the crowds, the fastness of it, you know."

*INTO THE WOODS*

McFarland canvassed the area, looking for a place in the woods where he could live without being noticed. He found a spot he felt was secure, where he could hear but not see the traffic.

He borrowed a sleeping bag from a social worker and spent his first night in the woods.

"At first, I struggled because of the pain I was going through; but I said to myself, 'I can take it.'"

He saw hunters once in a while. He walked into town every day to the library or to shower at the YMCA, where he was a member. He got a tent and a bunch of sleeping bags, which he said were adequate protection from the cold, even when it was 20 below zero.

"I had a pretty good supply of wood, you know, broken branches," he said. "I didn't usually light a fire, but if I needed one, I could light one."

Looking back now, he said, his time in the woods was a period of healing. When he first went in, he was a mess.

"I couldn't walk well. I couldn't see well. I couldn't talk well. I couldn't eat well," he said. "I fought for two years pretty hard to survive."

He lived on food stamps and on whatever odd jobs he could get. He said it was difficult to find work because his age and his eye, which was a milky white from the cleaning chemicals, made supervisors reluctant to hire him.

"I was on and off of food stamps," he said. "I'd work a little, I'd lose food stamps. Work a little, I'd lose food stamps."

He spent his money on laundry, food and the YMCA membership, where he struck up casual friendships with other members from all walks of life.

"Lawyers, a couple of judges, a couple of senators," he said. "They didn't know I was homeless. I never let on."

When they asked, he told them he was a builder and contractor. Sometimes they would offer him jobs, but he was too embarrassed to let on that he lived in the woods and had no transportation.

(Continued on page 3)

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*By Matt Hongoltz-Hetling mhhetling@centralmaine.com*
*Staff Writer*

(Continued from page 2)

"'I'll come look at it when I have time, but I can't come look at it right away,'" he would tell them. "Little white lies, you know."

McFarland said he continued to keep his physical appearance up so that he could blend in and protect himself from the stigma of homelessness.

"I told a buddy of mine — he was homeless too and he camped out with me for a while — I said, 'Nope, you have to present yourself decently in the public. Take care of your clothes. Go to the Y. Clean yourself. You're going to be in public all the time. If you stink like piss and you look like crap, people are going to be scornful of you. Kids are probably going to throw rocks at you.' You need some homeless etiquette, I call it."

While in the woods, he saw lots of wildlife. Wild turkeys, moose and deer were regular sights.

Once, a bear he estimates weighed 200 pounds entered his camp.

"I actually barked like a dog," he said. "He turned tail and ran like crazy."

He also worked on anger issues. "I think I went through a screaming stage," he said. "I'd be out in the woods screaming, 'Goddammit! This sucks!'"

He said the natural setting helped calm him.

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*Staff photo by David Learning*

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"Being in the woods helped me," he said. "It's peaceful. The birds are singing. It would be tranquil."

housing for veterans with disabilities.
*Staff photo by David Leaming*

At first the physical demands of his life strengthened him and helped him rehabilitate himself.

Over time, though, as the years passed, they began to take their toll.

"I was getting tired in the woods. I was having physical problems," he said.

Then came the day of the snowstorm. He woke up to such a pain in his leg that he couldn't walk, isolated, six miles from the hospital.

As incredible as McFarland's story of life in the woods sounds, Ryan said it isn't unique among Maine's population of long-term homeless veterans.

In fact, he said, McFarland is a textbook example of the veterans the group serves. The typical client, Ryan said, is in his 50s, "has been homeless for a long period of time, was in the armed service a long time ago, came out of armed service, came back to society, made a go of it on his own, tried to be productive, may have had some success; but then things fell apart."

*OUT OF THE WOODS*

In 2011, when McFarland left his camp with his leg pain and limped through the snow toward the hospital, it was the beginning of the end of his life in a tent.

"Cars weren't moving," McFarland said. "You couldn't walk down the street. Nothing was plowed."

He was trying to get to Eastern Maine Medical Center, but the Bangor Community Based Outpatient Clinic, part of the VA Maine Healthcare Systems, was on his way, so he went there instead.

The doctor in the clinic diagnosed McFarland with inflammation of the sciatic nerve and gave him some pills to ease the pain. She told him the root cause was sleeping on the ground, and helped put McFarland in touch with other veterans services.

"I didn't really want to get food stamps or housing paid for," he said. "I didn't really know a lot about the programs until I came down to the VA."

Months later, he traveled to Augusta to an event for homeless veterans put on by the Togus VA and Bread of Life Ministries.

Before long, he boarded a Greyhound bus from Bangor to Augusta, returning to barracks life for the last time — a homeless shelter operated by Bread of Life.

(Continued on page 4)

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By Matt Hongoltz-Hetling mhhetling@centralmaine.com
Staff Writer

(Continued from page 3)

After some months there, a spot opened up in the Community Housing of Maine program, and in late 2012, he moved into his own apartment for the first time in 12 years.

"The homeless program was a lifesaver for me," he said. "It got me here."

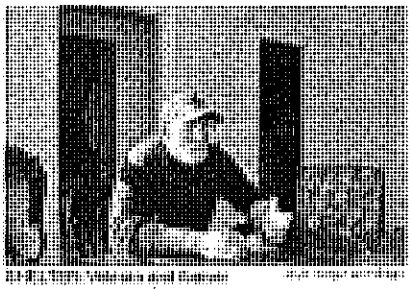
Today McFarland is looking toward the next chapter in his life. He walks without a limp and has gotten treatment for his eye, which had regained much of its sight and is no longer discolored. He arrived at the apartment with little more than a backpack, but he has accumulated a few possessions, including a bicycle and a shelf of books he purchased for a quarter apiece.

He still isn't working regularly. He says he wants to, but it's a difficult time for a person without a college degree to find a job in Waterville.

A beginning position with a fast-food retailer isn't a realistic option, he said.

"You have to pay for a car, pay for insurance, pay for clothes, pay for laundry, pay for utilities, little things like toilet paper, stuff like that," he said. "I've tried it. It's impossible."

Being in permanent housing also has helped him to give up drinking, he said. When a doctor told him his liver was beginning to show the negative effects of a lifetime of abuse, he stopped several months ago.



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Without Community Housing of Maine and the other services that have helped get him out of the woods, McFarland said he didn't know where he would have turned for help.

housing for veterans with disabilities.
*Staff photo by David Leaming*

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"I'd be out in the woods, or maybe head for the warmer weather," he said. "Hop a freight train or something."

Ryan said he hears stories like McFarland's every day.

"We serve 1,000 people," he said. "I could tell you 1,000 stories of how someone became homeless and came back."

*Matt Hongoltz-Hetling — 861-9287 mhhetling@centralmaine.com Twitter: @hh_matt*

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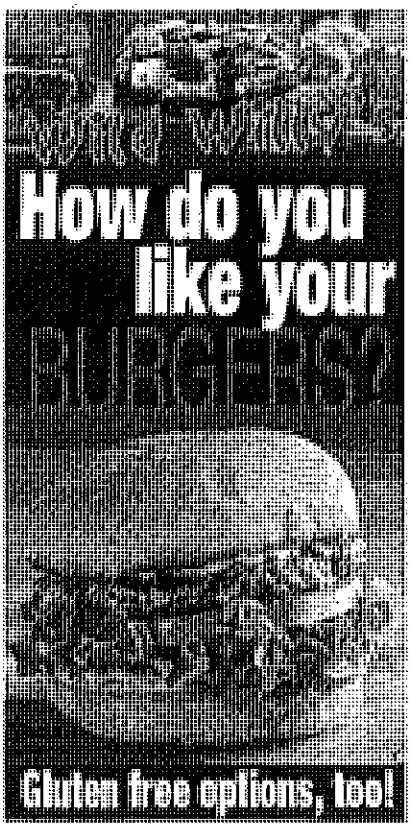


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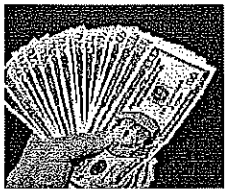
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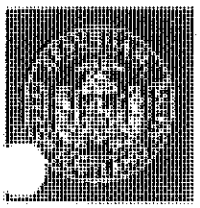
# ATTACHMENT 3



*Strengthening a Remarkable City, Building a Community for Life* www.portlandmaine.gov

Executive Office
Mark H. Rees, City Manager

Com 5-12/13
Tab 11 11-19-12

TO: Mayor Brennan and City Councilors
FROM: Mark H. Rees, City Manager
Douglas Gardner, Director, Health & Human Services Department
DATE: November 9, 2012
RE: Homelessness Task Force Communication

At its November 21, 2011 meeting, the Portland City Council passed an order establishing a Task Force to develop a strategic plan to prevent and end homelessness. The Task Force was charged with completing the following tasks:

1. Review and gain an understanding of the causal factors associated with homelessness, as well as the current community resources available to meet the unique needs of individuals experiencing homelessness;
2. Develop a multi-year strategic plan, including measureable objectives to reduce, prevent and end homelessness in Greater Portland;
3. The strategic plan should focus on three areas; access to healthcare services, supportive and affordable housing, and prevention;
4. Convene a larger stakeholder group to include social service providers, advocates, consumers, community and business leaders, and public safety representatives to inform the work of the Task Force;
5. Develop a strategic plan to prevent and end homelessness that can be endorsed by the Portland City Council and one that can be evaluated over time and modified if needed.

The Task Force, which has become commonly known as the Homelessness Task Force, formally began its work on January 24, 2012 and subsequently met eight (8) times. The Task Force subdivided into four committees focused on the following aspects of homelessness and specific groups impacted by homelessness: 1) *Retooling the emergency shelter system*, 2) *Access to physical and behavioral health*, 3) *Services to youth, families and Veterans* and 4) *Supportive and affordable housing*. In addition to the regular meetings of the Task Force, there were also two public meetings convened to seek input from the interested stakeholders.

As you know, the City Council held a workshop on October 15, 2012 at which time the Task Force presented its draft report. What you now have before you for consideration is the final work product from the Task Force's efforts. There have been no substantive changes made to the report from its previous version; the edits have included formatting changes and typo corrections. The report is coming to the City Council in the form of an official communication.

The Task Force has created an Implementation Plan comprised of four overarching Recommended Actions: 1) Retooling the Emergency Shelter System, 2) Rapid Rehousing, 3) Increased Case Management and 4) Report Monitoring. After reviewing the document and contemplating implementation steps, staff is recommending that the first three major components of the plan be forwarded to Council Subcommittees for action. In terms of action item #4, Report Monitoring, staff is recommending that a legacy group from the original Task Force be identified and formally noticed of any committee work related to the Plan. The legacy group will be expected to participate and inform the work of the Council Committees and ultimately the action of the full City Council. This strategy will allow for continued public input, as well as ongoing Task Force monitoring and ensure that the report guides the work of the Council.

Although there will inevitably be overlap with the work and some shared responsibility in terms of implementation, staff is recommending the Public Safety, Health & Human Services Committee receive action items #1, Retooling of the Emergency Shelter System and #2, Increased Case Management and the Housing and Community Development Committee receive action item #3, Rapid Rehousing. Although it is not recommended that the Legislative Committee receive any specific piece of the plan at this time, it is clear that it will have a role in implementation and will likely be called upon by the PSHHS and HCD Committees to assist in the advancing certain aspects of the plan. Similarly, the Finance Committee will most surely be called upon to assist; particularly related to contemplating City financial support.

This approach will allow the PSHHS and HCD Committees to develop a set of priorities based on the recommendations from the Task Force for consideration. In addition to the aforementioned legacy group, this approach will also allow the City Council to act as monitoring body; one that will receive regular updates on a defined schedule from the individual Council Committees. Finally, I am recommending that each Council Committee consider the recommendations from the Task Force when developing their 2013 Committee Work Plans.

| | | | | |
|---|---|---|---|---|
| Develop several temporary housing units which serve the needs of people who present at the intake center. Temporary housing units may include respite housing for those discharged from local hospitals, housing for veterans, short term housing for people with substance abuse issues, housing for people with mental illness, housing for families, etc. | Convene a group of stakeholders to explore the opportunity to create additional temporary shelter alternatives. | DHHS, HUD, MaineHousing, private funding, affordable care act, accountable care organizations | Convene first meeting by November 2012. Develop first new site by December 2013. | ESAC-(lead) Preble Street City of Portland Maine Medical Center Family Crisis Center Avesta Milestone Mercy Hospital Opportunity Alliance |

*Rapid Rehousing*

| **Strategy** | **Action Items** | **Potential Funding Source** | **Timeline** | **Responsible Party** |
|---|---|---|---|---|
| Create three new housing, 35 housing first units and appropriate supports for people who are homeless within the Greater Portland Region. | Develop, locate and site 3 projects. | HUD, DHHS, City of Portland, | Phase 1- first building complete July 2015, final building completed July 2018. | Avesta Housing-(lead) City of Portland Preble Street Portland Housing Authority Shalom |
| Enlarge diversion and prevention opportunities such as short term rental vouchers, assistance with back rent and security deposits and legal services for people who have been homeless for 14 days or less and are in the emergency shelter system. | Develop flexible funding source. Implement wrap around funding for eligible clients; | HUD using the HPRP model, HUD VASH, | Pilot of funding and program implementation by December 2012, full implementation with July 2013. | Preble street Veterans Assistance Shalom Portland Housing Opportunity Alliance DHHS |

| | | | | |
|---|---|---|---|---|
| Work in partnership with landlords to increase access to housing stock which will increase available rental opportunities for people who are homeless.<br>Create/expand resources for landlords to work through issues with tenants. | Convene working group to develop housing liaison system for working with local landlords | General assistance, MaineHousing, DHHS, City of Portland, HUD, SSVF for veterans | Ongoing | City of Portland-(lead)<br>Portland Housing Authority<br>Preble Street<br>Shalom |

*Increased Case Management*

| **Strategy** | **Action Items** | **Potential Funding Source** | **Timeline** | **Responsible Party** |
|---|---|---|---|---|
| Utilize flexible funding mechanisms to support the delivery of substance abuse and mental health services for clients who are homeless through an ACT that meets chronic homeless fidelity standards. | Create services funded for non MaineCare clients but efficient link and follow up by substance abuse and mental health providers. | DHHS, Mercy, Maine Medical Center | July, 2013. | City Council-(lead)<br>Preble Street<br>Opportunity Alliance<br>Maine Medical Center<br>Mercy |
| Implement a medical home model of respite and treatment for people who are discharged from the hospital. | Convene a summit of leaders in the health care field in Portland to explore the issue of integrating care to people who are homeless and suffering with health related issues | n/a | November 2012 | United Way of Greater Portland-(lead) |

# ATTACHMENT 4



**Sec. 14-475. Reserved.**

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***Editor's note**—Section 7 of Ord. No. 354-85, adopted Jan. 7, 1985, repealed § 14-475, relative to nonconforming uses, which derived from Code 1968, § 602.24.E, and Ord. No. 437-74, adopted July 1, 1974.

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**Sec. 14-476. Successive applications.**

Whenever any application, appeal or other request filed pursuant to this article has been finally denied on its merits, a second application, appeal or other request seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought within one (1) year of such denial unless, in the opinion of the officer or board before which it is brought, substantial new evidence is available or a mistake of law or fact significantly affected the prior denial.
(Code 1968, § 602.24.F; Ord. No. 437-74, 7-1-74)

**Sec. 14-477. Violations.**

In addition to any other remedies available, the board of appeals after notice and hearing may revoke any variance or other relief granted under this article when the provisions of this article or the conditions under which the relief was granted have not been complied with.
(Code 1968, § 602.24.G; Ord. No. 437-74, 7-1-74)

**Sec. 14-478. - 14-482. Reserved.**

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***Editor's Note**—Pursuant to Council Order 280-09/10 passed on 7/19/10 Division 29 (Preservation and Replacement of Housing Units) was repealed in its entirety and replaced with a new Division 29 (Housing Preservation and Replacement).

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DIVISION 29. HOUSING PRESERVATION AND REPLACEMENT

**Sec. 14-483. Housing preservation and replacement.**

(a) *Purpose.* The purpose of these regulations is:

1. To promote and facilitate an adequate supply of housing, particularly affordable housing for all economic groups;

2. To limit the net loss of housing units in the city;

3. To preserve housing in zones where housing is permitted for in the city for all residents in order to promote the health, safety and welfare of its citizens.

(b) *Definitions.*

*Dwelling unit.* A dwelling unit is one (1) or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit. For purposes of this section only it also includes single family, two-family and multi-family dwellings and any dwelling units in those dwellings, or dwelling units, or rooms that people rent or sleep in within lodging houses, dormitories, shelters and sheltered care group homes.

*Loss of dwelling or dwelling unit* for purposes of this section means the elimination or conversion to nonresidential use of a dwelling or dwelling units; elimination includes dwelling units lost due to demolition unless the demolition resulted from accidents outside of the owner's control, fire, natural disasters, or acts of war.

*Original site* means the location where the demolition or conversion to non-residential use of dwellings and dwelling units will take place.

(c) *Applicability.* Except as otherwise provided in this section, this section shall apply to the loss of three or more dwelling units in a five year period, provided that such dwelling units were a legally registered residential use as of July 1, 2002.

Except as otherwise provided in this section, this section shall also apply to proposals that (a) result in the loss of fewer than three (3) dwelling units which were legally registered residential use as of July 1, 2002, and (b) creates surface parking.

Determination of number of the dwelling units within a strtucture or structures and the number of units lost will be based

on records in the Department of Planning and Urban Development indicating the legal, registered use of the property since July 1, 2002 through the time of application. The actual use of the preopety for purposes of applicability of this section may be rebutted by the owner by proof of documentary evidence including but not limited to photographs, letters, and swron affidavits. The Planning Authority may conduct its own investigation of the actual use and shall determine the applicability of this section based on the totality of the evidence.

(d) *Exemptions.*

This section does not apply to:

1. Consolidation, elimination or reconfiguration of one (1) or more dwelling units within an existing structure, as long as all the resulting units remain as dwelling units after such consolidation, elimination or reconfiguration, except as provided by subsection 5 below. Conversion of a dwelling unit to a hotel or motel room shall not qualify for the exemption provided by the paragraph.

   The amendments to paragraph (d)(1) approved by the City Council on June 6, 2011 shall have an effective date of April 25, 2011 but not apply to any final determination regarding the applicability of this section made by the Planning Authority prior to April 25, 2011.

2. Proposals that result in a number of units equal to or greater than the number of units lost as determined by the Planning Authority; or

3. Grandfathered dwelling units existing in zones which no longer permit residential uses.

4. Property which has been ordered demolished by the City, pursuant to 17 M.R.S.A. §2851, et seq., as amended, except where it is determined by the Building Authority that the deterioration was caused by neglect or lack of maintenance.

5. Subparagraph 1, above notwithstanding, the conversion to a non-residential use of any dwelling units located on

the ground floor of a building within a business zone.

(e) *Site plan administrative authorization or approval required.* Notwithstanding any other provision of this section, a person who proposes to demolish or to convert to a nonresidential use three or more dwellings or dwelling units in the City, in a zone where such use is otherwise permitted, must first obtain administrative authorization or site plan approval from the City's Planning Authority or Planning Board pursuant to Sec. 14-521, et. seq.

In addition the requirements of 14-521, et. seq., where this section is applicable, the applicant must also submit a statement certifying the number of dwelling units to be demolished or converted to nonresidential use, as well as a description of the characteristics of each of those units.

(f) *Tenant Notification Requirements.* Prior to elimination as a result of demolition or conversion to non-residential use, the owner shall:

1. Provide the Planning Authority a list containing the name of each tenant currently residing in the dwelling units to be demolished or converted to non-residential use, as well as verification of compliance with tenant notice requirements of this section.

2. Deliver to each tenant who occupies such a dwelling unit a written notice to vacate the unit. The notice shall either be sent by certified mail, return receipt requested, or served in-hand. The notice will grant the tenant not less than ninety (90) days from the date of receipt of the notice to vacate the unit; and

3. File proof of service of the notice with the Planning Authority.

(g) *Housing Replacement Requirements.* In addition to the requirements of 14-521, et. seq, the Planning Authority shall require, as a condition of approval, that an owner shall replace any dwelling units that are demolished or converted to non residential use.

This section may be satisfied in any one of the following ways:

1. Construction of Units. The construction of housing units within a new structure or a new addition either on site or off-site;

2. Residential Conversion. The conversion of a nonresidential building to residential use; or

The applicant may use either of the two methods or a combination of the two to fulfill their replacement requirement.

(h) *Replacement Unit Requirement.* In addition to the foregoing, all replacement units built pursuant to sub-section (g)(1) or (2) above shall:

1. Be located within the City of Portland.

2. Not previously have been on the market as of the date of application.

3. Be situated within a development which has not been a candidate for site plan approval as of the date of the application.

4. Be comparable in size to the units replaced; for the purpose of this section, "comparable in size" means that the aggregate size of the replacement units will be no less than 80% of the size of the aggregate of the original units.

(i) *Contribution to the Housing Trust Fund.*

1. The applicant may meet the requirements of this section by depositing $50,000 for each dwelling unit into the City's Housing Trust Fund in section 14-489.

2. Beginning on January 1, 2004 and annually thereafter, the amount of the contribution shall be adjusted by multiplying this amount originally deposited for each unit by a fraction, the denominator of which shall be the "Consumer Price Index for Urban Wage Earners and Clerical Workers ("CPI-W")," U.S. City Average, "All Items Index," as published by the United States Bureau of Labor Statistics ("the Index") for January 1, 2003 Year, and the numerator of which shall

be the Index for the same month in each subsequent year. In the event that the Index is not then in existence, the parties shall use such equivalent price index as is published by any successor governmental agency then in existence; or, if none, then by such nongovernmental agency as may then be publishing an equivalent price index, in lieu of and adjusted to the Index. If the Index shall cease to use 1982-84 equals 100 as the basis of calculation, or if a substantial change is made in the terms or number of items contained in the Index, the Base Index shall be adjusted to conform to such change, using such computation thereof, if available, as shall be employed by the United States Department of Labor in computing same. Notwithstanding anything herein to the contrary, contributions made after January 1, 2004 shall not be less than the amount originally required to be deposited pursuant to sub-section (i)(1) for each rooming or dwelling unit.

(j) *Performance Guaranty/Letter of Credit.* Owners or affiliates must post a performance guaranty in the form of a letter of credit, or other security acceptable to the city attorney in amount equivalent to the amount the applicant would have been required to contribute to the City's Housing Trust Fund if the applicant had chosen that option pursuant to sub-section g.

(k) *Partial waiver of replacement requirements.* Any owner who has applied for site plan review for elimination or conversion to non-residential use of dwelling units may apply to the Zoning Board of Appeals for a partial waiver from the housing replacement requirements of this section. Such waiver may be a downward adjustment of up to fifty percent (50%) of the owner's housing replacement obligation if the owner establishes to the board's satisfaction that:

1. The proposed development is consistent with the comprehensive plan;

2. The proposed development provides significant value and benefit to the immediate and surrounding neighborhood, including, but not limited to, community enhancement, social benefits or job creation;

3. The applicant demonstrates with objective evidence that

the imposition of the requirements of this section would impose such an economic burden upon the project relative to its scope that it renders the project impossible to develop; and

4. The requested relief does not constitute a grant of a special privilege inconsistent with the limitations upon similar properties.

The Zoning Board of Appeals must make positive findings on each of the four (4) criteria above in order for any such adjustment to be valid. An applicant aggrieved of a decision of the Zoning Board of Appeals may appeal a decision under this subsection pursuant to Sec. 14-553 of the City Code.

(l) *Effect of Other City Ordinances.*

1. *Historic Preservation.* Nothing in this division shall permit the demolition or conversion to non-residential use, of dwelling units in residential property protected by the Historic Preservation Ordinance (Sections 14-601, et seq.), except as permitted by that ordinance.

2. *Conditional Zone.* A conditional zone may not be used to circumvent the application of this section. The terms of this section shall apply to any conditional zone which involves dwelling units affected by this section. Notwithstanding the foregoing, nothing herein shall be deemed to prevent the City and the applicant from agreeing to terms which exceed those imposed by this section by means of a conditional zone.

(m) *Appeals.* Any applicant aggrieved by a decision of the Planning Authority under this section may appeal to the Zoning Board of Appeals within 30 days of that decision.
(Ord. No. 27-02/03, 10-7-02; Ord. No. 280-09/10, 7-19-10; Ord. No. 241-10/11, 6-6-11)

DIVISION 30. INCENTIVES FOR AFFORDABLE HOUSING

**Sec.14-484. Purpose.**

The city believes that it is in the public interest to promote an adequate supply of affordable housing for its residents. The purpose of this division therefore is to offer

# ATTACHMENT 5



| | |
|---|---|
| 5% up to but not including 10% | 5% increase |
| 10% up to but not including 15% | 10% increase |
| 15% up to but not including 20% | 15% increase |
| 20% up to but not including 25% | 20% increase |
| 25% or more | 25% increase |

(b) Off-street *parking.* Off-street parking is required as provided in Division 20 (off-street parking) of this article.

(c) *Building height bonus.* The maximum structure height for an eligible project building:

1. That is located in a B-2 or B-2b community business zone;

2. That contains five (5) or more dwelling units; and

3. Of which 20% or more of new dwelling units created are affordable units for rent or sale, is an additional ten feet above the maximum structure height that would otherwise apply to the building pursuant to this chapter.

The total height of the eligible project, including any bonus received pursuant to this subsection, may not exceed the maximum height recommended for the location of the project pursuant to a height study that has been adopted as part of the city's comprehensive plan.

(Ord. No. 98-06/07, 12-4-06; Ord No. 240-09/10, 6-21-10)

## DIVISION 31. HOUSING TRUST FUND

### Sec. 14-489. Housing trust fund.

(a) *Purpose.* The purpose of enacting this section is:

1. To establish a City of Portland housing trust fund for the promotion, retention and cration of an adequate

supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the City.

2. To serve as a vehicle for addressing very low, low, and median income housing needs through a combination of funds as set out in section 14-483 of this chapter.

(b) *Definitions.*

*Very low income household.* A household having an income not exceeding fifty (50%) percent of median income for area of residence as set forth in regulations promulgaged from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. section 1437 et seq.

*Low income household.* A household having an income not exceeding eighty (80%) percent of median income for area of residence as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

*Moderate income household.* A household having an income not exceeding one hundred twenty (120%) percent of median income for area of residence as set forth in regulations promulgated from time to time by the United Sates Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

(c) *Establishment of the housing trust fund.* The city council shall establish a special revenue account under the name "City of Portland Housing Trust Fund." Deposits into the fund shall include:

1. Contributions from the city's housing replacement ordinance under 14-483(i);

2. Funds appropriated to be deposited into the fund by vote of the city council;

3. Voluntary contributions of money or other liquid assets to the fund;

4. Any federal, state or private grant or loan funds provided to the fund:

5. Interest from fund deposits and investments; and

6. Repayments of loans made from the fund.

(d) *Management of the trust fund.* The city manager, or his or her designee, shall serve as the manager of the housing trust fund. The responsibilities of the manager, subject to the orders of the city council, shall include:

1. Maintaining the financial and other records of the housing trust fund;

2. Disbursing and collecting housing trust fund monies in accordance with the housing trust fund annual plan; and

3. Monitoring the use of monies distributed to successful applicants for housing trust fund support to assure on-going compliance with the purposes of the fund and the conditions under which these monies were granted or loaned.

(e) *Housing trust fund annual plan.* Each fiscal year, the city council shall adopt a housing trust fund annual plan. The city manager shall submit to the city council a recommended housing trust fund annual plan, utilizing the revenues of the housing trust fund as well as any other funds the manager may propose as appropriate. The housing committee of the city council or such other committee as the council shall designate shall conduct public hearings on the recommended plan and refer the matter to the council for action.

The housing trust fund annual plan shall include:

1. A description of all programs to be funded in part or in full by the housing trust fund;

2. A description of how funds from the housing trust fund will be distributed among very-low-income, low-income and moderate income households; and

3. The amount of funds budgeted for programs funded in part or in full from the housing trust fund.

Priority for the expenditure of funds collected pursuant to the housing replacement ordinance (see Sec. 14-483) shall be

given to the creation of new housing stock, through either new construction or conversion of non-residential buildings to residential use.

(f) *Distribution and use of the housing trust fund's assets.*

1. All distribution of principal, interest or other assets of the housing trust fund shall be made in furtherance of the public purposes set out in section 14-483.

2. During each year, the housing trust fund shall disburse as grants or loans so much of the housing trust fund's assets as the city council in its discretion has approved in the housing trust fund annual plan.

3. Funds shall not be used for city administrative expenses.

4. Funds shall not be used for property operating expenses or supporting services.

5. No grants or loans shall be awarded by the housing trust fund to corporations, partnerships or individuals who are delinquent, at the time of application in the payment of property taxes or other fees to the city of Portland, who Have been convicted of arson, who have been convicted of discrimination in the sale or lease of housing under the fair housing laws of the State of Maine, or who have pending violations of current city electrical, plumbing building or housing codes or zoning ordinances.

(g) *Term of affordability.*

1. Whenever funds from the housing trust fund are used for the acquisition, construction or substantial rehabilitation of an affordable rental or cooperative unit, the City of Portland shall impose enforceable requirements on the owner of the housing unit that the unit remain affordable for the remaining life of the housing unit, assuming good faith efforts by the owner to maintain the housing unit and rehabilitate it as

necessary. The remaining life of the housing unit shall be presumed to be a minimum of thirty (30) years.

2. Whenever funs from the housing trust fund are used for the acquisition, construction or substantial rehabilitation of ownership housing, the city of Portland shall impose enforceable resale restrictions on the owner to keep the housing unit affordable for the longest feasible time, while maintaining and equitable balance between the interests of the owner and the interests of the city of Portland.

3. The affordability restriction requirements described in this section shall run with the land and the city of Portland shall develop appropriate procedures and documentation to enforce these requirements and shall record such documentation in the Cumberland County Registry of Deeds.

(Ord. No. 281-09/10, 7-19-10)

**Sec. 14-490. Reserved.**

## ARTICLE IV. SUBDIVISIONS*

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***Cross reference(s)**--Ordinances dedicating or accepting any plat or subdivision in the city saved from repeal, § 1-4(h).

**State law reference(s)**--Land subdivisions, 30-A M.R.S.A. § 4403.

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**Sec. 14-491. Authority and purpose.**

This article is adopted pursuant to the terms and provisions of 30-A M.R.S.A. Sections 3001 and 4403, as amended. The purpose of this article is to provide for the harmonious and economic development of the city; for the orderly subdivision of land and its development; for the orderly development of the general area surrounding such subdivision; for the coordination of streets within the general area; for adequate provisions for drainage, flood control, light, air and other public purposes; for the adequate and proper installation of streets, drainage, sanitary sewers, water and other utilities and facilities; for the dedication to the city of land for streets, alleys or other public

# AVESTA PROPOSAL

## HOUSING FIRST PRE-DEVELOPMENT GRANT

### Phase I Proposal Narrative for Logan Place II

**Avesta Housing proposes the development of 30-35 efficiency apartments in Portland using a "housing first" approach, and seeks $50,000 in support from the City of Portland for pre-development activities associated with this project.**

1. Identification of Developer Entity: The developer of Logan Place II will be Avesta Housing Development Corporation ("Avesta"), a nonprofit 501(c)(3) organization with administrative headquarters in Portland. Founded in 1972 with a shoestring budget and a staff of three, Avesta has grown to become one of the country's most innovative and respected leaders in affordable housing. In 2013 we were named a top 50 Affordable Housing Developer in the country by Affordable Housing Finance Magazine.

   Avesta Housing's mission is to promote and provide housing opportunities primarily for southern Maine people in need. Avesta advocates for affordable housing, develops and manages high quality housing, and helps residents access other needed services. At Avesta, we have a vision of safe, secure and affordable housing for every woman, man and child, and we've spent more than four decades working to make that vision a reality for thousands of Mainers.

   The primary RFP contact person is Greg Payne, Development Officer. Other key principals of the organization include:
   - Dana Totman, President
   - Eric Boucher, CFO
   - Seth Parker, Director of Real Estate Development
   - Avesta's Board of Directors (list attached)

2. Developer's Organizational and Management Capacity: Avesta currently has total assets of $180 million and a $26 million annual budget. Our 15-member Board of Directors is drawn from the financial, business, public-sector community, social-service, and housing spheres, and we have approximately 100 employees.

Avesta's organizational documents (Articles of Incorporation, By-Laws, and IRS 501(c)(3) determination letter) and financial statements (2012 audited financials and 2013 unaudited financials) are attached. 2013 audited financials are expected to be available in May.

Avesta owns and/or manages 69 affordable housing developments in Maine and New Hampshire, for a total of 1,944 units. We have a team of four highly skilled housing development staff members with extensive legal, financial, planning and construction experience who identify new opportunities, secure necessary financing and carry projects through to completion.

Avesta develops hundreds of new units each year; since 1972 we have developed nearly 3,000 affordable apartments – as well as homeownership opportunities – throughout Maine and southern New Hampshire. Over the past two years, we have completed or begun construction on 12 developments, representing over $80 million in economic impact and providing homes for over 400 Maine families.

Avesta Housing has extensive experience working with various funding sources including the U.S. Department of Housing and Urban Development, U.S. Department of Agriculture, Maine State Housing Authority, the federal Low Income Housing Tax Credit Program, and the Federal Home Loan Bank of Boston. We consistently receive high marks from our state, federal and private-sector partners, and we are recognized nationally for groundbreaking work in bringing together nonprofit, for-profit, private and public-sector organizations for the benefit of our communities.

Avesta also has significant experience in, and a deep organizational commitment to, building highly efficient housing communities. Our Pearl Place property was Maine's first Leadership in Energy and Environment Design (LEED) certified affordable development, and the U.S. Green Building Council named Avesta Housing the 2012 Outstanding Affordable Developer for Oak Street Lofts, the first affordable multi-family building in Maine to be certified LEED Platinum. Since 2008, Avesta has built over a dozen projects following MaineHousing's Green Building Standards and also has significant experience in building pursuant to the City's energy efficiency design criteria. It is our belief that green development is key to the long-term health and sustainability of our housing communities.

Qualifications of key principals:

**Gregory Payne** joined Avesta Housing in 2007 as a Development Officer. In addition to his responsibilities for managing all aspects of multifamily rental projects from concept to completion, Mr. Payne serves as Director of the Maine Affordable Housing Coalition. Mr. Payne has more than 16 years of experience in

issues related to housing and homelessness, including work at the Atlanta Task Force for the Homeless and the Massachusetts Coalition for the Homeless. Following his graduation from law school, he worked in Boston for five years as a real estate attorney specializing in affordable housing. Mr. Payne earned a B.A. in Economics from the College of the Holy Cross in Worcester, Massachusetts and a J.D. from Northeastern University School of Law in Boston. He currently serves on the board of directors of the National Low Income Housing Coalition and the Genesis Community Loan Fund.

**Seth Parker** joined Avesta Housing in 2010 as a Development Officer and was named Director of Real Estate Development in 2013. Seth oversees Avesta's development, financing and construction of affordable housing, as well as the Avesta HomeOwnership Center. Prior to joining Avesta, Mr. Parker worked for five years in New York City as a development manager for the Procida Companies, a developer and builder of affordable and market rate housing and mixed-use projects. At Procida, Mr. Parker managed all phases of the development process for two large scale condominium projects in Brooklyn including: site acquisition, pre-construction and design development, lender negotiations, construction management, and marketing. Mr. Parker's additional past experience includes working as a construction project manager in the Boston area, as a project engineer for the environmental consultant TRC, and as an engineering associate for a civil engineering/surveying company in San Francisco, CA. Mr. Parker earned a B.S. in Civil and Environmental Engineering from the University of Vermont and a M.S. in Real Estate Development from Columbia University in New York.

**Dana Totman** became the President and CEO of Avesta Housing in 2000. Mr. Totman was the Deputy Director of Maine State Housing from 1994 to 2000 and was employed by Coastal Economic Development Corporation from 1984 to 1994 where he was Executive Director. Dana's career has focused on nonprofit and government management and leadership, specializing in leading organizations through significant change. His current and past community service includes Midcoast Regional Redevelopment Authority Board, Brunswick Planning Board, Federal Home Loan Bank Advisory Council, Maine Real Estate and Development Association, Maine Affordable Housing Coalition, Interagency Task Force on Homelessness, Northern New England Housing Investment Fund, Midcoast Geriatrics Corporation, Bath Chamber of Commerce, Maine Community Action Association, Maine Association of Realtors Foundation, Tedford Shelter and Midcoast Health Services. Mr. Totman has a BA in Public Management from the University of Maine and an MBA from Southern New Hampshire University. He attended Duke University's Government Leadership Program and participated in the Kennedy School of

Government at Harvard University. He was named 2013 Nonprofit Business Leader of the Year by Mainebiz.

**Eric Boucher** joined Avesta Housing as Chief Financial Officer in October 2010. He oversees Avesta's finance , human resources, IT and communications operations. Prior to joining Avesta, Mr. Boucher was Vice President and Audit Manager for TD Bank, which followed his employment with Liberty Lane Partners, a private equity company, as Controller of Perspecta Trust and Finance Manager for Liberty Lane Advisors. Previously, he was Vice President of Accounting and Financial Reporting at Camden National Corporation. Mr. Boucher began his career as an auditor at PriceWaterhouseCoopers. In 2006, he was awarded the Maine Bankers Association Community Banker of the Year for his participation in community activities including serving as Chairman of the Board of the Waldo County YMCA and as a volunteer in the classroom for Junior Achievement. Mr. Boucher is a CPA licensed in the State of Maine and a graduate of the McIntire School of Commerce at the University of Virginia.

An organizational chart of Avesta is attached to this proposal. Greg Payne, Development Officer, will be primarily responsible for the day-to-day development of this project and will be supervised by Seth Parker, Director of Real Estate Development. Eric Boucher, CFO, will provide support as needed, and Dana Totman, CEO, will provide guidance for the overall effort.

Avesta is the state's leader in the creation of "housing first" permanent supportive housing projects. We opened **Logan Place** on Frederic Street in Portland in 2005, providing homes to 30 individuals who had previously experienced chronic homelessness, often accompanied by extremely disabling substance abuse and mental health issues. It is a community of supportive residents, staff and even neighbors that offers formerly homeless individuals housing first, without strings attached. Beyond that, the opportunity for integration into the neighborhood and the larger community through supportive services, counseling and training is ever-present. Logan Place is an 18,390-square-foot, 3-story building with 30 efficiency apartments. The 390 square-foot units include a kitchenette, ¾-bath and closet. The building has substantial community space, including a community room, library, meeting room and four staff offices.

Supportive services at Logan Place are provided by Avesta's close partner and ally, Preble Street. These services include 24-hour staffing by life skills workers who monitor the stability of residents, provide crisis intervention and assist individuals with living skills. Two life skills staff are on site at all times to monitor the entrance

to the building during evening hours and provide assistance to residents and neighbors with concerns about safety. All Logan Place staff is trained to intervene in mental health crises and substance abuse issues, and provide information to residents about essential community resources. A Program Director supervises staff and provides case coordination with the assistance of a Program Aide. Other essential support services available to residents on site or within a few blocks include case management, psychiatry, substance abuse outreach and intervention, health care, meals and food, and employment and vocational services. The success of individuals in maintaining stable living depends on consistent outreach, support and easy access to interventions to help them address problems that interfere with functioning independently in the community.

Sited on Valley Street in Portland and opened in 2010, **Florence House** is Avesta's second housing first project. Florence House uses a three-pronged approach by providing short-term emergency shelter as well as two types of permanent, service-enriched housing for disabled, chronically homeless women: 15 "safe haven" units — semi-private clusters of personal areas with space for a bed, a dresser, an electrical outlet and lighting — and 25 efficiency apartments for residents ready to live more independently.

With a final budget of $7.9 million, the financing structure for Florence House is comprised of an unusually complex combination of temporary and permanent city, state, federal and private grants, loans, tax credits and investments. Among those providing funding and tax credits were Northern New England Housing Investment Fund, MaineHousing, NeighborWorks, Genesis Fund, TD Bank, Federal Home Loan Bank of Boston, HUD, Maine Health and Human Services, Portland Housing Authority and the City of Portland.

To be eligible for an efficiency apartment at Florence House, residents must fit the definition of chronically homeless as well as suffer from a mental or physical disability. The accommodations provided to the residents of Florence House are supplemented by on-site outreach and engagement, mental and physical health and substance abuse services, as well as assistance accessing resources such as food stamps, MaineCare and Social Security. These services are provided and coordinated by Preble Street, which staffs the building 24 hours/day and keeps at least three staff on premises at all times. The staff team includes a Program Coordinator, a Clinical Supervisor, Team Leaders, Life Skills Workers, a Program Assistant, a Meal and Volunteer Program Manager, janitorial and kitchen staff. Florence House removes many of the barriers chronically homeless individuals often face, to establish trust and eliminate stress caused by life on the street fighting for day-to-

day survival. This enables residents to engage in their new community, build relationships and develop skills necessary to improve their lives.

Through our experience in building Logan Place and Florence House, as well as numerous other projects, Avesta has learned the importance of developing meaningful relationships with a wide range of interests in the development and management process. Community involvement is a key aspect of our development efforts. Working with local communities and neighborhoods, we strive to create a positive attitude where affordable housing is seen as an asset. We ensure that development is carried through in a responsible manner, and work with neighbors, city officials, funding providers and advocates to mitigate concerns, make suggested design or programmatic changes, and build support for successful projects. Our strong belief is that open and consistent communication with all stakeholders is the key to winning their trust and support.

In the process of building Logan Place II, we anticipate continued partnerships with many of the organizations which helped to make our first two housing first projects so successful, including Preble Street and Portland Housing Authority.

One of the key lessons we have learned in developing permanent supportive housing projects is the importance of properly timing the various pieces of the development puzzle. These pieces include the (1) acquisition of a feasible site, (2) assembly of an adequate financing package, (3) procurement of project-based rental assistance and (4) commitment of funding for resident support services. Achieving each of these elements requires careful planning and organization. Our experience in balancing these crucial elements is one of the reasons that we believe Avesta is in a unique position to successfully develop Portland's next housing first project.

3. Development Team Members: While it is too early in the development process to identify all team members, including the general contractor and primary subcontractors (each of which will eventually be selected through a comprehensive bid process), Avesta anticipates working with many of the same organizations we have partnered with so effectively in the past:

- Preble Street – to provide on-site support services to residents 24 hours per day; compensation for these services will ultimately depend on the needs of the residents of Logan Place II
- Portland Housing Authority – to provide project-based rental assistance and assistance in managing the applicant waiting list; compensation will not be provided by the project

- Curtis Thaxter – to provide legal counsel throughout the development process; estimated compensation is $40,000-50,000
- CWS Architects – to provide professional design services throughout the development process; compensation is expected to be 4%-5% of the total project development cost

4. Experience: Avesta has built two similar housing first projects, Logan Place and Florence House.

**LOGAN PLACE**

**Address**: 52 Frederic Street, Portland, ME 04102
**Architect**: CWS Architects
**General Contractor**: Wright-Ryan Construction
**Attorney**: Cito Selinger, Curtis Thaxter
**Financing Partners**: TD Bank, Maine State Housing Authority, U.S. Department of Housing & Urban Development, Northern New England Housing Investment Fund, City of Portland
**Square feet of developed space**: 18,390
**Real estate valuation** (current): $1,846,240
**Sustainable/green components:** While Logan Place was built prior to the adoption of MaineHousing's green standards and today's higher building standards, and also prior to the onset of a greater awareness of the importance of green building practices, Logan Place did incorporate spray foam insulation in the exterior wall cavities for a high R-value.
**Project evaluation:** Logan Place has been an unqualified success. The building was constructed within the budget and schedule laid out by the development team, and the project operations have exceeded budgetary expectations. Occupancy has been at 100% virtually every month since the project opened in 2005. Further, significant community benefits have been documented very clearly in studies and reports that have been published since Logan Place was fully occupied. These benefits are described in the attached press clippings. One study showed that, after one year, Logan Place had reduced total system costs and created better outcomes for formerly homeless tenants. This also helped to relieve stress on Portland's system of emergency care. For example, the study found a reduction of 35% ($84,340) in the total cost of mental health care used by tenants, despite a dramatic 93% increase in contacts. This, along with a 70% ($191,548) reduction in physical health care services, was cited in the study as a demonstration of a shift away from high cost emergency and inpatient services. Additionally, Logan Place residents reported increases in quality of life in their first year of

housing, and those levels of satisfaction with their quality of life continued 7 years later.

**Summary of Partnerships:** The development and operation of Logan Place has involved, and continues to involve, an extraordinary set of partnerships:

- Preble Street: ongoing support services for residents
- Portland Housing Authority: project-based rental assistance and ongoing management of applicant waiting list
- City of Portland: assistance with project approvals and financing
- Maine State Housing Authority: project financing and ongoing management review
- U.S. Department of Housing & Urban Development: project financing
- Northern New England Housing Investment Fund: project financing and ongoing ownership interests
- Project Design, Construction and Engineering Teams

**Drawings/Photos:** See attached

**Funding Sources:** See attached

**Contact information for verification:**

Mark Adelson, Portland Housing Authority
14 Baxter Blvd
Portland, ME 04101
(207) 773-4753

Bill Shanahan, Northern New England Housing Investment Fund
75 Market Street, Suite 201
Portland, ME 04101
(207) 772-8255

John Gallagher, Maine State Housing Authority
353 Water Street
Augusta, ME 04330
(207) 626-4600

**Problems and Resolution:** The primary issues encountered in developing Logan Place were neighborhood-based concerns regarding traffic, crime and property values. These issues were resolved through numerous neighborhood meetings, public hearings and studies, which gave stakeholders an opportunity to discuss their concerns and help find solutions. Some solutions were achieved through education and improved

understanding of the proposed development, while other solutions were achieved through program or design improvements (for example, in improvements made to building security and access).

**FLORENCE HOUSE**

**Address:** 190 Valley Street, Portland, ME 04102
**Architect**: Gawron Turgeon Architects
**General Contractor**: Ganneston Construction
**Attorney**: Cito Selinger, Curtis Thaxter
**Financing Partners:** TD Bank, Maine State Housing Authority, U.S. Department of Housing & Urban Development, Northern New England Housing Investment Fund, City of Portland, Federal Home Loan Bank of Boston, NeighborWorks
**Square feet of developed space**: 31,345
**Real estate valuation** (current): $3,769,500 [includes all elements of the project]
**Sustainable/green components:** Located on an underutilized site and close to public transportation, Florence House was designed to meet or exceed the MaineHousing Green Building Standards. Components of the building envelope include spray foam insulation, air sealing and energy efficient windows, creating a tight building. At the same time, operable windows in the upper floor apartments allow the building to take advantage of natural ventilation. Six geothermal wells were drilled to a depth of 400 feet, to furnish heating and cooling to the 1st floor safe haven and emergency shelter. Six solar panels have been installed on the roof to absorb energy that will provide domestic hot water to the entire building. In addition, all residential appliances and lighting are energy-star rated and landscaping consists of 75% native species. Low-VOC paints, adhesives and sealants were used to reduce the quantity of indoor air contaminants, and space is provided for recycling containers to facilitate the reduction of waste generated. The building has been commissioned to ensure reduced energy usage and improve occupant comfort.
**Project evaluation:** Florence House has proven to be highly successful. The building was constructed within the budget and schedule laid out by the development team, and the project operations have exceeded budgetary expectations. Occupancy has been at 100% virtually every month since the project opened in 2010. Preble Street staff report that the project has succeeded in providing stability and security for formerly homeless people and has significantly reduced their utilization of costly emergency services.
**Summary of Partnerships**: The development and operation of Florence House has involved, and continues to involve, an extraordinary set of partnerships:

- Preble Street: ongoing support services for residents

- Portland Housing Authority: project-based rental assistance and ongoing management of applicant waiting list
- City of Portland: assistance with project approvals and financing
- Maine State Housing Authority: project financing and ongoing management review
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- Federal Home Loan Bank of Boston: project financing
- Project Design, Construction and Engineering Teams

**Drawings/Photos:** See attached
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353 Water Street
Augusta, ME 04330
(207) 626-4600

**Problems and Resolution:** The primary issues encountered in developing Florence House involved neighbor concerns as to the building and site. In particular, one abutting landowner claimed that the City's approvals were flawed and filed suit. Avesta and city officials worked together to defend the municipal approvals granted to the project, and the lawsuit was ultimately rejected by the court. Other concerns regarding crime and the placement of the building on the site were resolved through numerous neighborhood meetings, public hearings and studies.

5. Target Population: The specific project design, marketing and services to be provided to the target population of chronically homeless individuals will be

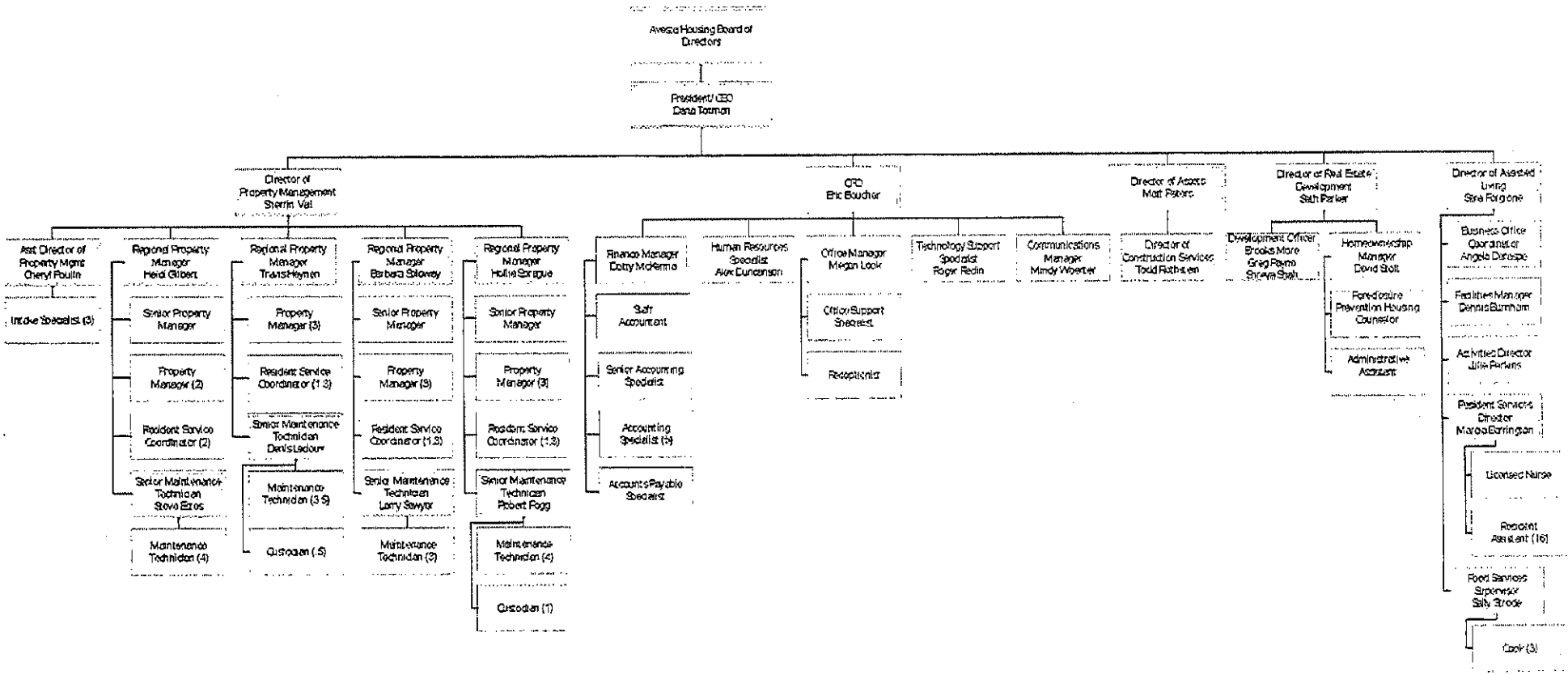
determined over the course of many months, through numerous meetings and discussions with project partners and other experts. However, certain principles learned through the successful development of Avesta's prior housing first projects would likely be adopted with Logan Place II, as described below.

- Design: the development team will work closely with Preble Street staff in ensuring that details such as entry and exit points, lighting, parking, unit layout and community spaces are designed with the needs of this specific population in mind. For example, security cameras and building layout will be set with an eye towards minimizing on-site staffing needs. This effort will occur through meetings and consultations throughout the design and approval stages of development.
- Marketing: Preble Street and Oxford Street Shelter would be utilized for assistance in identifying potential residents for Logan Place II. These community organizations have played critical marketing roles for Logan Place and Florence House, and their continued work at the forefront of addressing chronic homelessness in Portland makes them natural partners for this role as to Logan Place II as well. Avesta, Preble Street, and Portland Housing Authority will work together to see that the application process is as low barrier as possible.
- Services: an extensive array of services would be provided by Preble Street to residents of Logan Place II, likely to include (i) 24-hour life skills and case management; (ii) helping residents identify their needs and coordinating existing resources with which to meet these needs; (iii) creating a network of contact persons within the community's social service agencies to facilitate residents' access to programs; (iv) analyzing unmet needs and identifying sources able to provide or develop new services where indicated; (v) acting as liaison and advocate in the community to ensure that residents receive necessary services, and referring to appropriate social service agencies for case management as needed; (vi) overseeing the coordination and delivery of multiple supportive services to residents; (vii) monitoring and evaluating appropriateness of services delivered; (viii) working with residents to create support systems and social programming which provide opportunities for growth, independence and interdependence; (ix) developing a sense of fellowship and community among the residents using community organization and facilitation skills; (x) assisting the residents in securing and/or creating social programming opportunities that meet their recreational, health and educational needs; (xi) working with residents to resolve individual as well as group conflicts; and (xii) developing

community--oriented activities which build bridges between people, promote active interest in the life of the project and generate self-sufficiency.

6. Project Timeline: Avesta's experience with prior housing first developments has taught us that it can be challenging to establish firm timelines for completion, especially given the strong community interest in such special projects. However, we believe that we can acquire a site, gain all required municipal approvals, gather needed financing, design and construct the project and begin lease-up within a 2.5-3 year time frame. A specific, step-by-step outline of our proposed schedule is attached.

# Avesta Housing Organizational Chart



**Avesta Housing Receives National Award for Logan Place Project**

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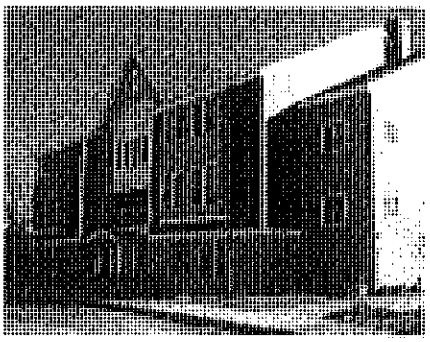
**Logan Place, a development providing housing for chronically homeless individuals, has been awarded the 12th Annual Charles L. Edson Tax Credit Excellence Award by the Affordable Housing Tax Credit Coalition of Washington, D.C.**

# AVESTA HOUSING RECEIVES NATIONAL AWARD FOR LOGAN PLACE PROJECT



PORTLAND – Logan Place, a development providing housing for chronically homeless individuals, has been awarded the 12th Annual Charles L. Edson Tax Credit Excellence Award by the Affordable Housing Tax Credit Coalition of Washington, D.C. Logan Place was developed by a partnership of Avesta Housing and Preble Street, both of Portland Maine.

On March 24th 2005, Logan Place opened its doors for 30 people who were chronically homeless, often with substance abuse and mental health issues that disabled them greatly. The 30 residents at Logan Place are "home for good." All are home for good after living at the Oxford Street Shelter in Portland Maine on floor mats ten inches from their neighbor, on average for six years. And since Logan Place opened its doors, the shelter has not implemented its overflow plan for one night.

Dana Totman, Avesta's President, received the award on behalf of Logan Place, its residents and its service provider, Preble Street, in a ceremony at 1:00 on June 7th, 2006 on Capitol Hill.

Logan Place won the award for best Special Needs Housing, competing against 56 entries from 26 states. The award comes with a $5,000 grant to bring additional services, facilities or amenities to the development

Avesta's mission is to promote and provide housing opportunities for Southern Maine people in need. Avesta advocates for affordable housing, develops and manages high quality rental housing, and helps residents access other supportive services.

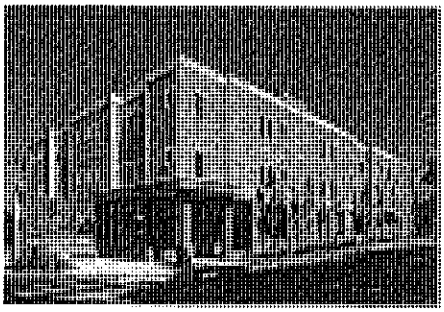
The Affordable Housing Tax Credit Coalition plays a major role in assuring the continuance of the low-income housing tax credit. The Coalition was founded in 1988 with the primary goal of achieving permanent extension of the low-income housing tax credit program.

AVESTA HOUSING

Quality Affordable Living

**For Immediate Release**
March 27, 2014
Contact: Paige Roth, 207-553-7777 x 210, proth@avestahousing.org

## Florence House Receives Honorable Mention in 2011 Edson Awards



**Portland, Maine** – Avesta Housing's Florence House received an Honorable Mention award in the special needs housing category of the 17th Annual Charles L. Edson Tax Credit Awards. The Affordable Housing Tax Credit Coalition (AHTCC) sponsors this annual award.

Presented to the most outstanding Low Income Housing Tax Credit properties in seven categories, this national awards program celebrates the best in affordable rental housing development.

The AHTCC received forty-eight applications from twenty-one states; a panel of judges selected seven first place finishers and seven honorable mentions. Each winner will be recognized at a Capitol Hill luncheon ceremony on May 11, 2011.

Florence House opened in April 2010 and is a partnership between Avesta Housing and Preble Street. It provides three types of supportive housing without barriers to chronically homeless individuals in Portland, including independent apartments, safe haven spaces and emergency beds. The development employs cutting-edge technologies and sustainable design features including a geothermal heating and cooling system, solar water pre-heat, and heat recovery systems.

Through the intensive collaborative and solutions-oriented services offered, more than forty homeless women have maintained permanent housing at Florence house, and 150 have secured permanent affordable housing elsewhere in the community.

Avesta Housing is a nonprofit organization with headquarters in Portland which provides housing assistance to over 6,000 Maine residents each year.

Avesta Housing's mission is to promote and provide housing opportunities primarily to Southern Maine people in need. Avesta advocates for affordable housing, develops and manages high quality housing, and helps residents access other needed services.

**For more information, please contact Avesta Housing at 207-553-7777 or www.avestahousing.org**

SPECIAL-NEEDS FINALIST

## FLORENCE HOUSE

Developer: Avesta Housing
Architect: Gawron Turgeon Architects
Major Funders: Northern New England Housing Investment Fund, MaineHousing, NeighborWorks America, Genesis Fund, TD Bank, Federal Home Loan Bank of Boston, Department of Housing and Urban Development, Maine Health and Human Services, Portland Housing Authority, the City of Portland

PORTLAND, MAINE

Florence House is a haven for homeless women. In simple terms, the project provides a roof over people's heads. But it is much more complex, delivering three types of housing in a single building—25 efficiency apartments, 15 "safe haven" units, and room for up to 25 emergency shelter beds.

"Florence House has dramatically changed the conversation around homelessness in Portland and in Maine," says Dana Totman, president of nonprofit Avesta Housing. "Portland understands that emergency shelters are not the answer. This is a viable small city model to end chronic homelessness."

The second and third floors contain the 25 low-income housing tax credit (LIHTC) apartments for chronically homeless and disabled individuals who are able to be more independent.

The first floor houses the safe haven units, semi-private clusters of personal areas with a bed and a wardrobe. These are intended as permanent living space for chronically homeless women who are not ready for their own apartments. Some residents have paranoia or claustrophobia, so the clusters are designed to provide privacy without feeling constrained.

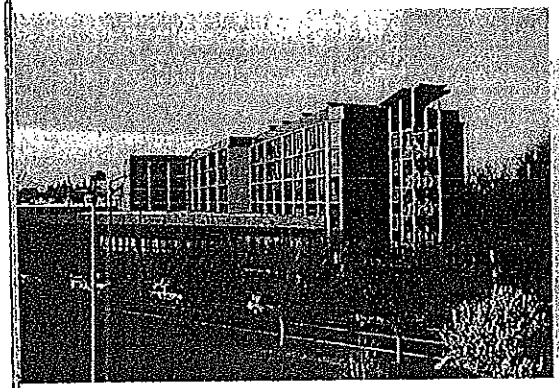
While the apartments and safe haven units go a long way to ending homelessness among women in the area, developers included the shelter to respond to episodic homelessness.

Florence House embraces the Housing First model of getting the homeless into their own homes as quickly as possible. It also is the first affordable housing development in the state to use geothermal heating and cooling systems.

Avesta has partnered with Preble Street, the state's main provider of homeless services, to offer a range of programs at Florence House.

Financing for the $7.7 million development included about $4 million in LIHTC equity from the Northern New England Housing Investment Fund and subsidies from MaineHousing, the city of Portland, Federal Home Loan Bank of Boston, TD Bank, and the Department of Housing and Urban Development.

*—Donna Kimura*



SPECIAL-NEEDS FINALIST

## MADRONA STUDIOS

Developer: Central City Concern
Architect: William Wilson Architects
Major Funders: U.S. Bank, Wells Fargo Bank, City of Portland, Multnomah County, Oregon Housing and Community Services, Network for Oregon Affordable Housing, Federal Home Loan Bank of Seattle, Homestreet Bank, Enterprise Green Communities, Energy Trust of Oregon, Providence Mother Joseph Fund, Albina Community Bank

PORTLAND, ORE.

A tired 45-year-old Ramada Inn has been transformed into an innovative affordable housing development for the city's neediest residents.

The 176-unit Madrona Studios provides permanent supportive housing, alcohol- and drug-free units, and workforce apartments for program graduates and other low-income residents. Madrona Studios also includes a 70-bed drug and alcohol recovery center. All have rents restricted at 40 percent of the area median income.

By creatively reusing the five-story hotel, developers were able to deliver the units at about half the cost of new construction, according to the local nonprofits behind the project, developer Central City Concern (CCC), which has a history of serving the hardest to house, and consultant Housing Development Center.

"Our theme is changing lives and building communities," says Ed Blackburn, CCC executive director. "This project fits so well into that."

The reuse of the structure is just one of the ways that Madrona Studios is a green development. A transit-oriented project that's helping revitalize the neighborhood, the building features an upgraded solar water heating system, improved insulation with heat reflective roofing, and a bike room for 130 bicycles.

Madrona Studios, which uses 23 funding sources, required a complex financing structure.

To make the $25 million project work, the ownership of the building was separated into two legal entities, with 132 units—96 workforce and 36 supportive housing—on the top three floors funded largely through $7.1 million in low-income housing tax credit equity from U.S. Bank and $5.2 million in tax increment financing from the Portland Development Commission. In the second entity, 44 drug- and alcohol-free supportive-housing units on the second floor and the first-floor detox center are funded with the help of $2.8 million in New Markets Tax Credit equity from Wells Fargo Bank and $3.7 million in bond financing from the Portland Housing Bureau.

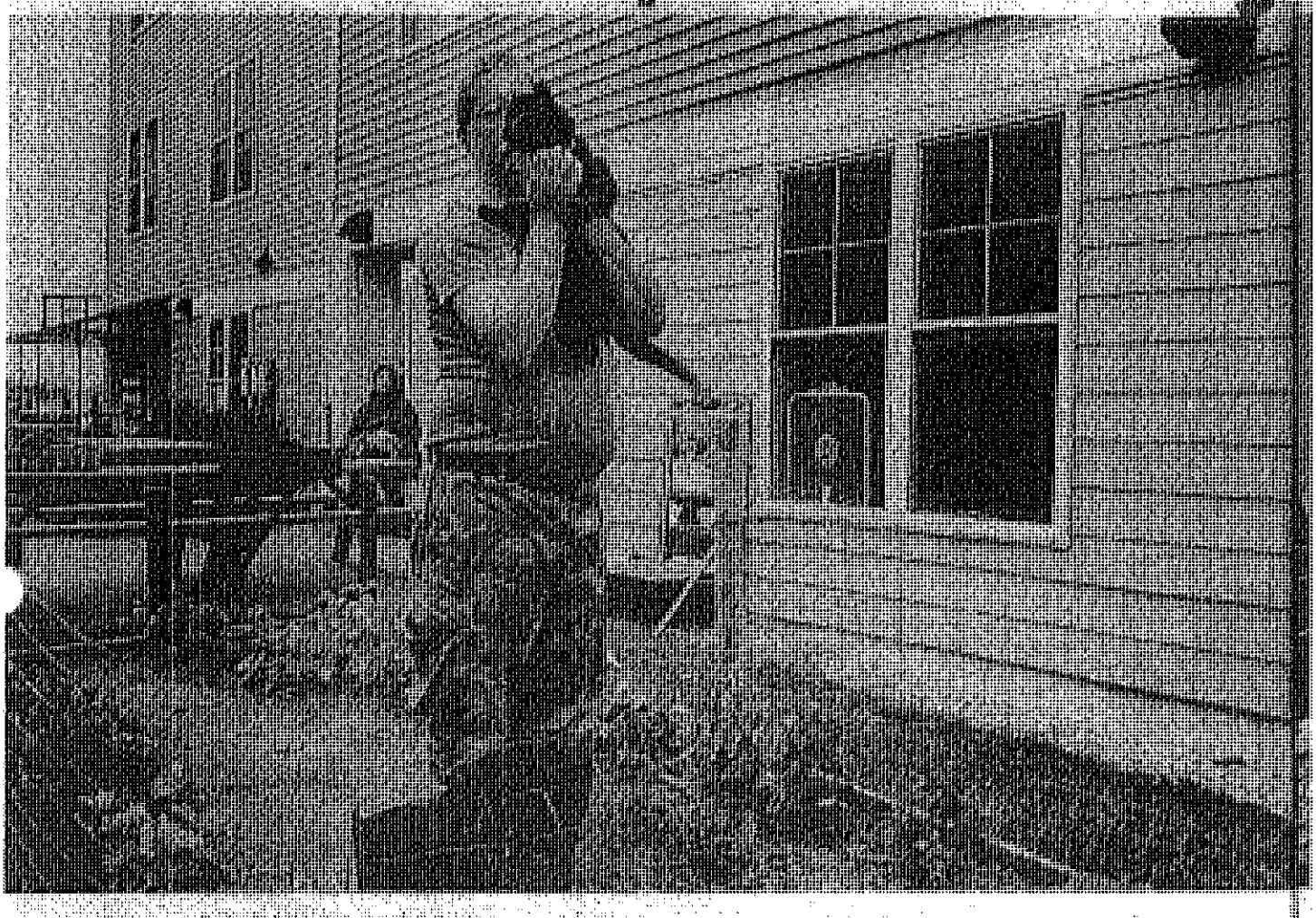
The city of Portland, Multnomah County, and Oregon Housing and Community Services are key financing partners.

*—Donna Kimura*

Photo: Sally Painter

BY MONIKA WOOD PHOTOGRAPHY BY MELONIE BENNETT

# A Clean, Well-Lig

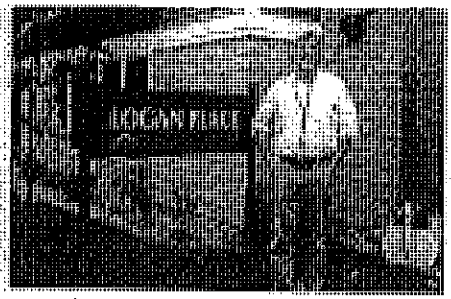


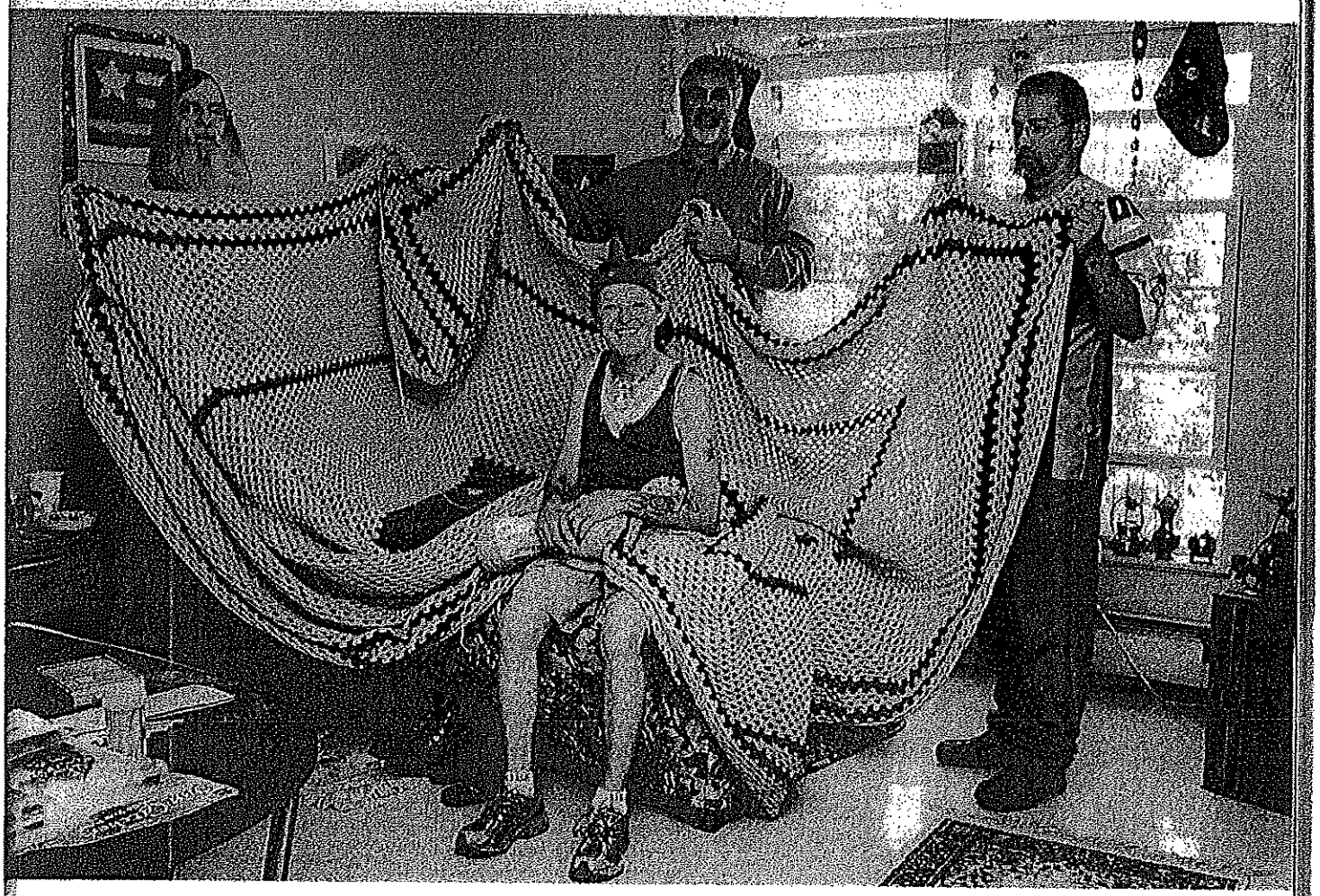
**There's a revolution afoot to solve homelessness in America. Portland, Maine, is helping to lead the charge.**

Hawk this for an idea: Find the thirty blackest street cases in the city — the hard-lived of God's creatures, the ones cops know by name. The ones peopled with scars, napping under loading docks, tossing barges of trash bags, harassing mailboxes, and pulling at phone poles. Build a handsome apartment building, staff it with social workers 24/7, and ask these lost, ill-suited souls to move in, one tenant per fresh, furnished unit.

Require nothing. No Medicaid number. No treatment plans.

# hted Place





No permissions, no stamps, no forms in triplicate. They don't even have to be sober.

It's called "housing first," a revolutionary concept for ending homelessness. The idea is to offer safe, permanent housing to chronically homeless people as a first rather than last resort, and only then attempt to address their mental illnesses, multiple addictions, and physical depredations. The experiment began about fifteen years ago with a handful of programs in large cities like Washington and New York. Thanks to impressive cost-benefit analyses, other cities have recently joined the front lines — including Portland, home of Logan Place, the only housing-first project in Maine and one of the few in New England. A collaboration between Avesta Housing, the nonprofit developer that owns and operates the building, and Preble Street, the social-service agency that provides the tenants' support, Logan Place has entered its fourth year and appears to be thriving. Twenty-five men and five women occupy the clean, well-lighted efficiency apartments supported by staff who, in the words of one tenant, "treat you like an actual person."

Housing first's crusader-in-chief is Phil Mangano, executive director of the United States Interagency Council on Homelessness. A Bush appointee, Mangano is a freight-train talker and unabashed fan of Mark Swann, director of Preble Street. "Mark met with resistance, as most of us do at first," Mangano tells me. "But he's a forward thinker who wants to change the status quo. You know, he could have lived a good, easy life just managing the programs he already had in place." Instead, he was planning a housing-first exemplar at a time when similar projects were so rare he didn't yet realize the concept had a name.

On a chilly and cheerless Monday morning, I'm waiting to meet Swann at Preble Street's day shelter, where people out of luck and options come for coffee or a pair of mittens or boots that don't fit but will have to do. Temporarily one with the huddled masses, I loiter at a front desk clogged with people in ill-fitting eyeglasses, third-hand hats, and unraveling scarves, some carrying suitcases or backpacks or paper bags, others without a single possession but the clothes on their street-bent backs.

Swann arrives a few moments later, a little harried after a morning spent on the phone. "Every time the temperature drops," he says, "the media call with the same story: look at all these freezing people." He tries to sound patient. "Well, the homeless are here all year-round, and I'd like to change the conversation."

Does he ever. Stylewise, he's Mangano's opposite. Youthful and bearish — teddybearish, actually — with graying hair and a snowy goatee, he begins his rap in the soft-spoken tones of the lifelong do-gooder. But at age forty-six this guy is no pushover, and after two decades in the misery business, he's weary of *addressing* homelessness; he intends to *solve* it. "I run these places," he says, looking around at the teeming shelter, "but shelters and soup kitchens are not the answer. The cots are ten inches from each other. Your cat gets better than this in an animal shelter. These are tragic places. Tragic and awful and wrong, wrong, wrong."

Conceived in the eighties, the soup-and-shelter model aims to work as a way station for luckless souls rocked by personal calamity: lost job, eviction, natural disaster, family violence. For most clients the typical shelter stay lasts two weeks. After that, the "80/20 rule" kicks in: 80 percent of services gobbled up by 20 percent of clients, people for whom shelter life becomes not a stop-gap but a state of being, night after night, year after year, in some cases decade after decade. To Mangano, housing first represents a new technology. "Twenty-five years ago, homelessness exploded after deinstitutionalization," he says, referring to the practice of transitioning mentally ill people from institutions to the community — which often meant the street. "Our 'technology' was soup and a blanket, and we're still using it. Well, I was also using pay phones back then, and a typewriter. There's no lack of compassion out there, but if charity could eliminate homelessness, it would have done so by now."

Conventional wisdom writes off the 20-percenters as a lost cause. "We called them 'service resistant,' " Mangano says, "or 'not housing ready,' as if we were labeling shirts and pants. For housing programs we always took the 'cream,' the ones considered *most* likely to succeed. But research gathered over many years showed us plainly that the cream would have gotten into housing regardless." Housing first is the "anti-cream" strategy, targeting the 20-percenters, the shirts and pants. "People called it foolish, they called it naïve. But we have the data now, and the number that comes up again and again, in all these studies, is the same: 85 percent. Eighty-five out of one hundred 'service resistant' people succeed in supported housing. For that last 15 percent, we just haven't gotten creative enough."

As I leave the day shelter and follow Swann across the street to his office, we pass through a logy throng of people smoking cigarettes, hunching against the cold, blowing on their hands. "Hey, Mark! You need a haircut!" calls one of the men, a nearly toothless fellow wearing two coats. A 20-percenter for sure. Swann acknowledges him with a chuckle and a wave. "We've worked with some of these people a long, long time," he says. "They know us and they trust us. That's how something like Logan Place can work."

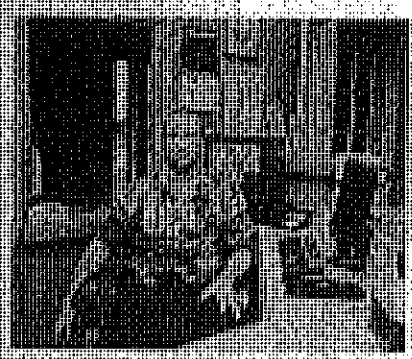
Swann's office carries a grassroots vibe, no doubt a holdover from his early days at Preble Street, when he was a pony-tailed Bowdoin grad on a staff of two, managing a hundred thousand dollar budget. Today he runs the whole shebang, and though the budget has swelled to $4.5 million, its ratio remains the same: half public funding, half private. "That's not common," he notes, "and it shows a lot of community support — churches, private donors, the United Way, corporate funding. Private support is crucial to creativity, because you get fewer restrictions: you can follow the mission, not the money."

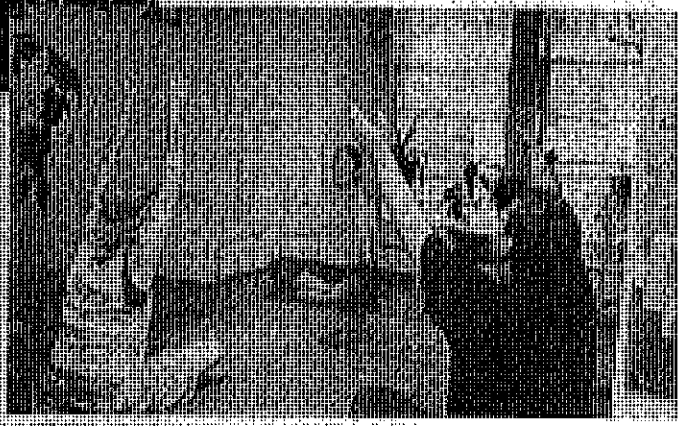
Swann had an epiphany about that mission about ten years ago, after attending twenty-four memorial services at the soup kitchen in a single year, the final one for a man whose frozen fingers had to be uncurled from a shopping cart that held his worldly goods. "I realized we were doing something very wrong if the best we had to offer was a mat and a meal and a sad-sack memorial service in our kitchen." Most revolutions begin with a moment of truth, and that was his. "There was a belief that these people weren't capable of being helped, that nothing we did would make any difference. But what if we built housing for homeless people, period? Not people with this or that diagnosis, this or that level of 'readiness.' "

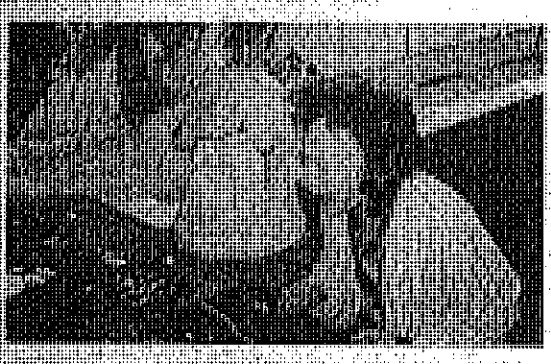
Thus began a creative, unremitting, many-tendrilled, $4.1 million campaign of planning and collaboration with Dana Totman, Avesta's president, that culminated on March 24, 2005 with a ribbon-cutting at Logan Place. To skeptics, such intense efforts on behalf of the chanciest people seemed doomed from the get-go. But one of the unspoken tenets of housing first is, in Mangano's words, "the belief that housing is therapeutic *all by itself*."

National research on housing-first projects can be tricky to interpret, because cities design variations on the model, blending heavily-supported tenants into an existing neighborhood, for example, or requiring tenants to pay varying portions of the rent, or none at all. (Logan Place tenants pay 30 percent of their income, if they have one.) Despite this grab-bag of styles, the average retention rate for the studies I looked at was consistent with Mangano's 85 percent. Cost analyses also fall into a pattern, in places as small as Portland and as large as D.C., showing significant cost savings "in every single case." Mangano asks, "Would you rather pay $13,000 to $25,000 per person, per year to provide homeless people with dignified housing that leads to a trajectory of recovery, or $35,000 to $150,000 to keep them on the street?"

Armed with a belief that housing first is the answer to clearing Portland's streets for good, Swann asked for a local cost-benefit study to prime the pump for phase two: Florence House,







Though only 4" x 8", this loon has a commanding presence - sufficient to permit it to stand alone in the center of an otherwise plain panel. Or, imagine several at intervals along a backsplash.

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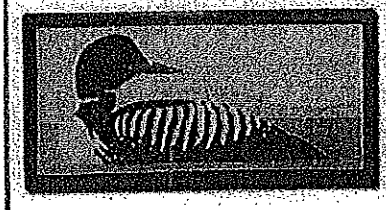

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a fifty-unit building for homeless women. Thomas McLaughlin, co-director of the Social Work Center for Research and Evaluation at UNB's School of Social Work, co-authored the study and wound up a true believer. "We were able to get detailed cost data on individual people," he says. "Other studies have attempted this but were forced to rely on good-faith estimates. We wanted to get as close to an exact picture as we could."

So far, the picture looks good — astounding, if you consider the hair-raisingly risky participants. The first thirty souls pulled off the street and into Logan Place had occupied a total of 5,163 shelter beds in the previous year. Besides hogging shelter beds, the study's subjects had drained countless hours from the city's system of public health and safety. After one year's tenancy, nights in jail plummeted, from 176 to 21; police contacts, 97 to 19; ambulance calls, 78 to 26; emergency-room visits, 188 to 39. The community saved $972 per tenant, a modest amount compared to some places, but a savings nonetheless. And then there are the less tangible, palliative effects of getting people off the street. "It affects everybody in a community," says Mangano, "to see people lying in doorways. It affects tourists and pedestrians and merchants." He points out that Portland is a smart, literate community that can support five independent bookstores within a few square miles. "Cities like this can look at the irrefutable evidence that housing first is better for the community, the tenants, and the taxpayer. That's a trifecta you can't get at the race track."

Ed Page would certainly agree. "I was the third person to walk through the door," he says of his four-year tenancy at Logan Place. From a comfy chair in his pleasantly cluttered unit, this forty-year-old, bespectacled, chain-smoking "practicing witch" tells me about his twenty-two years on the street. Like many tenants here, he's the product of a fractured upbringing — fourteen foster homes, in his case — and his life on the street consisted of "being drunk every day." He tried to get a GED, but gave up because "when you're living in shelters you don't look too good, you don't smell too great, you don't want to go the way you are." He has since acquired that GED, along with a resuscitated interest in writing and art, thanks to a donated computer and art supplies provided by staff. He still drinks, he admits, but not the way he used to. "I drink in here sometimes, but I don't have to worry about getting beat up or robbed." He points to the fridge. "I've still got two bottles left of a six-pack I bought two months ago. I mean, that's a change."

As a charter tenant, Ed confirms my hunch that Logan Place had a rocky roll-out. The police were there a lot at first, he says, because "people had a lot to learn about being good tenants." As the landlord, Totman, too, learned some "hard lessons" from the experience. "Some residents, or their guests, were misbehaving.

*Twenty-five formerly homeless men and five women occupy Logan Place's clean efficiency apartments.*

The police took note, the neighbors took note, we had to go before the city council, [then-Police Chief] Mike Chitwood identified Logan Place as a new trouble spot." So he and Swann met with the chief, and after convincing him of their fervor for making the project work, the chief went so far as to hold his monthly officers' meeting at Logan Place. "That was a turning point, when they saw who was actually living here, the same people they used to scrape up off the sidewalks." Some they no longer recognized in their new haircuts and better-fed faces — even after being told their names. "I think it was then they realized that Logan Place was a solution and not a problem."

Over four years Logan Place has housed a total of fifty-two tenants in the thirty units, which reflects the efforts of a work in progress. Eleven were evicted, five moved voluntarily, one went to jail, three returned to the shelter, and two died (cirrhosis is a common malady). This is the story of the

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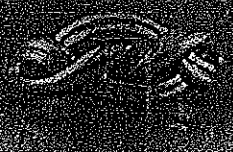

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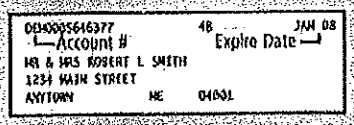


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street. However, of the thirty tenants currently housed, over half have been there for three or more years, and three-quarters for more than two, a sign that the experiment has found its footing.

"It was a ghost town here at first," says Maria Tripp, the Logan Place service coordinator. "People stayed in their apartments. They didn't know what to do." A program of group activities helped coax people into a sense of community. One of the first was a "stone soup" dinner, at

*"We called these people 'service resistant' as if we were labeling shirts and pants."*

which a staff member read the fable aloud. Most tenants had never heard it, but it resonated. "We got so many requests to read it again that we posted it," Tripp says. "I think it's still up there." In the meantime, Logan Place launched a neighborhood outreach, planting rafts of daffodils along the street and holding neighborhood barbeques. When Florence House, slated for a nearby property on Valley Street, was first proposed, it drew virulent resistance. "Some of the Valley Street owners came down here," Ed says, "and tried to get our neighbors to talk trash. But nobody did."

Four years ago, they might have. To make a Logan Place work requires a terrific concentration of community will — something Portland has plenty of. "It's been easier to persevere through tough scrutiny and resistance," Totman says, "because the city leaders have been incredibly supportive: the city council, the planning board, the police, the fire chief, everybody. Florence House is on its way, and we're already thinking about the next one. Of all our projects, Logan Place is the one we're most proud of, because it's made the biggest difference in people's lives — between living and dying in some cases. If we can get five or six of these around the city, we'll have a *tiny* homeless shelter."

A relative newcomer to Logan Place, Judy Tedford remembers having to pinch herself after

waking up in her own bed that first morning. "This ain't no jail, I can tell you that. It's like a family here." In her immaculate unit just down the hall from Ed's, afternoon light floods her pale, wizened face. Her pond-blue eyes are arrestingly kind. She gives me a meticulous tour of her new home: her cupboard filled with cans from the food pantry, her collection of painted rocks, her spotless bathroom where she doesn't have to stand in line to take a shower. From there we move into the common areas as she numbers the perks of living here: the field trips to lakes and museums, the friendships, the group meals, the holiday parties and neighborhood events. Everything in the building still looks new, the walls sunnily painted and festooned with framed prints. She takes me to the third-floor library, a bright, modest room furnished with donated books and plush reading chairs, then out back, where the bird feeder's own tenants plummet and land safely. A large barbeque — which Judy, a onetime fork-lift driver, helped assemble — gleams on the small patio.

Just over the fence, in a tangle of woods, is "Hobo Jungle," a squatters' camp where Judy lived for almost two years. She still misses all the cats they fed, and keeps a couple of photos from the place on her wall, but it looks cold and barren out there and I hear no trace

*One of the unspoken tenets of housing first is the belief that housing is therapeutic all by itself.*

of nostalgia in her voice. Between the lines she tells a story of a life wrecked by alcohol, but like Ed, she no longer drinks the way she did. "It's easier not to drink here," she says, "because they give you other things to do. We had a big New Year's party with sparkling water." She spends her days taking long walks, reading, or visiting her sister. Since moving in she's had her first physical in forty years and has been fitted for reading glasses. Also, like Ed and many other tenants, she's in the process of having all her teeth pulled in preparation for dentures.

Not surprisingly, the Logan Place study recorded improvement in tenants' physical health. With a roof over your head, a medicine chest to store your meds, a door that locks, and a social worker to whom you can offer a cup of tea from your own stove, life gets better. Once you can take off your shoes and trust that nobody will steal them, you gain the freedom to address things that sit a bit higher on the hierarchy of needs — health and well-being, for instance. The statistic that intrigued me most in the Logan Place study was a 93 percent *increase* in mental-health contacts that resulted in a one-third *decrease* in cost, because tenants opt for regular outpatient treatment in lieu of cyclical, terrifying, desperate episodes that involve the expense and humiliation of ambulances and trauma teams.

Charlotte Gould, a friendly fifty-year-old with an endearing vocabulary, has been "under the auspices of the psychiatry" for thirty years. Her clinical diagnosis, she tells me, is "broken brain." She gives a complicated account of her bloodlines, a story of planned kidnappings and secret parentage and the influence of her "messiah," who died four years ago, after which Charlotte dropped through the fragile floor of her life and landed in the shelter. "I was scared to come here at first," she says, sipping coffee at a small, sunny dining table a few feet from her bed. "But people were nice. There was this one friend, he taught me to cook, he knew his way around, he was more *acquired* than I was." She also likes the Frederick Street neighbors, especially one with "this *refreshing* little dog, very sassy and feminine, I buy biscuits for her whenever I get groceries." Like many of the tenants, she plans to start working at the front desk, which functions as an informal volunteer-training program. You have to dress appropriately and be professional, and Charlotte longs to be a "*sample gesture* to the program." Ed already works the desk, hoping it will serve as a resume for his goal to volunteer at Mercy Hospital, where "they do a lot with the street." He wants to be a social worker someday, helping the street people to whom he feels a deep


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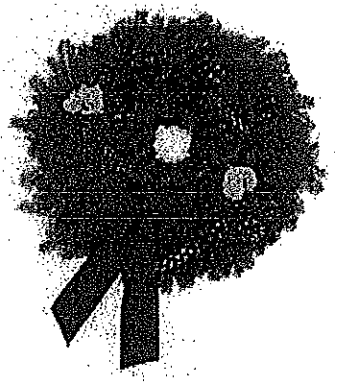

If you think about it, in a world of sturm and strife, some rays of hope have broken through this year - thanks to the efforts of people whose aim is to achieve universal peace and reconciliation.

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connection. "You need your hopes and dreams," he declares.

A week later, on a starless subzero night, I attend a small gathering in a vacant lot to celebrate the groundbreaking of Florence House. Totman and Swann are there, along with others from Avesta and Preble Street, plus board members, volunteers, and Governor John Baldacci, who arrives hatless to join thirty bemittened celebrants huddled around an outdoor heater. The lion's share of funds will come from the state this time around, owing to the promising Logan Place study, to the fact that Logan Place required no state funds, and because, in Baldacci's words, "Mark Swann is a hard guy to say 'no' to." Candles are lighted, one from another, and placed in a mound of fresh snow, a flaming bouquet that illuminates a circle of faces. A former shelter client, wearing a knitted hat and too-small jacket, steps up to read a poem. "I had one dress, and I slept in it," she reads, shivering in the candlelight. In this plunging cold, it's easy — and hard — to imagine. As she slips back into the shadows to mitten-muffled applause, it strikes me that this ceremony might look a lot like one of Swann's "sad sack" memorial services; then Dee Clarke, another former shelter client, literally dances out of the circle to deliver a fulsome, whoop-whoop speech filled with her personal joy in knowing that women like her

*In every case it costs a city more to keep a person homeless than to provide housing.*

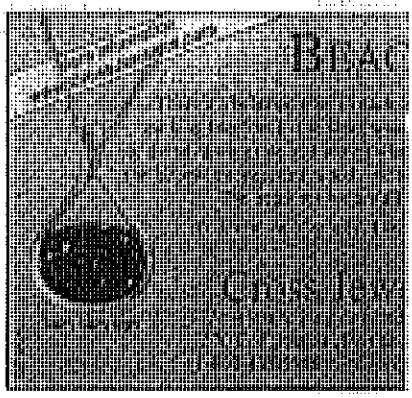
mother, who lived with her children in an abandoned building, will get their chance to live in dignity. "A year from now," she proclaims to one and all, "fifty women will lay down their heads on their own pillow in a safe, secure place they'll call home. And for the first time in a long time, they'll rest easy." She turns to the governor. "And Governor Baldacci, *you* will lay down *your* head on *your* pillow in the Blaine House, and *you'll* rest easy, too." Visibly moved, the governor steps toward this redeemed and redeeming woman with the booming voice and wild hair. She nods, and he briefly touches his forehead to hers. "It's always better to light a candle," he says, uncharacteristically brief, "than to curse the darkness."

A few days later, I visit the women's night shelter to get a better idea of who, exactly, will be laying down her head one year hence in Portland's second housing-first project. Despite the clearly compassionate staff, one of whom runs the

*"Portland's leaders have been incredibly supportive: the city council, the planning board, the police, the fire chief, everybody."*

blankets through a warm dryer before handing them out, there's no refuting Swann's characterization of this shelter as a "tragic" place. One of the women here, once a Portland homeowner, is eighty-nine years old. Another is a full-time college student, who sits down in her jammies to tell me that nobody at school knows where she's lived for the last six months. Another, pretty and middle-aged, has come in with two grocery dollies packed with clothes, her routine for the last year and a half. If you didn't know, you might take her for a schoolteacher, but her tale is depressingly familiar: a husband too quick with his fists, a child given away to Grandma for safekeeping. These women move in for the night, some dragging comforts — a sunburst-yellow bedspread, a giant stuffed Mickey Mouse — evading the frosty cold but facing a slow burn of group desperation. "I lost my meds! I lost my meds!" warns a wiry little woman who pushes another woman into a wall, itching for a fight. I look around at these stunned faces — who, really, believes she will end up here? — and think, You won't need a Medicaid number. Or a treatment plan. No permissions, no stamps, no forms in triplicate. You won't even have to be sober.

You just move in. Lay your head on your pillow. Rest easy.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By SARAH G. RILEY

Mark Swann holds up a green mat with a built-in pillow. It doesn't look very comfortable, and it certainly doesn't look very welcoming. "This is one of the 154 mats that the Oxford Street Shelter uses each night," he explains. "One hundred fifty-four mats, exactly like this one, are laid down on the floor ten inches from one another and that is where 154 homeless people sleep."

Swann is upset that any human being is forced to sleep night after night on little more than an inflatable sleeping bag no more than ten inches away from his or her neighbor. He is bothered that due to the high demand for sleeping space, the shelter was forced to develop an emergency overflow plan that involved waking up ten to twenty people who had been the first to arrive and moving them two blocks away to sleep on the floor of the Preble Street Soup Kitchen. The staff selected these particular people because they wanted to take individuals who were most likely to cooperate, who were least likely to be under the influence of either alcohol or drugs, and who almost always had jobs to go to in the morning. And Swann is particularly saddened by the fact that until March 24 of last year, this emergency plan was necessary 70% of the time.

Indeed, the very fact that homelessness is still an issue in Maine makes Swann angry. "The picture of homeless in Maine is a terrible picture. It's pitiful, it's painful, and as hard as it is to look at the picture, to talk about, it's even harder when you realize that it is entirely solvable."

Swann, Executive Director of the Portland-based Preble Street Resource Center, believes there is a solution. It's called "Housing First," and on March 24, 2005, it became a reality in Maine.

A 1984 graduate of Bowdoin College, Swann began his career in social service driving a truck in Boston in order to learn the city, the different neighborhoods, and agencies serving the poor. He soon became a caseworker at the International Institute of Boston, helping thousands of Southeast Asian families resettle in America. He studied at night for his M.S. degree in Public Affairs from the University of Massachusetts at Boston. Although he loved his work at the Institute, he wanted to work at a smaller organization, a workplace driven by its mission and not its funding sources. When some friends from college told Swann about Preble Street, he leaped at the opportunity to lead a "small but creative organization with a terrific board of directors and great vision" at only 28 years of age. He's been working towards his dream of effectively fighting homeless-

we offer them housing first."

It's working. Not only did the number of people needing a mat at the Oxford Street Shelter go down for the first time in 20 years the night Logan Place opened, but that emergency overflow plan has not been used since that same night. Nobody has been awakened in the middle of the night, nobody has had to walk two dark blocks in rain, sleet, or snow. No one has slept on those soup kitchen mats in over a year.

Despite initial concerns from homeowners who share their residential street with the housing complex, residents of Logan Place are benefiting from being in new homes. Swann believes there is a reason for this. "Once a person is safe, is housed, is out of the stress and danger of the streets, then he or she has the luxury of reflecting on his or her life and dealing with his or her illness. Asking, or demanding, that someone see a psychiatrist when his or her single biggest concern is will I be hungry today, or will I get a mat to sleep on tonight, is simply unrealistic for some folks."

Instead of living hand to mouth for days, months, or years on end, several residents are getting their feet back underneath them. Of the 13 active alcoholics living at Logan Place, three have entered and completed treatment and rehabilitation programs, one is trying to make the decision to follow in the footsteps of his friends after witnessing their success, and nine others have significantly decreased their drinking since moving in. Eight residents have established solid connections with mental health services, and three are taking medication, receiving ongoing psychiatric care, and getting in-home support. The number of police calls concerning the residents of Logan Place dropped from 175 in the seven months prior to the opening of the apartments to only 11 in the seven months after, a dip that both Preble Street and Logan Place's neighbors are thrilled about.

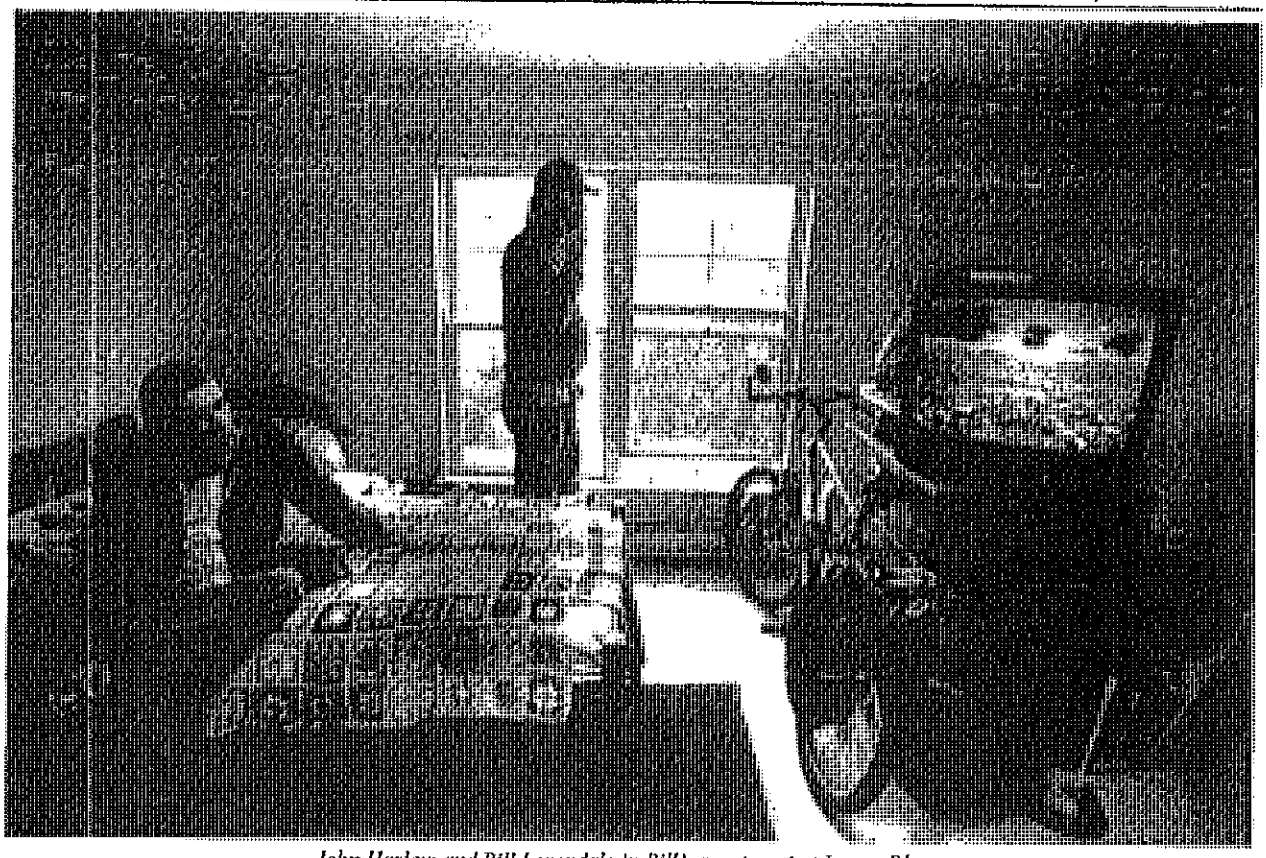
There is obvious success in these numbers, and Swann, along with Avesta, is ready to tackle a new initiative: Florence House, a similar apartment building for the 25 to 40 women who sleep most nights alongside more than 100 men at the Oxford Street Shelter. Swann worries about these women more than any of the other homeless people who cross his path.

"These women are the most ill and certainly the most vulnerable of the homeless people we see at Preble Street. There are no separate facilities, no targeted services for these women. It's wrong for anyone to have to sleep on a mat, but it's even more wrong for a woman to have to do so in an overwhelmingly male environment," he says.

Swann is confident that one day Florence House will be a reality. A recent $1,080,000 grant from the Maine State Housing Authority, in cooperation with the Region One Homeless Council, brings the project a step closer to fruition.

"We don't just need one or two champions of this cause. We need lots of champions. All of us need to be saying that homelessness is not okay. It is not enough to feed people at soup kitchens and feel good about it. It's not okay for people to sleep on mats on the floor. It's not okay for women to live for years and years and years on the streets of Portland, Maine."

*Sarah Riley, a 2006 graduate of Bowdoin College, wrote this story as part of a semester-long internship at Port City Life.* ❋



*John Harlow and Bill Lovendale in Bill's apartment at Logan Place.*

# "Success is staying"

## The tenants of Logan Place encounter life after homelessness

*By Thomas MacMillan • Photos by Liz Lance*

KELLY STANDS by the kitchen counter in the community room, trying to get everyone's attention. "Does anyone want to share their thoughts about the video?" she asks somewhat meekly, playing with the staff ID card hanging around her neck. "Or share how your life has changed since moving into Logan Place?"

It's March 22nd, the evening of Logan Place's second anniversary celebration. A small portion of the apartment building's thirty tenants–mostly men and all formerly homeless individuals–have gathered in the community room. They are all participants in a unique experiment in Maine, the state's debut Housing First project for the chronically homeless of Portland. Part of a national trend in the fight against homelessness, the Housing First model moves homeless individuals directly from the street into their own permanent apartments. Instead of the usual M*A*S*H re-runs, those present have just finished watching A Home For Good, a ten-minute promotional video about Logan Place. The staff had hoped that afterwards the tenants would engage in a reflective discussion about what Logan Place means to them.

At first, no one responds to Kelly's questions. There are a few quiet side conversations, but mostly people are focused on eating their Chinese take-out, the special anniversary dinner. They are seated at the three tables in the bright, linoleum-floored room. In one corner a couch and an easy chair face the television. In the opposite corner, two staff members in the kitchen serve plates of fried rice and egg rolls to the tenants who wander in.

A man with glasses speaks up abruptly: "I'm a lot cleaner, 'cause I have access to showers. Plus being safe within walls, without being vulnerable." Kelly nods and smiles encouragingly. The residents here have all moved into Logan Place within the last two years, after spending significant portions of their lives living on the streets or in emergency shelters.

Maria, Logan Place's program coordinator, poses another question to try to stimulate conversation. She asks how Logan Place has changed since it opened. "The drunks stand out the most," says Rose, who was homeless for 15 years before moving into the building. "It's very positive. The ones that were sloshed all the time now aren't." Logan Place's tenants were selected from among Portland's hardest cases of homelessness: men and women with disabilities, mental illnesses, and addictions, many of whom had for years been unable to remain sober or hold a job.

The conversation about Logan Place gives Ed an idea. "What about inviting some of the neighborhood in for a cookout?" he asks.

"That's a great idea. A neighborhood cookout," says Maria, nodding. "How do other people feel about that?" she asks the room. No one responds. Most of the tenants appear too distracted by their own lives to assess their time at Logan Place or plan a neighborhood event.

There is no distinct end to the discussion. Eventually someone turns the television back on. As people finish their food they drift out of the community room and back to their apartments. Two years into this experiment, Logan Place's tenants are still adjusting to life in their own homes. After years of homelessness, most of them had grown accustomed to life in the streets or in shelters. Moving in has presented the tenants with a whole new set of challenges, from learning to cook for themselves to dealing with untreated mental illness and alcoholism. The tenants are in uncharted territory, learning as they go.

LOGAN PLACE, on the edge of Portland, is the last building on a dead-end street. It is a small apartment building designed to look like a large house. The bulletin boards and warm, pastel color scheme give Lo-

*Charlotte gives Geno a hug after he shares his bingo winnings with her.*

gan Place the feeling of a retirement home. Upstairs, the brightly lit hallways are quiet, but the muffled sounds of televisions and stereos can be heard through some apartment doors.

Geno sits at the small table in his smoky second-floor apartment, surrounded by Boston Red Sox and New England Patriots paraphernalia: posters, photographs, souvenir footballs and figurines. In the corner, The Munsters flickers quietly across a large television. Having just woken up from an afternoon nap, Geno's thick sandy hair is pushed forward and his small eyes blink blearily behind his big black-framed glasses. Geno is large and round, with thick freckled arms. His face is unshaven and his unkempt reddish moustache partially conceals the fact that he is missing most of his front teeth.

Life in his own apartment is better than living on the streets, according to Geno, who is 51 and spent a decade being homeless. "You don't gotta worry about the weather," he says matter-of-factly. "It's a lot warmer in here, I'll tell you that." Geno breathes heavily through his nose. He has a slightly mushy way of speaking; his words don't have distinct edges. There's no one else in his apartment today, but Geno says he sometimes has his neighbors over. "We usually sit around and drink," he says. "Watch TV."

In accordance with Logan Place's "low barrier" philosophy, there are no restrictions placed on alcohol use, as long as tenants are not a danger to themselves or others. Alcoholic beverages are not allowed in common areas, but in their own apartments tenants are free to imbibe whatever and whenever they like. The staff sometimes encourages tenants to drink less but does not directly intervene unless there is an obvious problem. According to the staff, drinking has decreased for most residents since they moved in. Still, there are a number of tenants who show little desire to change their ways.

Geno hasn't been drinking today. He says he's trying to stay away from beer for a little while so that he can get some temporary work as a day laborer. He wants to put together some money so that he can take a trip to Ohio with a friend. Other times when he's needed some extra money he's gone out "signing," standing at busy intersections with a cardboard sign reading, "Please Help." Geno says he can only do it when he's drinking, "You can't do that straight. Come on...It's better when you're buzzed, then you don't give a shit... about the cops or anybody, you know."

Logan Place represents an inversion of the standard method of dealing with homelessness. Traditionally, homeless persons are placed on a conveyor belt towards permanent housing, passing through a variety of emergency shelters, transitional housing and group homes. Along the way, they are required to meet certain benchmarks: staying sober, becoming mentally stable, finding employment. Few people make it all the way up the conveyor belt without falling off and having to start again at the bottom. Under Housing First, homeless persons bypass all of this and move right into their own home. The theory is based on the belief that housing has to be a precondition for other achievements, that alcohol problems and mental illnesses cannot be treated if a person does not have the stability of permanent housing.

Logan Place is not, strictly speaking, a rehabilitation program. It is not designed to move the chronically homeless out on their own, into their own houses and full-time jobs. Maria says this is a common misunderstanding about the program. "It is not a stepping stone," she says. "Success is staying."

Housing First is gaining popularity across the country not only because it seems to be helping people, but also because it has proven to be cost efficient. It is actually cheaper to supply chronically homeless individuals with permanent housing than to continue to shuttle them between shelters, emergency rooms, and police stations.

During his ten years living in emergency shelters, Geno says he had his share of run-ins with the police. Now he spends most of his time in his apartment, where he can watch television and have friends over to drink. The staff encourages him to spend time socializing in the common areas of the building, but he's not interested. "They want me to go downstairs and watch their TV, or play cards, but jeez, I got my own cable here."

DOWNSTAIRS IN the community room, the television is constantly on. There are usually a handful of residents present, sitting quietly, rolling cigarettes, playing solitaire, or just watching daytime programming. At six o'clock the television is tuned to the evening news, and there is a nightly game of Spades at one of the round tables. After the news, many tenants enjoy watching shirtless men getting arrested on COPS. "'Trash TV,' I call it," says Ron as he unlocks the door to his third-floor apartment. "They gotta watch things that make 'em feel like they got a better life than the actors on TV." Television is just one of

many complaints that Ron has about Logan Place.

As he enters his apartment, he returns his ring of keys to the clip on his tight jeans. Ron, 46, is tall and lanky and he wears black Velcro sneakers. Completely bald on top of his head, he has a long brown ponytail that extends down his back.

Ron doesn't think it's right that tenants do so little. "We aren't producing, we aren't being constructive," he says bitterly. "Those people down there, they sit around all day because they can get away with it." Ron thinks that he has, or had, a better plan for a housing program for the homeless. He thinks that tenants should be doing something productive, "anything but sittin' there watching TV all day." Taking a seat on his bed, he pulls out two battered briefcases, and begins searching for the business plan that he drafted while in rehab for his third brain injury. Ron says he had written up a proposal for a project like Logan Place, but with a woodworking program for tenants. Explaining his project as he sorts through dog-eared paperwork, Ron starts getting worked up. "I don't believe in being a bum or supporting bums!" he says loudly.

Ron considers himself a professional woodcarver, which he feels distinguishes him from the tenants downstairs watching television. He wants to move out of Logan Place "Ay-sap," and when asked if he has a job to support himself, he says, "Yeah! Take a look around." In the dim overhead lighting, his cluttered apartment looks more like a woodshop than a living space. Around the bed, on the floor and on homemade shelves, lie scraps of wood, saws, power sanders, and all manner of chisels and hand tools. Ron's woodcarvings are everywhere: bookends and duck decoys, wall pieces and doorstops carved into animal shapes. Among the tools and papers on a small table nearby are hand-written business cards that Ron painstakingly produces one by one to help sell his woodcarvings.

The business plan seems to have been lost for good. But Ron continues to complain in spurts, scowling and raising his voice occasionally. The Lo-

*Logan Place resident Charlotte Gould grocery shops weekly at Save-a-Lot.*

*Tenant Rose Strout at work as a housekeeper at the Sheraton Hotel in South Portland.*

gan Place staff is not spared from Ron's criticisms. He says the staff is responsive if approached by a tenant, but otherwise he thinks that they avoid work. "They put in their time," he says dismissively. But despite his complaints, Ron concedes that since moving into Logan Place he has become more "patient, understanding and ambitious."

BILL PACES slowly back and forth in his apartment, pausing occasionally to sip from a glass of warm beer on his kitchen counter. Standing at well over six feet tall, Bill's long arms hang loose, his big hands half closed. He is recounting his life story, speaking slowly through his thick dark beard.

"I lasted long enough to get my kids settled," he says. His low voice seems to come from deep in his mouth. Bill had been living in Boston, putting in long hours as a roofer and working nights for UPS. He held this hectic schedule together until his three sons were all through high school, then something gave way and Bill ended up in a psychiatric hospital. Bill describes it as "roofer burnout." He says the doctors described it as acute depression.

After he got home from the hospital, Bill took off. He left his wife and family and drove across the country until his money ran out. He ended up in Detroit, lost his car and began walking the streets, sleeping anywhere he could find. "Winter set in. I found a spot in a Detroit parking garage where a steam pipe went through," he says. "Me and some other bums slept there." Eventually his sons found out where he was and brought him home to Massachusetts. But after a few months, Bill hit the road again. "I wasn't ready to go back and live with my family yet." This time he ended up in California. Again, he eventually found his way home, stayed for a few months, saved some money, and took off to Maine. He spent most of the summer living out of his truck, parking at night at the Wal-Mart in Windham, just north of Portland. Eventually he ran out of money and found himself homeless again. He stayed that way for three years, living in shelters and walking the streets of Portland, before moving into Logan Place two years ago.

A number of tenants suffer from mental illness,

*Geno Caron in his apartment at Logan Place.*

which is widespread among the chronically homeless. Psychiatric conditions are handled much the same way as alcohol use at Logan Place. The staff can suggest that a tenant think about seeing a psychiatrist or taking medication, but do not require it. It is up to individual tenants to decide what they need or want.

Bill stops his pacing to light a cigarette and then resumes his slow circuit from his front door to the window overlooking the backyard. Bill's daily routine includes a walk, an afternoon nap and a game of cards in the evening. Now that spring is arriving, he'll start riding his bike and playing horseshoes. "It's quite boring," he says. It's also the best Bill has been doing for years. "I'm not afraid to take on some responsibility again," he says. "First time I've felt up to it." Bill, now 53, feels ready to take some small but significant steps toward rebuilding his life. He plans to get his driver's license back, find a part-time job, and buy a car.

Bill blinks slowly as he looks around the room. He hasn't spoken to his family in a long time. He plans to get in touch, but not yet. "Once I get myself straightened out, I'll feel more worthy of being a father," he says. "At least now I'm not on the streets."

THE SOUND OF his television let's Peggy, a Logan Place staff person, know that Geno is home. But despite her persistent knocking he doesn't answer his door. It's the first Logan Place barbecue of the year and Geno had said that he would man the grill. "There was a Red Sox game on earlier, he's probably passed out," says Peggy, giving up. "He'll be down to eat." She moves down the hall to see if Bill wants to be in charge of the grill.

Winter has taken a long time to leave this year, with a series of late snowstorms and a ferocious windy northeaster in the middle of April. Today is one of the first truly warm and sunny days of spring and some tenants are excited about this evening's barbecue. In the community room kitchen, two tenants are preparing food. Ed mixes potato salad while Charlotte prepares peppers, onions, and mushrooms to go with barbecued sausages. "Like at the carnival," she says happily, stirring a simmering pot on the stove.

Charlotte went to the store earlier and spent thirty dollars on groceries for the barbecue. Another tenant

bought hamburgers and pork chops. Geno paid for a package of hot dogs. This willingness to contribute to a building event represents a significant shift. Two years in, a sense of community and ownership has begun to coalesce at Logan Place. Since the beginning, the staff has been organizing weekly and monthly events to encourage community participation and to lure tenants out of the isolation of their individual apartments. There is a pasta dinner every Wednesday, and a monthly celebration of a different foreign culture. Gradually, the staff has begun to take a back seat at these events as Logan Place tenants take on more responsibility and start to run things themselves.

Out back, Bill is starting up the big green gas barbecue on the concrete patio. The middle section won't light, but Bill finally gets it going. "Ta-daa!" he says happily, putting the grill top back in place. "Where's all the food?" Ken and John, two tenants, bring out platters of meat – hamburgers, sausage, hot dogs, pork chops, chicken skewers – and the grilling commences.

"You guys want a radio out here?" asks Peggy, sitting at one of the two picnic tables. There are a half dozen tenants gathered outside to watch the barbecuing, mostly bearded men in winter hats. They decline the radio. Peggy chats with them about camping and fishing. Charlotte comes outside and sits nearby in a plastic chair, talking contentedly to no one in particular. Plate in hand, Ron sits in the shade by the back door, grumbling that the food is late.

As the meat becomes ready, Ken brings it in to the community room, where Ed is cleaning the kitchen. The barbecue culminates in a quiet meal for a dozen tenants in front of the television. Tenants have executed the entire event, from buying the groceries and preparing the grill to cooking the food and cleaning up.

TWO DAYS LATER, Maria sits at the front desk in the lobby and reviews the success of the barbecue. "It was nice," she says, hands folded in front of her. "People are feeling more ownership. They're realizing that this is what we make of it." Logan Place is still young, still evolving, and building a culture of its own. Maria thinks the barbecue is representative

*Logan Place staffer Peggy Lynch chats with residents Ron Crabbe, Tim Clark and Bill Lovendale at the first barbecue of the season.*

*Ken, John and Bill near the Fore River after a game of horseshoes.*

of the direction that Logan Place is heading: less staff involvement and more tenant responsibility.

The elevator dings and Bill emerges, wearing sunglasses and wheeling his bicycle. John, a stooped man with a potbelly and a long moustache, follows behind. John and Bill are joined at the back door by Ken, a short bearded man in a grey t-shirt and winter hat. They cross the parking lot, following a winding path under the highway and across the railroad tracks to a sandy spot by the Fore River, where they've set up a horseshoe pitch. Bill removes four horseshoes from his saddlebags and he and Ken begin a game. Bill keeps up a mumbled commentary after every toss: "too far... off to the left...that one flopped in for a point." John stands nearby, repeatedly telling the story of Bill's "double ringer" from yesterday's horseshoe session. It is a close game but Ken wins in the end.

Between games they take a break and Bill pulls a can of Natural Ice beer out of a saddlebag. The three men light cigarettes. Bill recalls the horseshoe game yesterday when, he says, a couple of "shelter people" showed up, sat too close to the pitch and talked too much. Bill didn't know them personally, but he identified them as shelter people. "It takes one to know one," he says. Even after two years living in his own apartment, Bill still thinks of himself as homeless. "Once a shelter person, always a shelter person," he says emphatically.

The three men are quiet. Bill takes a few slow steps, looks at the river and then turns back toward the tracks. The roof of Logan Place is just visible through the trees. "It's not a good life. But it's not a bad life," he says quietly.

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Portland Press Herald

PRINTTHIS

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# Maine Voices: Florence House gives the homeless hope along with shelter

**Moving from life on the street to a real apartment is a dream come true for many women.**

Special to The Press Herald

PORTLAND - Will I ever find a home? Is there any way to end homelessness? This month marked the first anniversary of an event that answered those questions with a resounding "Yes!"

PPH Opinion

**ABOUT THE AUTHOR**

**The Very Rev. Benjamin Shambaugh,** D.Min., is dean of The Cathedral Church of St. Luke and a member of Preble Street's Board of Directors.

It was the anniversary of the day Preble Street welcomed homeless women home for good to Florence House, the comprehensive woman's center on Valley Street.

On that day, women who had all but given up the dream of a home signed leases, set up housekeeping, and began a new life.

We celebrated with Gail Veilleux, who said, "It was cold out there in the woods. Florence House got me off the streets. Now I can get ahead. Learn something."

We celebrated as another woman balanced her grocery bags and fished for the keys to the first apartment she's had in 11 years.

Struggling throughout her life with diabetes and mental health problems and homeless after leaving a violent husband, she was assaulted in the streets. To escape her pain she became a victim of her own drug abuse.

At her lowest point, she took back her life, sought treatment at Mercy Recovery Center, and came to Florence House. Today she is home -- sober and healthy and part of a supportive community.

More than 50 percent of the women at Florence House have experienced domestic abuse, suffer from chronic health problems, and are at great risk of beatings, rape and trauma while homeless.

Those 18 to 44 years old are 10 times more likely to die than housed women, because of poor living conditions, substance abuse, mental illness and social isolation.

On one of the handmade wall tiles that commemorate their troubled lives, a woman wrote that it's like being stuck in a black bottomless pit; like being dead inside.

Each woman arrives at Florence House with a heartrending story of misfortune, abuse, illness, mistakes, helplessness. Each with a broken heart. Each with a dream of home.

We have heard their stories. We have seen the terrible, painful and sometimes overwhelming reality.

We have said homelessness is not OK. And Florence House is a solution: permanent and emergency housing for chronically homeless women.

None of the 25 women who moved into apartments at Florence House when it opened have returned to shelters.

The 150 women who needed the emergency shelter at Florence House have since found permanent affordable housing.

Hundreds have been connected with community resources for mental health, substance abuse treatment, employment and health care.

They are working to develop life skills, take courses, find jobs and reconnect with their families.

Many are involved in the community, volunteer for neighborhood clean-ups or participate in peer advocacy with Homeless Voices for Justice at Preble Street.

As we celebrated how coming together at Florence House helped women feel safe and empowered them to grow and improve their lives, we also celebrated how it has strengthened the community.

Avesta Housing and Preble Street turned an unkempt, untended urban lot into urgently needed housing to support the city's Comprehensive Plan.

The neighborhood gained an aesthetically pleasing, award-winning residential property with a responsible landlord, 24-hour professional staff, a management plan and a solid partnership with the police department.

New residents with a sense of ownership in the community have taken a keen interest in being good neighbors. And a program that opens doors of hope for homeless women has reduced the strain on municipal and emergency services.

Medcu calls and emergency room visits have plunged because many who used emergency

services every month while homeless stop when they have supportive housing.

At Florence House hundreds of women have taken hold of opportunities that will continue to allow them to make lasting positive change in their lives and their neighborhood.

As U.S. Secretary of Housing and Urban Development Shaun Donovan said when Florence House opened, "Our challenge is to house everyone -- and Florence House is showing us how we can."

Gloria Woody, an attractive middle-aged woman staying at the shelter who is a breast cancer survivor and is extra careful about eating healthfully, smiled as she sat in the bright dining room for a few minutes to join the anniversary party.

As she wrapped her remaining lunch in a napkin and rushed off to keep an appointment to look at an apartment, she said, "I don't know what I would've done without Florence House. It's amazing!"

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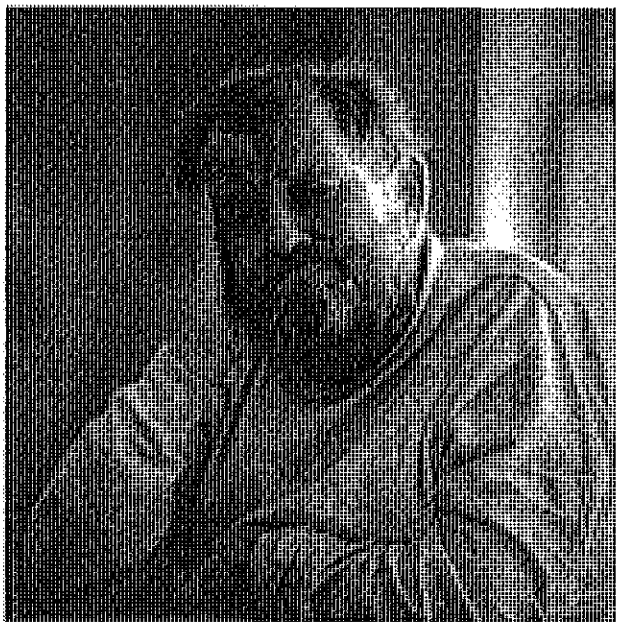
# Sweet Home

**From the streets to a place of one's own**

March 3, 2014

By Doug Bruns

*Editor's Note: Last May, we published "Cornered: Portraits of Portland's Traffic Panhandlers," by local writer and photographer Doug Bruns. This winter, Bruns completed a similar assignment, this one focused on formerly homeless people who have made the transition to housing with the help of local social-service agencies. (One of the subjects of "Cornered," Judy, also appears here.) "Thank you to Amy Gallant and the other good folks at Preble Street for their assistance in pulling this story together," said Bruns. "Their tireless work on behalf of our less-fortunate neighbors enriches our community and serves us all to the positive."*



**Mike, 56**
**eight years homeless; two years in housing**

Having a roof over my head means I don't have to be in the street anymore. That gives me peace of mind. God knows what I'd do if I was homeless again. I became homeless when my mother was put in a nursing home. I believe she's still alive. She's 101 years old. I was working for a car dealership when I had my stroke in 2007 and couldn't work, and she was in the home. That's how it happened, homelessness.... Homelessness sucks. Nobody should be living on the street. I fell and broke my shoulder and was taken to the hospital. There, somebody filled out paperwork, and then I came here [Logan Place, an affordable housing complex, supported by Avesta Housing and Preble Street, located in Libbytown near one of the interstate off-ramps]. The best thing about living here is having a bed and a shower.

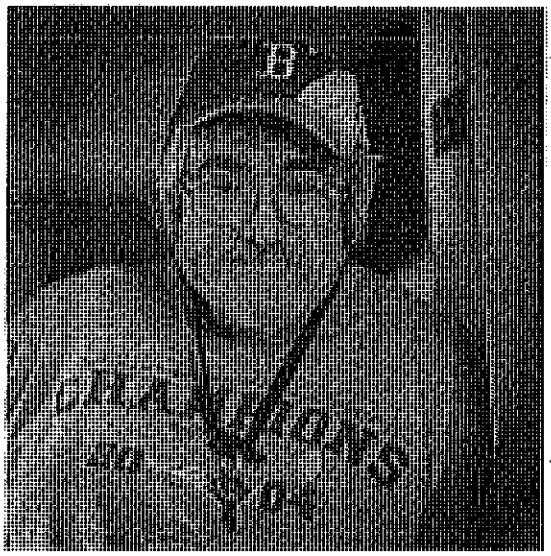
**Judy, 49**
**two years and two months homeless; four-and-a-half months in housing**

It's really, really difficult to be homeless. It's like a full-time job.... All I needed was a chance. I'm disabled. Because I was homeless over two years and I could prove it, and the fact that I am disabled, I got one of the 20 vouchers for housing. The sequestration of Section 8 vouchers kind of hurt us. They had 40, but pulled back 20. I got lucky and got one of those 20 and found a place.... The lack of affordable housing is really a problem. The lack of livable wages is really a problem. Back in the '80s, with deinstitution, the mentally ill — and that's my disability — were left on the street and living in the bushes.... Keep trying — that's my advice to the people on the streets. I'm not going to say it's doable, 'cause it's really tough. Even with my disability, I made a deal with myself. I said, "Everyday, you've got to do something towards the future." Who can I talk to? What can I be doing?... If I could put in a plug for the people who helped me when I was on the street: Thank you. I couldn't have made it without your help.

**Mark, 56**
**four years homeless; six-and-a-half months in housing**

I was a terrible alcoholic before I became sober. For 35 years, I drank. I almost died from drinking alcohol. One day I woke up at four in the morning — four in the morning is an interesting time — and knew that I had to leave where I was. I was with two lady friends. They were alcoholics. Out of my mouth, I said to myself, *You need to leave here now.* I left where I was, but collapsed on the lawn and went to the hospital. I believed I was going to die.... I was on a different path after that. I knew it was different — it was a spiritual path. I don't know why I felt that way, it just was. I lost my depression and I lost my anxiety. I believe God saved my life for a reason. When you believe you're going to die, everything changes.... I consider my case worker my muse. Her name is Jamie. She was my case worker for 10 years. She was my guide. She pushed me forward.... You have to gravitate to people who are positive, stay away from the negative. You have to have faith. I'm a man of faith.... There is hope. There is always a light at

the end of the tunnel.... I pray for my mind to be expanded. I pray to help people. If you can't help, at least don't hurt them.



**Geno, 58**
**eighteen years homeless; nine years in housing**

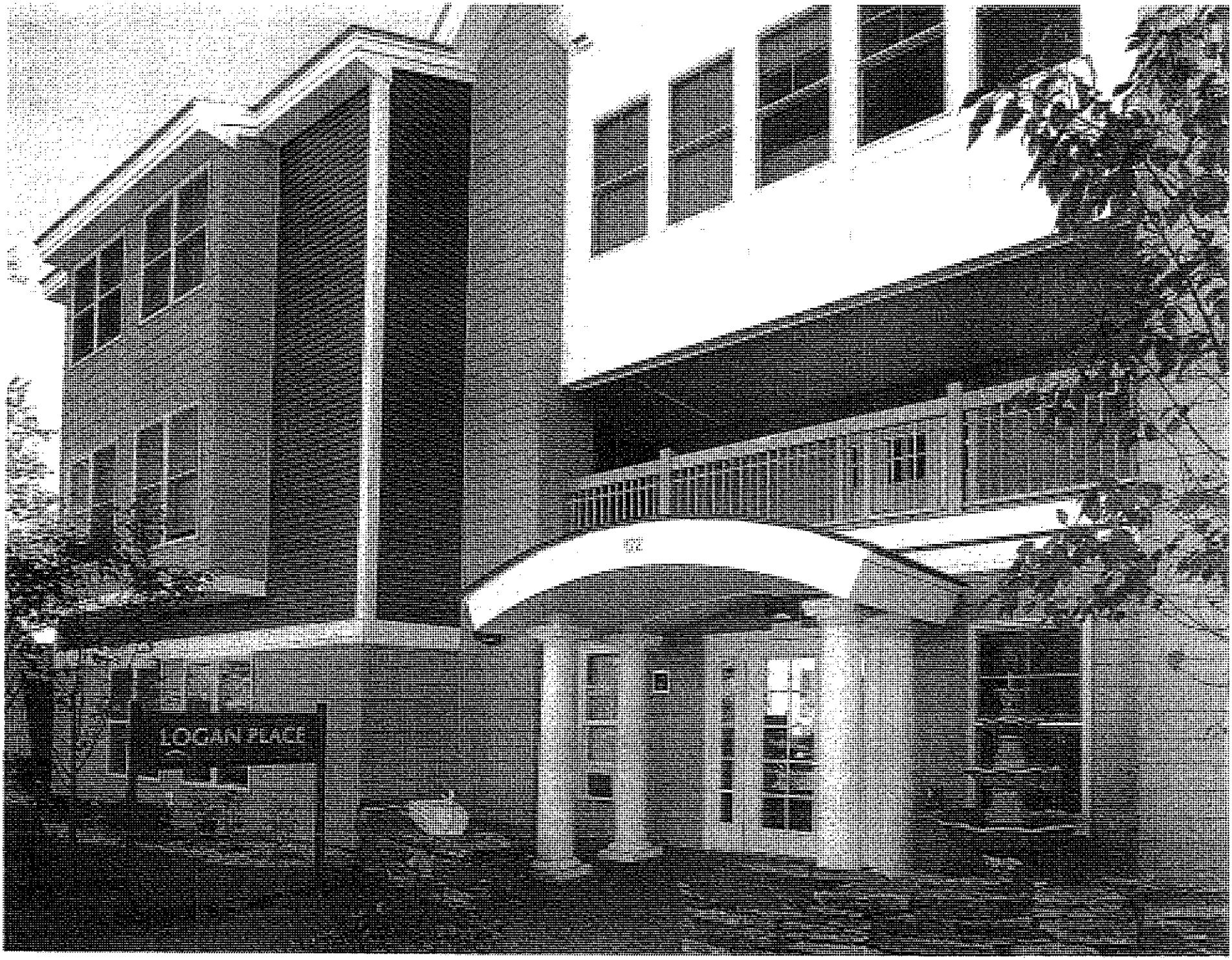
Peggy at Preble Street got me off the street. I don't know what I'd do if that hadn't happened.... I'm not going to die on the street. I'm going to die right there, right on that bed. I've got too many years left, I can feel it.... The best thing is that I've got a place to go when there's no shelter available. The shelters are too crowded. You get there at five at night and hope they have a bed. If not, I'd find a hallway someplace to sleep.... I got my cat four years ago, maybe three. He's my buddy. His name is Casper, but we call him Porker.... The best part of having a roof over my head is my bed. I have a place to sleep. Tell the homeless people that if they can get a place, to do everything they can to keep it. Don't let your buddies screw it up. Make it last till the last picture show.

**Suzanne, 59**
**one year homeless; housing "a life-long effort"**

I'm trying to reinvent my life. I'm in a situation where I'm trying to figure out what my life is about.... No one ever told me how to become an adult, how to deal with myself. You know, becoming an adult, and people are asking if you're going to go to college and all that. I was really scared of all that. I went into adulthood from a place that was not a place of strength. I made bad decisions as a result.... I was an abused woman. I was sleeping in my car.... We all have stories. We all think we're OK. But there are things we push to the back of our minds.... For people on the street, things become acute. I was in some strange mental place. How can you live in a dangerous place and think you're going to be OK? It became very acute for me very quickly. My decision-making process was not very sound at the time.... God is love and He wants us to have food and shelter and enjoyment. But you still have to desire it and ask for it and want it. You have to work on having a frame of mind that will support that. You have to work on being positive.

**Donna, 47**
**four years homeless; two years in housing**

I lost my MaineCare. I'm a diabetic. My foot's infected. I'm scared I'll lose my foot. I'm scared in general. I've never lived on my own.... I was in the shelter and the staff knew about my health problems. They saw my need and pressed for me to get an apartment. The workers here (Florence House, another Avesta/Preble Street project, located in the St. John/Valley Street neighborhood) are tremendous. They're caring. They're great people. I love them.... My father died in 2007. He told me two weeks before he died to keep the family together. My brothers live in a nice house with four bedrooms. My middle brother knew I was in a shelter at the time. But there is no communication. My advice to everyone is, if you have family and one of them is in trouble, try to contact them. Let them know you will help them.... Sometimes in the middle of the night I go outside and just sit on the bench and listen to the night, to Mother Nature. You have to hold on to whatever you can.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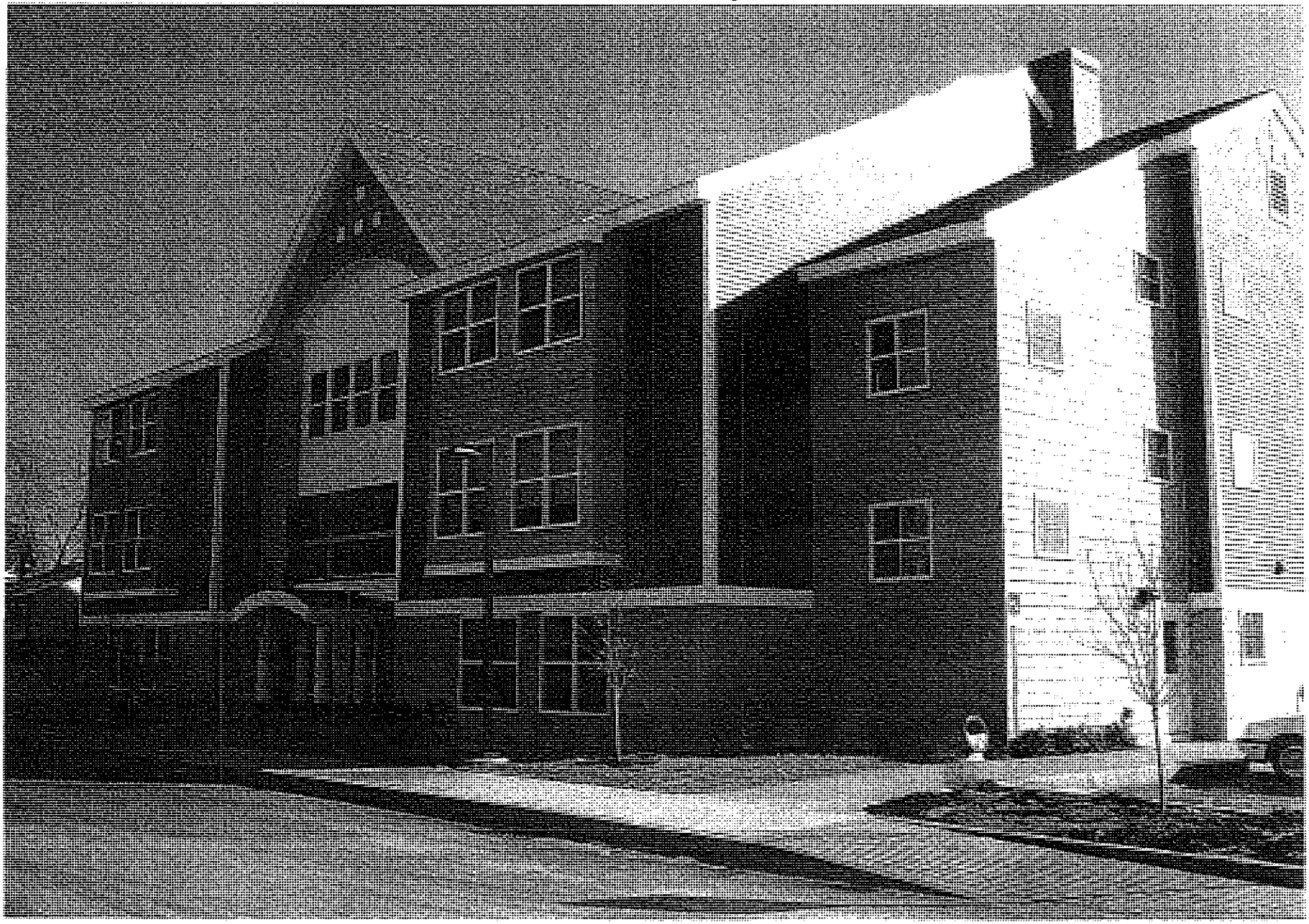
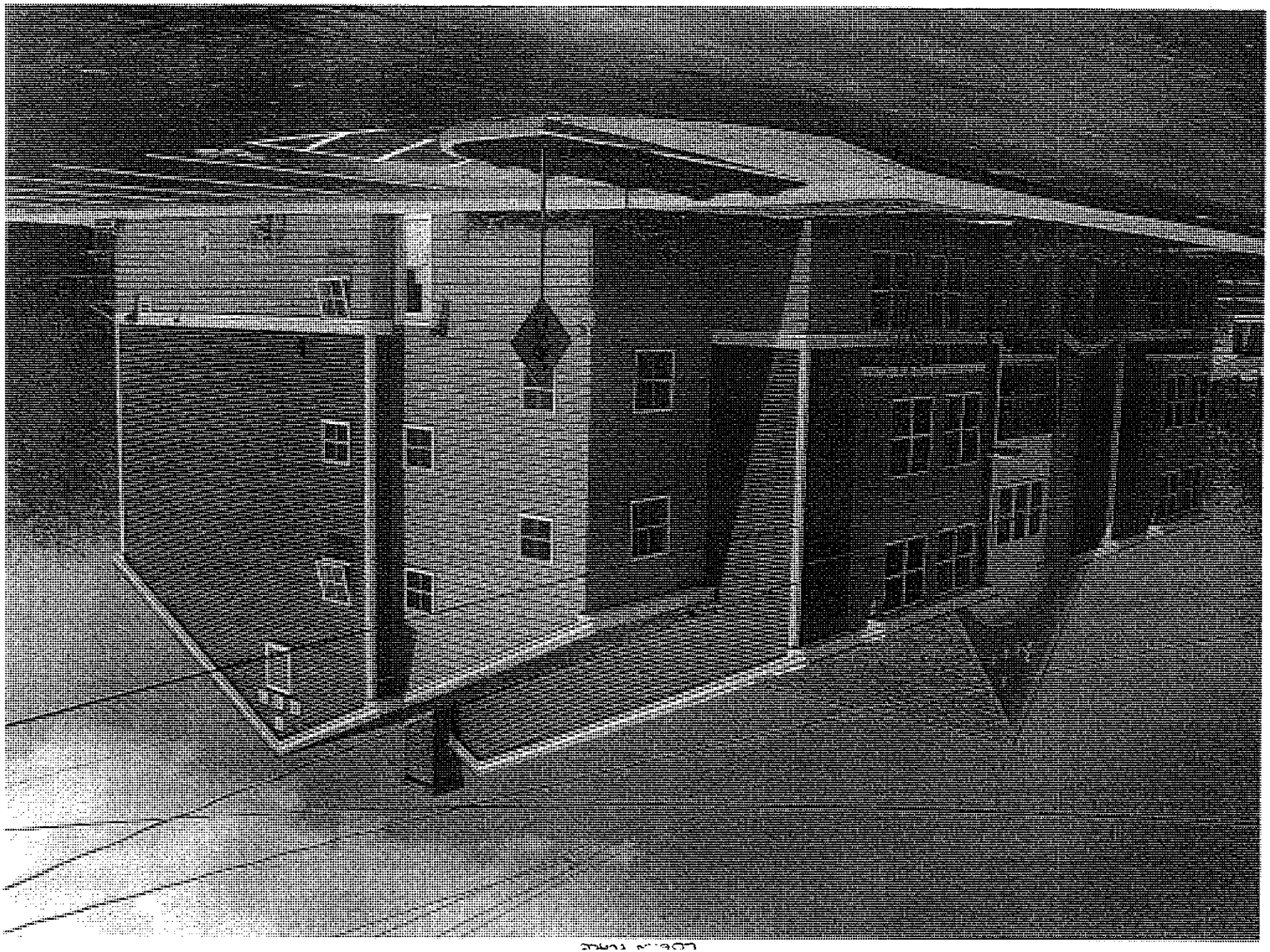
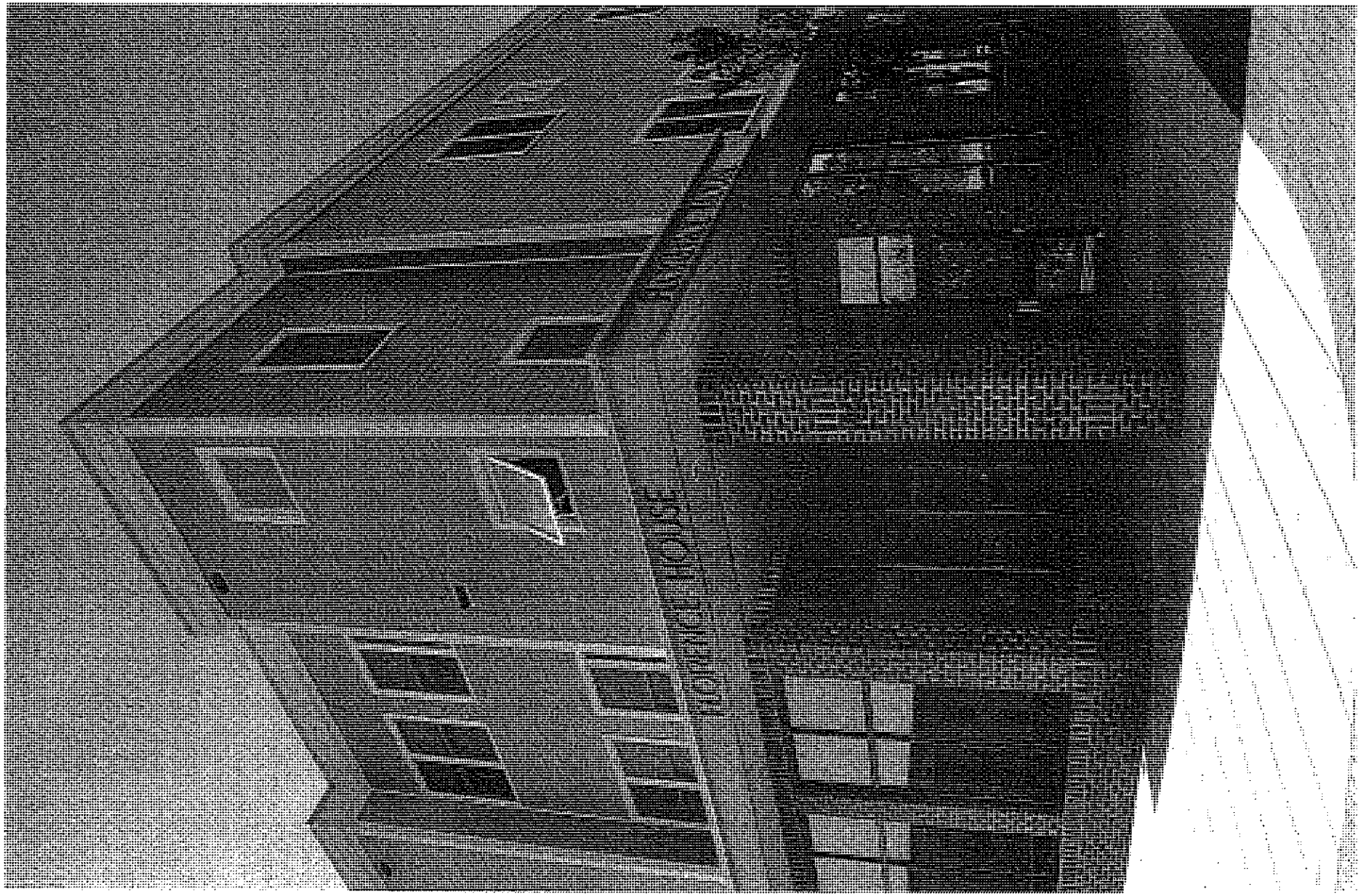




FLORENCE HOUSE

FLORENCE HOUSE



FLORENCE HOUSE

## Logan Place II Completion Schedule

| Activity | Actual/Scheduled Date Month/Year |
|---|---|
| A. SITE | |
| Option/Contract | 02/20/14 |
| Site Acquisition | 07/05/14 |
| Zoning Approval | 07/31/14 |
| Development Approval | 12/31/14 |
| B. FINANCING | |
| Construction Loan Commitment | 08/01/15 |
| Permanent Loan Commitment | 08/01/15 |
| Other Sources Committed | 08/01/15 |
| C. PLANS AND SPECIFICATIONS | |
| 50% | 02/01/15 |
| 90% | 05/01/15 |
| 100% | 07/01/15 |
| D. CONSTRUCTION LOAN CLOSING | 09/01/15 |
| E. CONSTRUCTION START | 09/01/15 |
| F. SUBSTANTIAL COMPLETION | 08/01/16 |
| G. COMPLETION OF CONSTRUCTION | 09/01/16 |
| H. LEASE-UP | |
| Lease-up Begins | 09/01/16 |
| Sustained (95%) Occupancy | 01/01/17 |