

AGENDA
REGULAR CITY COUNCIL MEETING
MAY 18, 2015

1. Agenda

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2. Agenda Packet

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

DAVID BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

AGENDA
REGULAR CITY COUNCIL MEETING
MAY 18, 2015

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) Special City Council Meeting, May 4, 2015, 5:00 p.m.
Regular City Council Meeting, May 4, 2015, 7:00 p.m.

PROCLAMATIONS:

Proc 30-14/15 Proclamation Honoring Gibson Fay-Leblanc as Portland's Poet
(Tab 2) Laureate – Co-Sponsored by Councilors Jill C. Duson, David A. Marshall, Nicholas M. Mavodones, Jr., Jon Hinck, David Brenerman, Justin Costa, and Mayor Michael F. Brennan.

Proc 31-14/15 Proclamation Honoring Regina Phillips, Health & Human Services
(Tab 3) Department, Social Services Division, as Employee of the Month for April 2015 – Sponsored by Mayor Michael F. Brennan.

Proc 32-14/15 Proclamation Honoring Timothy Fuller, Health & Human Services
(Tab 4) Department, Public Health Division, as Employee of the Month for May 2015 – Sponsored by Mayor Michael F. Brennan.

Proc 33-14/15 Proclamation Honoring Officer Evan Bomba as Police Officer of the
(Tab 5) Month for April 2015 – Sponsored by Mayor Michael F. Brennan

Proc 34-14/15 Proclamation Honoring Arbor Week May 17-23 – Sponsored by Mayor
(Tab 6) Mayor Michael F. Brennan.

APPOINTMENTS:

Order 252A-14/15 (Tab 7) Order Appointing Constables for 2015 Re: Department of Public Services – Sponsored by Michael J. Sauschuck, Acting City Manager.

This order appoints Rusty Groh, Krista L. Keene, and Zachary J. Mullin Park Rangers, for the Department of Public Services as constables for the remaining calendar year 2015. This appointment shall be effective from the effective date of this order until 12:00 midnight, December 31, 2015.

Pursuant to Sections 20-19 and 20-19.5, Portland City Code, none are allowed to carry a firearm, concealed or unconcealed, in the performance of duties, or to make arrests or issue parking tickets.

Staff is asking that this item be passed as an emergency in order to make it effective immediately. Seven affirmative votes are required for passage as an emergency after public comment.

Order 253-14/15 (Tab 8) Order Appointing Constables Re: Department of Public Safety – Sponsored by Michael J. Sauschuck, Acting City Manager.

This order appoints Police Cadets Benjamin Savage, Hashim Mohamed, Brian Rollins, Whitney Adell, and Raven Riendeau as Constables. This appointment shall be effective from the effective date of this order until 10:00 midnight, October 31, 2015.

Each summer the Portland Police Department partners with the Portland Downtown District to contract Police Cadets for the purpose of additional foot beat coverage in Portland's Downtown Districts and Peaks Island.

The Police Department affords this opportunity to entry level applicants who wish to seek further employment in law enforcement in the future. Their participation in this program adds to the City's public safety workforce and affords the cadets hands-on experience in the field of law enforcement. The training for Cadets shall be completed on May 22, 2015 and foot beat assignments shall begin on May 25, 2015.

Pursuant to Sections 20-19 and 20-19.5, Portland City Code, none are allowed to carry a firearm, concealed or unconcealed, in the performance of duties, or to make arrests or issue parking tickets.

Staff is asking that this item be passed as an emergency in order to make it effective immediately. Seven affirmative votes are required for passage as an emergency after public comment.

CONSENT ITEMS:

LICENSES:

COMMUNICATIONS:

RESOLUTIONS:

ORDERS:

Order 254-14/15 (Tab 9) **Order Approving Amended and Restated Lease Agreement with Nova Star Cruises Limited – Sponsored by the Housing and Community Development Committee (HCDC), Councilor Kevin J. Donoghue, Chair.**

On April 7, 2014, the City Council authorized the City Manager to execute a lease with Nova Star Cruises for use of Ocean Gateway for ferry service connecting the port of Portland, Maine with Yarmouth, Nova Scotia. Nova Star has approached the City for amendments to the lease, including, among others noted below, a shortened season, originally May 1 to October 31 – shortened to June 1 to October 14. An overview of the Amended and Restated Lease (ARL) terms is provided below.

Seasonal exclusive use, at certain times, of the following Ocean Gateway facilities and property:

- ***Queuing Area*** during certain times of day – originally 5:00 p.m. to 11:00 p.m., amended to 4:30 p.m. to 9:30 p.m. during the Operating Season.
- ***Berthing*** – originally 7:00 p.m. to 11:00 p.m. daily, amended to 6:30 p.m. to 9:30 p.m., during the Operating Season, except when cruise ships are in port Vessel arrival time shall be 7:00 p.m. It will be Tenant's responsibility to track scheduled cruise ship visits in order to ensure proper berthing time.
- ***Roll-on, Roll-off Ramp*** – Amended lease has Tenant responsible for all repairs and maintenance of the ramp during Operating Season, including the two weeks immediately before and the two weeks immediately after the Operating Season.
- ***Terminal Building*** – No change to original lease. Original lease gives Tenant exclusive daily use of the ground floor of the Terminal Building at Ocean Gateway for Custom Border and Protection screening between the hours of 5:00 p.m. and 9:00 p.m. during the operating season.
- ***Receiving Building*** – Original lease gives Tenant non-exclusive use of the Receiving Building between 9:00 a.m. and 9:00 p.m. for passenger waiting area and rest rooms. The ARL allows Tenant to use the

Receiving Building for ticketing and requires Nova Star to conduct daily cleaning. Use of the Receiving Building is “as is”, which means any changes to building requested by Tenant shall be implemented at Tenant’s sole expense with Landlord approval.

- **Departure Building** - Original lease gives Tenant 24/7 exclusive use of the Departure Building for office and ticketing operations, as well as for general passenger support purposes, at an annual amount as rent of \$19,200; the ARL has the Tenant not using the Departure Building.
- **Parking** - Original lease allows Tenant all day parking spaces for up to five (5) employees, and part-time parking (original start time at 5:00 p.m. changed to 4:00 p.m. to 12:00 midnight) for up to ten (10) additional part-time parking spaces at a mutually agreeable cost and location; the ARL increases 5 full-day parking spaces to 7 and increasing 10 additional part-time parking spaces to 15, all located at the Thames Street parking lot. There are no changes to the parking rates.
- **Term** - There are no changes to the original lease term. Original lease allowed for a three (3) year initial term with three additional renewal terms: two, two-year renewal terms, and one-year renewal term. Renewals would be subject to mutual agreement.
- **City Fees** - See attached Lease Exhibit B for fees, with amendments to delete all references to first year fees and increase parking cost (due to the number of additional parking spaces), along with an increased cost to use the Receiving Building for ticketing. The ARL has berthing at \$1.00 per foot of overall vessel length per day, or \$15,900 monthly; monthly parking will be \$1,225; and monthly ground rent will be \$4,660.
- **Lease Deposit.** \$10,000 – paid at time of execution of original lease.

The Housing and Community Development Committee reviewed the Amended and Restated Lease at its May 4, 2015, meeting at which time it unanimously recommended (4-0) that it be forwarded to the City Council for approval.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

**Order 233B-14/15
(Tab 10)**

Order Approving Annual Adjustments to the Community Development Block Grant (CDBG) Allocation Process – Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair.

This order approves several procedural changes to the Community Development Block Grant (CDBG) allocation process. These changes are

requested in an effort to improve the process and address issues raised through the Fiscal Year 2015-2016 allocation process.

2. Three (3) bonus points be awarded for each child care project or program in the Social Services funding category.

This Order was divided into parts and the second part, now Order 233B-14/15, failed to pass on a 4-4 vote. It returns for further Council action at this meeting pursuant to Council Rule 19.

Five affirmative votes are required for passage.

BUDGET ITEMS:

Order 234-14/15 (Tab 11)

Order Authorizing Fiscal Year 2016 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: Confined Space and Public Services: Cemeteries and Street Openings Permit Fees.

At the May 4th City Council meeting, this item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

Order 235-14/15 (Tab 12)

Order Authorizing Increase in Trash Bag Fee - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

Description	Current Fee	Proposed Fee
15 gallon bag	\$1.00	\$1.35
30 gallon bag	\$2.00	\$2.70

City staff is recommending that the price of city trash bags be increased by 35%. The increased revenue would shift more of the cost of solid waste and recycling operations to users of this program and away from the general tax base. Users of the program will pay an additional amount for service based on the amount of waste they generate.

If approved, staff will implement a change in the bag color to purple. (This color is not being used by any of our neighboring towns.) Effective on the date of the fee increase, (July 1, 2015) solid waste crews will begin collecting the waste in the new bags. Residents will have until July 30 to use their supply of the current blue bags. After that date, crews will only collect trash in the new purple bags.

Staff will implement a program for residents and retailers to return or exchange blue bags they still have after July 30. This approach should limit excessive purchases of blue bags in advance of the fee change.

At the May 4th City Council meeting, this item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 236-14/15
(Tab 13)**

Order Authorizing City Manager or Acting City Manager to Enter into Certain Agreements to Implement the Fiscal Year 2016 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 2016 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 4th. Five affirmative votes are required for passage after public comment.

**Order 237-14/15
(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 4th City Council meeting, this item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 238-14/15
(Tab 15)**

Order Authorizing City Manager or Acting City Manager to Enter into Certain Agreements to Implement Fiscal Year 2016 Health and Human Services Budget - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, 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 4th. Five affirmative votes are required for passage after public comment.

**Order 239-14/15
(Tab 16)**

Order Authorizing City Manager or Acting City Manager to Accept Scholarship Trust Donations and Enter into Trust Agreements - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, 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 4th City Council meeting, this item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 240-14/15
(Tab 17)**

Order Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, 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 4th City Council meeting, this item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 241-14/15
(Tab 18)**

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

This Order authorizes the City Manager to make a 3% pay adjustment for all non-union employees effective July 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.

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.

This item must be read on two separate days. It was given a first reading on May 4th. Five affirmative votes are required for passage after public comment.

**Order 242-14/15
(Tab 19)**

Order Designating Fiscal Year 2016 Funds for Specific Island Services - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

The municipal budget includes \$40,000 for use on Peaks Island in addition to the funds used to pay for direct and indirect city services. Pursuant to a request from the Peaks Island Council these funds will be used as follows in FY16:

Item A:	Reimburse the Portland Police Department for the cost of establishing a Police Cadet on Peaks Island for the period of July 1 - September 18, 2015, for a one-season trial basis.	\$1,500
Item B:	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.	\$3,000
Item C:	Transfer to the Portland School Department to cover the cost of extending Portland School Department issued 10-month Casco Bay Lines passes for Peaks Island public middle and high school students to 12-month passes.	\$4,400
Item D:	Expend monies from the Parking and Transportation Fund payable to Casco Bay Lines for Island resident college students: for up to 3 monthly stickers per student @ \$82.45/sticker, not to exceed \$2,000.	\$2,000
Item E:	Issue vouchers in the amount of \$84 per voucher per student to the parents of children attending private schools off-island.	\$450
Item F:	Expend monies from the Parking and Transportation Fund payable to Casco Bay Lines to purchase tickets for needs-based Peaks Island residents.	\$5,000
Item G:	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.	\$500
Item H:	Allocation to the Island Transportation System for continued support of the only transportation service available to residents.	\$15,000
Item I:	Allocation to Peaks Island Tax & Energy Assistance (PITEA) for the express purposes of assisting eligible island residents with heating costs.	\$3,000
Item J:	Allocation to the Peak Island Food Pantry for the express purposes of assisting eligible island residents with basic food needs.	\$1,000
Item K:	Allocation to the City of Portland Recreation Division as a contribution towards the establishment of a Skateboard Park on Peaks Island.	\$1,000
Item L:	Allocation to the Peaks Island Council for Administrative Expenses.	\$3,150

This item must be read on two separate days. It was given a first reading on May 4th. Five affirmative votes are required for passage after public comment.

**Order 243-14/15
(Tab 20)**

Order for Fiscal Year 2016 Appropriating \$200,000 from Excess Fund for Casco Bay Transit District - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

Appropriating \$200,000 from the Casco Bay Island Transit District (CBITD) 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 \$200,000, to be used in providing a local match, to support the planning and design of a replacement vessel.

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 4th. Five affirmative votes are required for passage after public comment.

RELATED ORDINANCE AMENDMENTS:

Order 244-14/15 (Tab 21) **Amendment to Portland City Code Chapter 5 (Animals & Fowl)**
Article VI. Keeping of Domesticated Chickens, Section 401(b) Re:
Chicken Permit Annual Fee - Sponsored by the Finance Committee,
Councilor Nicholas M. Mavodones, Chair.

This order amends (only) the fees in Chapter 5 §401 as follows:

Chapter 5	Description	Current Fee	Proposed Fee
<i>Sec. 5-401</i>	<i>Permit Required:</i>		
(b)	Annual Permit to Keep Chickens:	\$25.00	\$26.00

This item must be read on two separate days. It was given a first reading on May 4th. Five affirmative votes are required for passage after public comment.

Order 245-14/15 (Tab 22) **Amendment to Portland City Code Chapter 10. Fire Prevention and Protection Article II - Fire Code, Section 10-18 Re: Fire Permit Fees - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.**

This order amends (only) the fees in Chapter 10 §18 as follows:

Chapter 10	Description	Current Fee	Proposed Fee
<i>Sec. 10-18</i>	<i>Amendments:</i>		
(c)	Section 1.12.7:		
	Application for Flammable Finishes	\$160.00 (D)	\$166.00 (D)
	Bulk Waste Storage	\$160.00 (D)	\$166.00 (D)
	Certificate of Fitness for Fire Alarm Service	\$250.00 each	SAME

	ad Installation Company		
	Cutting and Welding (Permanent Facilities)	\$60.00 (D)	\$62.00 (D)
	Dry Cleaning Plants	\$60.00 (D)	\$62.00 (D)
	Fire Alarm Inspections Sticker	\$20.00 each	SAME
	Fireworks Display	\$141.00**	SAME
	Flammable or combustible liquids, other than motor fuel dispensing	\$160.00 (D)	\$166.00 (D)
	Hazardous materials	\$60.00 (D)	\$62.00
	Hot Work (Temporary)	\$25.00	SAME
	Motor Fuel Dispensing and Refueling	\$160.00 (D)	\$166.00 (D)
	Special Type Dispensing Systems, other than Flammable or Combustible Liquids	\$160.00 (A) (D)	\$166.00 (A) (D)
	Repair Garages and Service Stations	\$160.00 (D)	\$166.00 (D)
	Woodworking and Lumber Storage Plants	\$100.00 (D)	\$104.00 (D)

This item must be read on two separate days. It was given a first reading on May 4th. Five affirmative votes are required for passage after public comment.

**Order 246-14/15
(Tab 23)**

**Amendment to Portland City Code Chapter 15 (Licenses and Permits*),
Article I Section 15-12 Re: Fees and Reorganization - Sponsored by
the Finance Committee, Councilor Nicholas M. Mavodones, Chair.**

This order reorganizes the fee sequence and the fees in Chapter 15 §12 as follows:

(a)

Description	Current Fee	Proposed Fee
Bottle clubs (must obtain FSE and special entertainment if applicable) (Chapter 3 Art. II):	\$860	\$895.00
Amusement devices (Chapter 4 Art. II):		
Amusement devices (other than pinball and adult amusements), per device	\$140	\$146.00
Pinball machines, per device	\$140	\$146.00
Adult amusement devices, per location	\$895	\$931.00

Description	Current Fee	Proposed Fee
Music, dancing and special entertainment (Chapter 4 Art. III):		
Entertainment with dancing	\$485	\$504.00
Entertainment without dancing	\$270	\$281.00
After-hours Entertainment	\$545	\$567.00
Dance hall	\$135	\$140.00
Concert hall	\$135	\$140.00
Single dance	\$35	\$36.00
Single concert	\$35	\$36.00
Gaming (Chapter 4 Art. IV):		
Beano	\$95	\$99.00
Nudity in licensed businesses (Chapter 4 Art. V):	\$1,350	\$1,404.00
Food service establishments (FSE) (Chapter 11 Art. II):		
Temporary FSE:		
Reinspection fee for FSE	\$75	\$75.00 per reinspection
a. Unopened prepackaged food	\$85	\$89.00
b. Opened or nonprepackaged food	\$85	\$89.00
Mobile FSE (Chapter 19):		
a. pushcarts	\$295	\$307.00
b. Food Trucks	\$500	\$520.00
c. Base station (for all mobile FSE)	\$110	\$114.00
Street vendor cooler storage space – maximum of 7 sq. ft.	\$35 per 3.5 sq. ft. of space	\$36.00 per 3.5 sq. ft. of space
FSE-No food preparation on premises	\$165	\$172.00
FSE-With preparation limited to hot beverages only	\$135	\$135.00
FSE-With beer and wine take out	\$380	\$395.00
FSE/Community Kitchen - Food preparation on premises	\$420	\$437
FSE Community Kitchen User	\$100	\$104.00
FSE's with liquor:		
FSE-Class A lounge (Class X)	\$2,540	\$2,642.00
FSE-Class A restaurant (Class I)	\$1,715	\$1,784.00
FSE-Hotel (Class IA):		
FSE-Class A restaurant/lounge (Class XI)	\$2,130	\$2,215.00
FSE-Qualified catering service (Class I)	\$1,715	\$1,784.00
Innholder-15 rooms or less	\$1,315	\$1,368.00
Innholder-16 to 40 rooms	\$1,765	\$1,836.00
Innholder-more than 40 rooms	\$2,050	\$2,132.00
FSE-Spirituos license (Class II)	\$560	\$582.00
FSE-Vinous license (Class III)	\$375	\$390.00
FSE-Malt license (Class IV)	\$755	\$785.00

Description	Current Fee	Proposed Fee
FSE-Malt and vinous license (Classes III and IV combined)	\$830	\$863.00
FSE-Nonprofit club (Class IV with catering or Class V without catering)	\$675	\$702.00
FSE-Liquor catering	\$30	\$31.00
FSE-Temporary (bona fide nonprofit organization) with any spirituous, vinous or malt license and special entertainment	\$60	\$62.00
FSE-Auditorium	\$535	\$556.00
FSE-Civic Auditorium	\$1,695	\$1,763
Massage Establishments (Chapter 16):		
Massage establishment	\$60	\$62.00
Combined massage establishment/massage therapist	\$50	\$52.00
Massage therapist	\$35	\$36.00
Conditional massage therapist	\$35	\$36.00
Night Street Vendor (must also obtain FSE and street vendor) (Chapter 19 Art. II):	\$200	\$208.00
Transient sellers (Chapter 19 Art. III):	\$100	\$104.00
Secondhand Goods (Chapter 23 Art. II):		
Flea market seller	\$20	\$21.00
Flea Markets (per day)	\$50	\$52.00
Operator (annual)	\$225	\$234.00
Secondhand dealer, junk dealer, pawnbroker (including used cars)	\$140	\$146.00
Junk collector	\$25	\$25.00
Valet Parking (Chapter 28, Article VII)	\$250.00	\$260.00
Valet Parking Special Event	\$50.00	\$52.00
Wreckers and Vehicle Towing (Chapter 28 Art. VIII):	\$255	\$265.00

(b) Fees for licenses to be established by the city pursuant to state law shall be as follows:

Amusements, including images; pageantry; sleight of hand tricks; puppet shows; feats of balancing; wire dancing; personal agility; or dexterity	\$20	\$21
Billiards or pool, per table	\$30	\$31
Bowling alley, per establishment	\$85	\$88
Carnival (travelling amusement show)	\$110	\$114
Circus	\$165	\$172
Circus (bona fide nonprofit organization)	\$25	\$26
Going-out-of business sale	\$95	\$99
Menageries	\$20	\$21
Merry-go-round or other rides, per type of ride (per day)	\$60	\$62
Merry-go-round or other rides, per type of ride (annual)	\$235	\$244
Motion picture theatres (other than open-air drive-in) operating more than six (6) months:		
Seating capacity 999 or less, per screen	\$270	\$281
Seating capacity 1,000 or more, per screen	\$445	\$463

Temporary—One (1) week or less	\$30	\$31
Temporary—More than one (1) week but less than two (2) months	\$45	\$47
Temporary—More than two (2) months but less than six (6) months	\$70	\$73
Roller skating rink	\$150	\$156

This item must be read on two separate days. It was given a first reading on May 4th. Five affirmative votes are required for passage after public comment.

**Order 247-14/15
(Tab 24)**

**Amendment to Portland City Code Chapter 25, Article II. Division 2
Permits Re: Street and Sidewalk Occupancy Permit - Sponsored by the
Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

This order amends (only) the fees in Chapter 25 §25-27 as follows:

Description	Current Fee	Proposed Fee
Issuance of a Revocable Street and Sidewalk Occupancy Permit:		
(a1) Objects other than portable signs, including but not limited to tables, chairs, barricades and bollards	\$85	\$88
(a5) Use of streets, ways or public places by street goods vendors as defined in Section 19-16 for purposes of vending	\$35	\$36

This item must be read on two separate days. It was given a first reading on May 4th. Five affirmative votes are required for passage after public comment.

**Order 248-14/15
(Tab 25)**

Amendment to Portland City Code Chapter 28 (Traffic and Motor Vehicles) Article VII. Re: Valet Parking Fees; exceptions - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order amends (only) the fees in Chapter 28 §28-273 as follows:

Description	Current Fee	Proposed Fee
Sec. 28-273 Fees; exceptions		
(a) Issuance fees. Yearly Valet Permits	\$250	\$260
(b) Special Event Fee	\$50	\$52

This item must be read on two separate days. It was given a first reading on May 4th. Five affirmative votes are required for passage after public comment.

**Order 249-14/15
(Tab 26)**

**Amendment to Portland City Code Chapter 25, Article VII.
Excavations, Section 25-119 Re: Excavators License Fee - Sponsored by
the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

This order amends the street opening excavator license fee from \$595.00 annually to \$596.00 annually.

Chapter 25 §119	Description	Current Fee	Proposed Fee
25 §119	<i>Excavator License:</i>	\$595	\$596

This item must be read on two separate days. It was given a first reading on May 4th. Five affirmative votes are required for passage after public comment.

**Order 250-14/15
(Tab 27)**

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

In addition to increases in costs for Public Services and the Portland Water District Assessment, and decreases in debt service due to a primarily design cycle-year for the next Combined Sewer Overflow (CSO) conduit, the City continues to work with the Environmental Protection Agency (EPA)/ Maine Department of Environmental Protection (DEP) on maintaining the City's regulatory compliance with the CSO court order the City has signed, Municipal Separated Stormwater System (MS4) Permit compliance with DEP, and considering the costs and benefits of an Integrated Plan.

The Tier II CSO Long Term Control Plan (CSOLTCP) approved by the DEP is just finishing, and the next Tier III CSOLTCP has been approved by the DEP and is underway. Funding of the capital projects associated with both Tier II (\$60 million) and Tier III (\$170 million) projects totaling approximately \$230 million over the next 20 years are expected.

To pay for this, financing is needed through bond proceeds to allow the cost to be spread over the life of the improvements; the cost is paid for exclusively through the Sewer User Fee at this time.

The sewer user fee, set by the City Council, was expected to increase to accommodate the cost of CSO work and MS4 compliance. This fee was last increased in July of 2014. The current rate is \$8.81 per hundred cubic feet.

The proposed sewer rate for July 1, 2015 is \$9.70 per hundred cubic feet and would be adjusted mid-fiscal year to \$8.20 per hundred cubic feet on January 1, 2016 when the new stormwater service charge goes into effect.

This is a unit increase of \$0.89 cents in July and a decrease of \$1.50 in January when the new stormwater service charge program when it goes into effect.

For the average household (5 hundred cubic feet per month) this amendment creates an increase of \$4.45 per month and then a decrease in January of \$7.50 per month as stormwater costs are shifted over to the new stormwater service charge.

This item must be read on two separate days. It was given a first reading on May 4th. Five affirmative votes are required for passage after public comment.

APPROPRIATION RESOLVE:

**Order 251-14/15
(Tab 28)**

Fiscal Year 2015-2016 Appropriation Resolve - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This item brings forward the Appropriation Resolve for FY2016 for action by the City Council.

The Resolve contains the Finance Committee's forwarded budget for FY2016 for general municipal purposes in the amount of \$221,770,295. In addition it contains the Finance Committee's recommended budget for FY2016 for school purposes.

The Finance Committee reviewed the Board of Education's recommended budget on April 9, 2015, by a vote of 4-0 recommended support for certain amendments and a final budget amount of \$102,776,657.

The tax levy based upon the Finance Committee's recommended School Budget and City Manager's amended budget recommendations and for municipal purposes is \$78,978,308 and \$79,773,211 for school purposes. This would result in a combined tax levy of \$158,751,519 for FY 2016. The tax rate based on the combined levies would be \$20.58 per \$1,000 of assessed value, a 2.9% 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, 2015 and sets September 11, 2015, as the tax due date, which may be paid in two installments due on September 11, 2015, and March 11, 2016.

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 4th. Five affirmative votes are required for passage after public comment.

AMENDMENTS:

**Order 255-14/15
(Tab 29)**

Amendment to Portland City Code Chapter 7 (Cemeteries) Article I. to VII. Re: Update to Cemetery Ordinance- Sponsored by Michael J. Sauschuck, Acting City Manager.

The Department of Public Services wishes to update language in Chapter 7 of the City Code to address to reflect current cemetery management practices.

It has been many years since Chapter 7 has been amended. Over the years operating procedures and funeral practices have evolved, making some of the language in the ordinance archaic or obsolete. The proposed amendments are “housekeeping” to align the language with current practices.

The proposed amendments also allow staff to charge a reasonable fee for the use of Wilde Chapel. Corporation Counsel has reviewed the records and has found no language in the City Charter prohibiting this practice.

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

**Order 256-14/15
(Tab 30)**

Amendment to Portland City Code Chapter 14. Land Use Article III. Zoning Division 17 Re: Drive-in Banks in the B-7 Zone - Sponsored by the Planning Board, Stuart O’Brien, Chair.

Bangor Savings Bank is requesting a text amendment in order to develop a small lot at 20 Marginal Way, within the B-7 Zone, as a three-story bank with drive-through. The proposed zoning text amendment would amend the drive-through requirements of the B-7 Conditional Use standards (§14-296(a)(1)(c)) that currently require that bank drive-throughs must be within a building of at least 20,000 square feet. The proposed text amendment would create an exception to this requirement for smaller buildings on small lots in existence at the time B-7 was first enacted on March 9, 2005.

The Planning board met on April 14, 2015, and voted 5-0 (Boepple and O’Brien absent) 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.

LICENSE RENEWALS:

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

DAVID BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK(A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

AGENDA
REGULAR CITY COUNCIL MEETING
MAY 18, 2015

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) Special City Council Meeting, May 4, 2015, 5:00 p.m.
Regular City Council Meeting, May 4, 2015, 7:00 p.m.

PROCLAMATIONS:

Proc 30-14/15 Proclamation Honoring Gibson Fay-Leblanc as Portland's Poet
(Tab 2) Laureate – Co-Sponsored by Councilors Jill C. Duson, David A. Marshall, Nicholas M. Mavodones, Jr., Jon Hinck, David Brenerman, Justin Costa, and Mayor Michael F. Brennan.

Proc 31-14/15 Proclamation Honoring Regina Phillips, Health & Human Services
(Tab 3) Department, Social Services Division, as Employee of the Month for April 2015 – Sponsored by Mayor Michael F. Brennan.

Proc 32-14/15 Proclamation Honoring Timothy Fuller, Health & Human Services
(Tab 4) Department, Public Health Division, as Employee of the Month for May 2015 – Sponsored by Mayor Michael F. Brennan.

Proc 33-14/15 Proclamation Honoring Officer Evan Bomba as Police Officer of the
(Tab 5) Month for April 2015 – Sponsored by Mayor Michael F. Brennan

Proc 34-14/15 Proclamation Honoring Arbor Week May 17-23 – Sponsored by Mayor
(Tab 6) Mayor Michael F. Brennan.

APPOINTMENTS:

Order 252A-14/15 (Tab 7)

Order Appointing Constables for 2015 Re: Department of Public Services – Sponsored by Michael J. Sauschuck, Acting City Manager.

This order appoints Rusty Groh, Krista L. Keene, and Zachary J. Mullin Park Rangers, for the Department of Public Services as constables for the remaining calendar year 2015. This appointment shall be effective from the effective date of this order until 12:00 midnight, December 31, 2015.

Pursuant to Sections 20-19 and 20-19.5, Portland City Code, none are allowed to carry a firearm, concealed or unconcealed, in the performance of duties, or to make arrests or issue parking tickets.

Staff is asking that this item be passed as an emergency in order to make it effective immediately. Seven affirmative votes are required for passage as an emergency after public comment.

Order 253-14/15 (Tab 8)

Order Appointing Constables Re: Department of Public Safety – Sponsored by Michael J. Sauschuck, Acting City Manager.

This order appoints Police Cadets Benjamin Savage, Hashim Mohamed, Brian Rollins, Whitney Adell, and Raven Riendeau as Constables. This appointment shall be effective from the effective date of this order until 10:00 midnight, October 31, 2015.

Each summer the Portland Police Department partners with the Portland Downtown District to contract Police Cadets for the purpose of additional foot beat coverage in Portland's Downtown Districts and Peaks Island.

The Police Department affords this opportunity to entry level applicants who wish to seek further employment in law enforcement in the future. Their participation in this program adds to the City's public safety workforce and affords the cadets hands-on experience in the field of law enforcement. The training for Cadets shall be completed on May 22, 2015 and foot beat assignments shall begin on May 25, 2015.

Pursuant to Sections 20-19 and 20-19.5, Portland City Code, none are allowed to carry a firearm, concealed or unconcealed, in the performance of duties, or to make arrests or issue parking tickets.

Staff is asking that this item be passed as an emergency in order to make it effective immediately. Seven affirmative votes are required for passage as an emergency after public comment.

CONSENT ITEMS:

LICENSES:

COMMUNICATIONS:

RESOLUTIONS:

ORDERS:

Order 254-14/15 (Tab 9) **Order Approving Amended and Restated Lease Agreement with Nova Star Cruises Limited – Sponsored by the Housing and Community Development Committee (HCDC), Councilor Kevin J. Donoghue, Chair.**

On April 7, 2014, the City Council authorized the City Manager to execute a lease with Nova Star Cruises for use of Ocean Gateway for ferry service connecting the port of Portland, Maine with Yarmouth, Nova Scotia. Nova Star has approached the City for amendments to the lease, including, among others noted below, a shortened season, originally May 1 to October 31 – shortened to June 1 to October 14. An overview of the Amended and Restated Lease (ARL) terms is provided below.

Seasonal exclusive use, at certain times, of the following Ocean Gateway facilities and property:

- ***Queuing Area*** during certain times of day – originally 5:00 p.m. to 11:00 p.m., amended to 4:30 p.m. to 9:30 p.m. during the Operating Season.
- ***Berthing*** – originally 7:00 p.m. to 11:00 p.m. daily, amended to 6:30 p.m. to 9:30 p.m., during the Operating Season, except when cruise ships are in port Vessel arrival time shall be 7:00 p.m. It will be Tenant's responsibility to track scheduled cruise ship visits in order to ensure proper berthing time.
- ***Roll-on, Roll-off Ramp*** – Amended lease has Tenant responsible for all repairs and maintenance of the ramp during Operating Season, including the two weeks immediately before and the two weeks immediately after the Operating Season.
- ***Terminal Building*** – No change to original lease. Original lease gives Tenant exclusive daily use of the ground floor of the Terminal Building at Ocean Gateway for Custom Border and Protection screening between the hours of 5:00 p.m. and 9:00 p.m. during the operating season.
- ***Receiving Building*** – Original lease gives Tenant non-exclusive use of the Receiving Building between 9:00 a.m. and 9:00 p.m. for passenger waiting area and rest rooms. The ARL allows Tenant to use the

Receiving Building for ticketing and requires Nova Star to conduct daily cleaning. Use of the Receiving Building is “as is”, which means any changes to building requested by Tenant shall be implemented at Tenant’s sole expense with Landlord approval.

- ***Departure Building*** - Original lease gives Tenant 24/7 exclusive use of the Departure Building for office and ticketing operations, as well as for general passenger support purposes, at an annual amount as rent of \$19,200; the ARL has the Tenant not using the Departure Building.
- ***Parking*** - Original lease allows Tenant all day parking spaces for up to five (5) employees, and part-time parking (original start time at 5:00 p.m. changed to 4:00 p.m. to 12:00 midnight) for up to ten (10) additional part-time parking spaces at a mutually agreeable cost and location; the ARL increases 5 full-day parking spaces to 7 and increasing 10 additional part-time parking spaces to 15, all located at the Thames Street parking lot. There are no changes to the parking rates.
- ***Term*** - There are no changes to the original lease term. Original lease allowed for a three (3) year initial term with three additional renewal terms: two, two-year renewal terms, and one-year renewal term. Renewals would be subject to mutual agreement.
- ***City Fees*** - See attached Lease Exhibit B for fees, with amendments to delete all references to first year fees and increase parking cost (due to the number of additional parking spaces), along with an increased cost to use the Receiving Building for ticketing. The ARL has berthing at \$1.00 per foot of overall vessel length per day, or \$15,900 monthly; monthly parking will be \$1,225; and monthly ground rent will be \$4,660.
- ***Lease Deposit.*** \$10,000 – paid at time of execution of original lease.

The Housing and Community Development Committee reviewed the Amended and Restated Lease at its May 4, 2015, meeting at which time it unanimously recommended (4-0) that it be forwarded to the City Council for approval.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 233B-14/15 (Tab 10) **Order Approving Annual Adjustments to the Community Development Block Grant (CDBG) Allocation Process – Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair.**

This order approves several procedural changes to the Community Development Block Grant (CDBG) allocation process. These changes are

requested in an effort to improve the process and address issues raised through the Fiscal Year 2015-2016 allocation process.

2. Three (3) bonus points be awarded for each child care project or program in the Social Services funding category.

This Order was divided into parts and the second part, now Order 233B-14/15, failed to pass on a 4-4 vote. It returns for further Council action at this meeting pursuant to Council Rule 19.

Five affirmative votes are required for passage.

BUDGET ITEMS:

**Order 234-14/15
(Tab 11)**

Order Authorizing Fiscal Year 2016 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: Confined Space and Public Services: Cemeteries and Street Openings Permit Fees.

At the May 4th City Council meeting, this item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 235-14/15
(Tab 12)**

Order Authorizing Increase in Trash Bag Fee - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

Description	Current Fee	Proposed Fee
15 gallon bag	\$1.00	\$1.35
30 gallon bag	\$2.00	\$2.70

City staff is recommending that the price of city trash bags be increased by 35%. The increased revenue would shift more of the cost of solid waste and recycling operations to users of this program and away from the general tax base. Users of the program will pay an additional amount for service based on the amount of waste they generate.

If approved, staff will implement a change in the bag color to purple. (This color is not being used by any of our neighboring towns.) Effective on the date of the fee increase, (July 1, 2015) solid waste crews will begin collecting the waste in the new bags. Residents will have until July 30 to use their supply of the current blue bags. After that date, crews will only collect trash in the new purple bags.

Staff will implement a program for residents and retailers to return or exchange blue bags they still have after July 30. This approach should limit excessive purchases of blue bags in advance of the fee change.

At the May 4th City Council meeting, this item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 236-14/15
(Tab 13)**

Order Authorizing City Manager or Acting City Manager to Enter into Certain Agreements to Implement the Fiscal Year 2016 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 2016 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 4th. Five affirmative votes are required for passage after public comment.

**Order 237-14/15
(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 4th City Council meeting, this item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 238-14/15
(Tab 15)**

Order Authorizing City Manager or Acting City Manager to Enter into Certain Agreements to Implement Fiscal Year 2016 Health and Human Services Budget - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, 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 4th. Five affirmative votes are required for passage after public comment.

**Order 239-14/15
(Tab 16)**

Order Authorizing City Manager or Acting City Manager to Accept Scholarship Trust Donations and Enter into Trust Agreements - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, 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 4th City Council meeting, this item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 240-14/15
(Tab 17)**

Order Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, 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 4th City Council meeting, this item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 241-14/15
(Tab 18)**

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

This Order authorizes the City Manager to make a 3% pay adjustment for all non-union employees effective July 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.

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.

This item must be read on two separate days. It was given a first reading on May 4th. Five affirmative votes are required for passage after public comment.

**Order 242-14/15
(Tab 19)**

Order Designating Fiscal Year 2016 Funds for Specific Island Services - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

The municipal budget includes \$40,000 for use on Peaks Island in addition to the funds used to pay for direct and indirect city services. Pursuant to a request from the Peaks Island Council these funds will be used as follows in FY16:

Item A:	Reimburse the Portland Police Department for the cost of establishing a Police Cadet on Peaks Island for the period of July 1 - September 18, 2015, for a one-season trial basis.	\$1,500
Item B:	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.	\$3,000
Item C:	Transfer to the Portland School Department to cover the cost of extending Portland School Department issued 10-month Casco Bay Lines passes for Peaks Island public middle and high school students to 12-month passes.	\$4,400
Item D:	Expend monies from the Parking and Transportation Fund payable to Casco Bay Lines for Island resident college students: for up to 3 monthly stickers per student @ \$82.45/sticker, not to exceed \$2,000.	\$2,000
Item E:	Issue vouchers in the amount of \$84 per voucher per student to the parents of children attending private schools off-island.	\$450
Item F:	Expend monies from the Parking and Transportation Fund payable to Casco Bay Lines to purchase tickets for needs-based Peaks Island residents.	\$5,000
Item G:	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.	\$500
Item H:	Allocation to the Island Transportation System for continued support of the only transportation service available to residents.	\$15,000
Item I:	Allocation to Peaks Island Tax & Energy Assistance (PITEA) for the express purposes of assisting eligible island residents with heating costs.	\$3,000
Item J:	Allocation to the Peak Island Food Pantry for the express purposes of assisting eligible island residents with basic food needs.	\$1,000
Item K:	Allocation to the City of Portland Recreation Division as a contribution towards the establishment of a Skateboard Park on Peaks Island.	\$1,000
Item L:	Allocation to the Peaks Island Council for Administrative Expenses.	\$3,150

This item must be read on two separate days. It was given a first reading on May 4th. Five affirmative votes are required for passage after public comment.

**Order 243-14/15
(Tab 20)**

Order for Fiscal Year 2016 Appropriating \$200,000 from Excess Fund for Casco Bay Transit District - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

Appropriating \$200,000 from the Casco Bay Island Transit District (CBITD) 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 \$200,000, to be used in providing a local match, to support the planning and design of a replacement vessel.

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 4th. Five affirmative votes are required for passage after public comment.

RELATED ORDINANCE AMENDMENTS:

Order 244-14/15 (Tab 21) Amendment to Portland City Code Chapter 5 (Animals & Fowl)
Article VI. Keeping of Domesticated Chickens, Section 401(b) Re:
Chicken Permit Annual Fee - Sponsored by the Finance Committee,
Councilor Nicholas M. Mavodones, Chair.

This order amends (only) the fees in Chapter 5 §401 as follows:

Chapter 5	Description	Current Fee	Proposed Fee
<i>Sec. 5-401</i>	<i>Permit Required:</i>		
<i>(b)</i>	Annual Permit to Keep Chickens:	\$25.00	\$26.00

This item must be read on two separate days. It was given a first reading on May 4th. Five affirmative votes are required for passage after public comment.

Order 245-14/15 (Tab 22) Amendment to Portland City Code Chapter 10. Fire Prevention and Protection Article II - Fire Code, Section 10-18 Re: Fire Permit Fees -
Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

This order amends (only) the fees in Chapter 10 §18 as follows:

Chapter 10	Description	Current Fee	Proposed Fee
<i>Sec. 10-18</i>	<i>Amendments:</i>		
<i>(c)</i>	Section 1.12.7:		
	Application for Flammable Finishes	\$160.00 (D)	\$166.00 (D)
	Bulk Waste Storage	\$160.00 (D)	\$166.00 (D)
	Certificate of Fitness for Fire Alarm Service	\$250.00 each	SAME

	ad Installation Company		
	Cutting and Welding (Permanent Facilities)	\$60.00 (D)	\$62.00 (D)
	Dry Cleaning Plants	\$60.00 (D)	\$62.00 (D)
	Fire Alarm Inspections Sticker	\$20.00 each	SAME
	Fireworks Display	\$141.00**	SAME
	Flammable or combustible liquids, other than motor fuel dispensing	\$160.00 (D)	\$166.00 (D)
	Hazardous materials	\$60.00 (D)	\$62.00
	Hot Work (Temporary)	\$25.00	SAME
	Motor Fuel Dispensing and Refueling	\$160.00 (D)	\$166.00 (D)
	Special Type Dispensing Systems, other than Flammable or Combustible Liquids	\$160.00 (A) (D)	\$166.00 (A) (D)
	Repair Garages and Service Stations	\$160.00 (D)	\$166.00 (D)
	Woodworking and Lumber Storage Plants	\$100.00 (D)	\$104.00 (D)

This item must be read on two separate days. It was given a first reading on May 4th. Five affirmative votes are required for passage after public comment.

**Order 246-14/15
(Tab 23)**

**Amendment to Portland City Code Chapter 15 (Licenses and Permits*),
Article I Section 15-12 Re: Fees and Reorganization - Sponsored by
the Finance Committee, Councilor Nicholas M. Mavodones, Chair.**

This order reorganizes the fee sequence and the fees in Chapter 15 §12 as follows:

(a)

Description	Current Fee	Proposed Fee
Bottle clubs (must obtain FSE and special entertainment if applicable) (Chapter 3 Art. II):	\$860	\$895.00
Amusement devices (Chapter 4 Art. II):		
Amusement devices (other than pinball and adult amusements), per device	\$140	\$146.00
Pinball machines, per device	\$140	\$146.00
Adult amusement devices, per location	\$895	\$931.00

Description	Current Fee	Proposed Fee
Music, dancing and special entertainment (Chapter 4 Art. III):		
Entertainment with dancing	\$485	\$504.00
Entertainment without dancing	\$270	\$281.00
After-hours Entertainment	\$545	\$567.00
Dance hall	\$135	\$140.00
Concert hall	\$135	\$140.00
Single dance	\$35	\$36.00
Single concert	\$35	\$36.00
Gaming (Chapter 4 Art. IV):		
Beano	\$95	\$99.00
Nudity in licensed businesses (Chapter 4 Art. V):	\$1,350	\$1,404.00
Food service establishments (FSE) (Chapter 11 Art. II):		
Temporary FSE:		
Reinspection fee for FSE	\$75	\$75.00 per reinspection
a. Unopened prepackaged food	\$85	\$89.00
b. Opened or nonprepackaged food	\$85	\$89.00
Mobile FSE (Chapter 19):		
a. pushcarts	\$295	\$307.00
b. Food Trucks	\$500	\$520.00
c. Base station (for all mobile FSE)	\$110	\$114.00
Street vendor cooler storage space – maximum of 7 sq. ft.	\$35 per 3.5 sq. ft. of space	\$36.00 per 3.5 sq. ft. of space
FSE-No food preparation on premises	\$165	\$172.00
FSE-With preparation limited to hot beverages only	\$135	\$135.00
FSE-With beer and wine take out	\$380	\$395.00
FSE/Community Kitchen - Food preparation on premises	\$420	\$437
FSE Community Kitchen User	\$100	\$104.00
FSE's with liquor:		
FSE-Class A lounge (Class X)	\$2,540	\$2,642.00
FSE-Class A restaurant (Class I)	\$1,715	\$1,784.00
FSE-Hotel (Class IA):		
FSE-Class A restaurant/lounge (Class XI)	\$2,130	\$2,215.00
FSE-Qualified catering service (Class I)	\$1,715	\$1,784.00
Innholder-15 rooms or less	\$1,315	\$1,368.00
Innholder-16 to 40 rooms	\$1,765	\$1,836.00
Innholder-more than 40 rooms	\$2,050	\$2,132.00
FSE-Spirituuous license (Class II)	\$560	\$582.00
FSE-Vinous license (Class III)	\$375	\$390.00
FSE-Malt license (Class IV)	\$755	\$785.00

Description	Current Fee	Proposed Fee
FSE-Malt and vinous license (Classes III and IV combined)	\$830	\$863.00
FSE-Nonprofit club (Class IV with catering or Class V without catering)	\$675	\$702.00
FSE-Liquor catering	\$30	\$31.00
FSE-Temporary (bona fide nonprofit organization) with any spirituous, vinous or malt license and special entertainment	\$60	\$62.00
FSE-Auditorium	\$535	\$556.00
FSE-Civic Auditorium	\$1,695	\$1,763
Massage Establishments (Chapter 16):		
Massage establishment	\$60	\$62.00
Combined massage establishment/massage therapist	\$50	\$52.00
Massage therapist	\$35	\$36.00
Conditional massage therapist	\$35	\$36.00
Night Street Vendor (must also obtain FSE and street vendor) (Chapter 19 Art. II):	\$200	\$208.00
Transient sellers (Chapter 19 Art. III):	\$100	\$104.00
Secondhand Goods (Chapter 23 Art. II):		
Flea market seller	\$20	\$21.00
Flea Markets (per day)	\$50	\$52.00
Operator (annual)	\$225	\$234.00
Secondhand dealer, junk dealer, pawnbroker (including used cars)	\$140	\$146.00
Junk collector	\$25	\$25.00
Valet Parking (Chapter 28, Article VII)	\$250.00	\$260.00
Valet Parking Special Event	\$50.00	\$52.00
Wreckers and Vehicle Towing (Chapter 28 Art. VIII):	\$255	\$265.00

(b) Fees for licenses to be established by the city pursuant to state law shall be as follows:

Amusements, including images; pageantry; sleight of hand tricks; puppet shows; feats of balancing; wire dancing; personal agility; or dexterity	\$20	\$21
Billiards or pool, per table	\$30	\$31
Bowling alley, per establishment	\$85	\$88
Carnival (travelling amusement show)	\$110	\$114
Circus	\$165	\$172
Circus (bona fide nonprofit organization)	\$25	\$26
Going-out-of business sale	\$95	\$99
Menageries	\$20	\$21
Merry-go-round or other rides, per type of ride (per day)	\$60	\$62
Merry-go-round or other rides, per type of ride (annual)	\$235	\$244
Motion picture theatres (other than open-air drive-in) operating more than six (6) months:		
Seating capacity 999 or less, per screen	\$270	\$281
Seating capacity 1,000 or more, per screen	\$445	\$463

Temporary—One (1) week or less	\$30	\$31
Temporary—More than one (1) week but less than two (2) months	\$45	\$47
Temporary—More than two (2) months but less than six (6) months	\$70	\$73
Roller skating rink	\$150	\$156

This item must be read on two separate days. It was given a first reading on May 4th. Five affirmative votes are required for passage after public comment.

**Order 247-14/15
(Tab 24)**

**Amendment to Portland City Code Chapter 25, Article II. Division 2
Permits Re: Street and Sidewalk Occupancy Permit - Sponsored by the
Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

This order amends (only) the fees in Chapter 25 §25-27 as follows:

Description	Current Fee	Proposed Fee
Issuance of a Revocable Street and Sidewalk Occupancy Permit:		
(a1) Objects other than portable signs, including but not limited to tables, chairs, barricades and bollards	\$85	\$88
(a5) Use of streets, ways or public places by street goods vendors as defined in Section 19-16 for purposes of vending	\$35	\$36

This item must be read on two separate days. It was given a first reading on May 4th. Five affirmative votes are required for passage after public comment.

**Order 248-14/15
(Tab 25)**

Amendment to Portland City Code Chapter 28 (Traffic and Motor Vehicles) Article VII. Re: Valet Parking Fees; exceptions - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order amends (only) the fees in Chapter 28 §28-273 as follows:

Description	Current Fee	Proposed Fee
Sec. 28-273 Fees; exceptions		
(a) Issuance fees. Yearly Valet Permits	\$250	\$260
(b) Special Event Fee	\$50	\$52

This item must be read on two separate days. It was given a first reading on May 4th. Five affirmative votes are required for passage after public comment.

**Order 249-14/15
(Tab 26)**

**Amendment to Portland City Code Chapter 25, Article VII.
Excavations, Section 25-119 Re: Excavators License Fee - Sponsored by
the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

This order amends the street opening excavator license fee from \$595.00 annually to \$596.00 annually.

Chapter 25 §119	Description	Current Fee	Proposed Fee
25 §119	<i>Excavator License:</i>	\$595	\$596

This item must be read on two separate days. It was given a first reading on May 4th. Five affirmative votes are required for passage after public comment.

**Order 250-14/15
(Tab 27)**

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

In addition to increases in costs for Public Services and the Portland Water District Assessment, and decreases in debt service due to a primarily design cycle-year for the next Combined Sewer Overflow (CSO) conduit, the City continues to work with the Environmental Protection Agency (EPA)/ Maine Department of Environmental Protection (DEP) on maintaining the City's regulatory compliance with the CSO court order the City has signed, Municipal Separated Stormwater System (MS4) Permit compliance with DEP, and considering the costs and benefits of an Integrated Plan.

The Tier II CSO Long Term Control Plan (CSOLTCP) approved by the DEP is just finishing, and the next Tier III CSOLTCP has been approved by the DEP and is underway. Funding of the capital projects associated with both Tier II (\$60 million) and Tier III (\$170 million) projects totaling approximately \$230 million over the next 20 years are expected.

To pay for this, financing is needed through bond proceeds to allow the cost to be spread over the life of the improvements; the cost is paid for exclusively through the Sewer User Fee at this time.

The sewer user fee, set by the City Council, was expected to increase to accommodate the cost of CSO work and MS4 compliance. This fee was last increased in July of 2014. The current rate is \$8.81 per hundred cubic feet.

The proposed sewer rate for July 1, 2015 is \$9.70 per hundred cubic feet and would be adjusted mid-fiscal year to \$8.20 per hundred cubic feet on January 1, 2016 when the new stormwater service charge goes into effect.

This is a unit increase of \$0.89 cents in July and a decrease of \$1.50 in January when the new stormwater service charge program when it goes into effect.

For the average household (5 hundred cubic feet per month) this amendment creates an increase of \$4.45 per month and then a decrease in January of \$7.50 per month as stormwater costs are shifted over to the new stormwater service charge.

This item must be read on two separate days. It was given a first reading on May 4th. Five affirmative votes are required for passage after public comment.

APPROPRIATION RESOLVE:

Order 251-14/15 (Tab 28) Fiscal Year 2015-2016 Appropriation Resolve - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This item brings forward the Appropriation Resolve for FY2016 for action by the City Council.

The Resolve contains the Finance Committee's forwarded budget for FY2016 for general municipal purposes in the amount of \$221,770,295. In addition it contains the Finance Committee's recommended budget for FY2016 for school purposes.

The Finance Committee reviewed the Board of Education's recommended budget on April 9, 2015, by a vote of 4-0 recommended support for certain amendments and a final budget amount of \$102,776,657.

The tax levy based upon the Finance Committee's recommended School Budget and City Manager's amended budget recommendations and for municipal purposes is \$78,978,308 and \$79,773,211 for school purposes. This would result in a combined tax levy of \$158,751,519 for FY 2016. The tax rate based on the combined levies would be \$20.58 per \$1,000 of assessed value, a 2.9% 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, 2015 and sets September 11, 2015, as the tax due date, which may be paid in two installments due on September 11, 2015, and March 11, 2016.

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 4th. Five affirmative votes are required for passage after public comment.

AMENDMENTS:

**Order 255-14/15
(Tab 29)**

Amendment to Portland City Code Chapter 7 (Cemeteries) Article I. to VII. Re: Update to Cemetery Ordinance- Sponsored by Michael J. Sauschuck, Acting City Manager.

The Department of Public Services wishes to update language in Chapter 7 of the City Code to address to reflect current cemetery management practices.

It has been many years since Chapter 7 has been amended. Over the years operating procedures and funeral practices have evolved, making some of the language in the ordinance archaic or obsolete. The proposed amendments are “housekeeping” to align the language with current practices.

The proposed amendments also allow staff to charge a reasonable fee for the use of Wilde Chapel. Corporation Counsel has reviewed the records and has found no language in the City Charter prohibiting this practice.

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

**Order 256-14/15
(Tab 30)**

Amendment to Portland City Code Chapter 14. Land Use Article III. Zoning Division 17 Re: Drive-in Banks in the B-7 Zone - Sponsored by the Planning Board, Stuart O’Brien, Chair.

Bangor Savings Bank is requesting a text amendment in order to develop a small lot at 20 Marginal Way, within the B-7 Zone, as a three-story bank with drive-through. The proposed zoning text amendment would amend the drive-through requirements of the B-7 Conditional Use standards (§14-296(a)(1)(c)) that currently require that bank drive-throughs must be within a building of at least 20,000 square feet. The proposed text amendment would create an exception to this requirement for smaller buildings on small lots in existence at the time B-7 was first enacted on March 9, 2005.

The Planning board met on April 14, 2015, and voted 5-0 (Boepple and O’Brien absent) 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.

LICENSE RENEWALS:

Tab 1 5-18-15

IN COUNCIL SPECIAL MEETING MAY 4, 2015 VOL. 130 PAGE 81

ROLL CALL: Mayor Brennan called the meeting to order at 5:00 P.M. (Councilor Marshall absent, Councilor Duson arrive during public comment on Resolve 6.

ANNOUNCEMENTS:

CDBG Annual Allocation Committee Presentation

PUBLIC HEARINGS:

RESOLUTIONS:

Resolve 6-14/15 **Resolution Adopting the FY 2016 Consolidated Housing and Community Development Annual Action Plan Including Appropriations for Community Development Block Grant Program, Home Program, and Emergency Solutions Grant Program and Certifications Pertaining Thereto – Sponsored by Sheila Hill-Christian, Acting City Manager.**

Motion was made by Councilor Donoghue and seconded by Councilor Duson for passage. Passage 8-0.

ORDERS:

Order 233-14/15 **Order Approving Annual Adjustments to the Community Development Block Grant (CDBG) Allocation Process– Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair.**

Motion was made by Councilor Duson and seconded by Councilor Mavodones to separate out paragraph 2. “Three (3) bonus points be awarded for each child care project or program in the Social Services funding category.” Passage 7-1 (Brenerman) .

Motion was made by Councilor Duson and seconded by Councilor Costa to approve “three (3) bonus points be awarded for each child care project or program in the Social Services funding category”. Motion fails 4-4 (Duson ,Costa, Suslovic, Brennan). This item will appear on the 7:00 City Council meeting of May 4, 2015.

IN COUNCIL SPECIAL MEETING MAY 4, 2015 VOL. 130 PAGE 82

Motion was made by Councilor Donoghue and seconded by Councilor Brenerman to approve Order 233 as amended. Passage 8-0.

Motion was made by Councilor Suslovic and seconded by Councilor Duson to adjourn. Passage 8-0, 6:25 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

ROLL CALL: Mayor Brennan called the meeting to order at 7:00 P.M.

ANNOUNCEMENTS:

Mayor Brennan announced that he was taking Order 252, 210, 233 and the School Budget orders out of order. They will be taken up before the City Council Budget Items.

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Suslovic and seconded by Councilor Donoghue for approval of the minutes of April 27, 2015. Passage 9-0.

PROCLAMATIONS:

APPOINTMENTS: Mayor Brennan announced that he was taking Order 252, 210, 233 and the School Budget orders out of order. They will be taken up before the City Council Budget Items.

CONSENT ITEMS:

LICENSES:

ORDERS:

Councilor Hinck disclosed that his wife is a partner in Verrill & Dana. This law firm is representing the Hangar Group LLC and that he in no way has a direct interest in this.

Order 252-14/15 Order Approving Ground Lease to Hangar Group LLC for a Fixed Base Operation at Portland International Jetport - Sponsored by Sheila Hill-Christian, Acting City Manager.

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

UNFINISHED BUSINESS:

Order 210-14/15 Fourth Amendment to Conditional Zone Agreement Re: Property in the Vicinity of Diamond Cove/Great Diamond Island – Sponsored by the Planning Board, Stuart O'Brien, Chair. It was given a first reading on April 6th. At the April 27th City Council meeting this item was postponed to this meeting.

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

Councilor Marshall recused himself as his wife works for Preble Street an organization receiving HDCD money.

Order 233-14/15 Order Approving Annual Adjustments to the Community Development Block Grant (CDGB) Allocation Process- Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair.

Motion was made by Councilor Brenerman and seconded by Councilor Mavodones to set aside \$50,000.00 for child care in the upcoming year process. Motion failed 4/4 (Duson, Brennan, Suslovic, Costa).

Motion was made by Councilor Brenerman and seconded by Councilor Mavodones to refer Order 233 back to the HCDC. Motion failed 4/4.(Suslovic, Donoghue, Duson, Hinck.)

Motion was made by Councilor Brenerman and seconded by Councilor Costa to postpone Order 233 to the May 18, 2015 City Council meeting. Passage 5-3, (Duson, Mavodones, Donoghue).

SCHOOL BUDGET ITEMS:

Order 223-14/15 Order Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Schools for FY2016 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair. This was given first reading on April 27, 2015.

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

Order 224-14/15 Order Approving Non-State Funded School Construction Debt Service for Portland Schools for FY2016 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair. This item was given first reading on April 27, 2015.

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

Order 225-14/15 Order Raising and Appropriating Additional Local Funds for Portland Schools for FY2016– Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair. This item was given first reading on April 27, 2015.

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

Order 226-14/15 Order Approving Total School Operating Budget for Portland Schools for FY2016 – Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair. This item was given first reading on April 27, 2015.

Motion was made by councilor Mavodones and seconded by Councilor Costa. Passage 9-0.

Order 227-14/15 Order Appropriating and Raising Funds for Adult Education for FY 2016 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 first reading on April 27, 2015.

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

Order 228-14/15 Order to Raise Local Funds for Food Service in the Portland Public Schools for FY 2016 – Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair. This item was given first reading on April 27, 2015.

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

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

Order 234-14/15 Order Authorizing Fiscal Year 2016 Administrative Fees in Various Departments - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

Motion was made by Councilor Mavodones and seconded by Councilor Duson to postpone Order 234 to the May 18, 2015 City Council meeting. Passage 9-0 .

Order 235-14/15 Order Authorizing Increase in Trash Bag Fee - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

Motion was made by Councilor Mavodones and seconded by Councilor Duson to postpone Order 235 to the May 18, 2015 City Council meeting. Passage 9-0.

Order 236-14/15 Order Authorizing City Manager or Acting City Manager to Enter into Certain Agreements to Implement the Fiscal Year 2016 Human Resources and Certain Fringe Benefits Budgets - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is its first reading.

Order 237-14/15 Order Re: Self-Insured Liability Program - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

Motion was made by Councilor Mavodones and seconded by Councilor Duson to postpone Order 237 to the May 18th City Council meeting.
Passage 9-0 .

Order 238-14/15 Order Authorizing City Manager or Acting City Manager to Enter into Certain Agreements to Implement Fiscal Year 2016 Health and Human Services Budget - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

This is its first reading.

Order 239-14/15 Order Authorizing City Manager or Acting City Manager to Accept Scholarship Trust Donations and Enter into Trust Agreements - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

Motion was made by Councilor Mavodones and seconded by Councilor Duson to postpone Order 239 to the May 18, 2015 City Council meeting.
Passage 9-0.

Order 240-14/15 Order Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

Motion was made by Councilor Mavodones and seconded by Councilor Duson to postpone Order 240 to the May 18, 2015 City Council meeting.
Passage 9-0.

Order 241-14/15 Order Authorizing Non-Union Wage Adjustment - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

This is its first reading.

Order 242-14/15 Order Designating Fiscal Year 16 Funds for Specific Island Services - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is its first reading.

Order 243-14/15 Order for Fiscal Year 2016 Appropriating \$200,000 from Excess Fund for Casco Bay Transit District - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is its first reading.

RELATED ORDINANCE AMENDMENTS:

Order 244-14/15 Amendment to Portland City Code Chapter 5 (Animals & Fowl) Article VI. Keeping of Domesticated Chickens, Section 401(b) Re: Chicken Permit Annual Fee - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

This is its first reading.

Order 245-14/15 Amendment to Portland City Code Chapter 10. Fire Prevention and Protection Article II - Fire Code, Section 10-18 Re: Fire Permit Fees - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

This is its first reading.

Order 246-14/15 Amendment to Portland City Code Chapter 15 (Licenses and Permits*), Article I Section 15-12 Re: Fees and Reorganization - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

This is its first reading.

Order 247-14/15 Amendment to Portland City Code Chapter 25, Article II. Division 2 Permits Re: Street and Sidewalk Occupancy Permit- Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is its first reading.

Order 248-14/15 Amendment to Portland City Code Chapter 28 (Traffic and Motor Vehicles) Article VII. Re: Valet Parking Fees; exceptions- Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is its first reading.

IN COUNCIL REGULAR MEETING MAY 4, 2015 VOL. 130 PAGE 88

Order 249-14/15 **Amendment to Portland City Code Chapter 25, Article VII. Excavations, Section 25-119 Re: Excavators License Fee - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

This is its first reading.

Order 250-14/15 **Amendment to Portland City Code Chapter 24 Sewers Article IV. Sewer User Charges Re: Sewer User Charges- Nicholas M. Mavodones, Jr., Chair.**

This is its first reading.

APPROPRIATION RESOLVE:

Order 251-14/15 **Fiscal Year 2015-2016 Appropriation Resolve - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

This is its first reading.

COMMUNICATIONS:

Com 16-14/15 **Communication Re: Appointment of New Members to Reed School Re-Use Task Force – Sponsored by Mayor Michael F. Brennan.**

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 172-14/15 **Order Approving Two-Party Agreement between the City of Portland and the Maine Department of Transportation Re: Improvements to Forest Avenue – Sponsored by Sheila Hill-Christian, Acting City Manager. This was given first reading on March 2, 2015. This item was postponed on March 16th.**

Motion was made by Councilor Donoghue and seconded by Councilor Marshall to postpone Order 172 to the June 15, 2015 City Council meeting. Passage 9-0.

Order 209-14/15 **Amendment to Portland City Code Chapter 14. Land Use Re: R6 and R-6A Zones – Sponsored by the Planning Board, Stuart O'Brien, Chair. This item was given first reading on April 6, 2015. Postponed at April 27th City Council meeting.**

IN COUNCIL REGULAR MEETING MAY 4, 2015 VOL. 130 PAGE 89

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

Order 214-14/15 Order Declaring June 5, 2015 through October 12, 2015 as the Federal Street Folly – Sponsored by Sheila Hill Christian, Acting City Manager. This item was postponed at the April 27, 2015 City Council meeting.

Motion was made by Councilor Costa and seconded by Councilor Donoghue to amend Order 214 by moving the start date to July 3, 2015 through October 12, 2015.

Motion was made by Councilor Mavodones and seconded by Councilor Susolovic to add the map provided in the back up material of April 27, 2015 meeting. Passage 9-0.

Motion was made by councilor Donoghue and seconded by Councilor Marshall for passage as amended. Passage 9-0.

AMENDMENTS:

LICENSE RENEWALS:

A TRUE COPY.

Katherine L. Jones, City Clerk

*Order 30-14/15
Tab 2 5-18-15*

PROCLAMATION

HONORING

GIBSON FAY-LEBLANC AS PORTLAND'S POET LAUREATE

WHEREAS, The City of Portland has a long, rich history of excellence in the art of poetry, dating from the days of Henry Wadsworth Longfellow, to the national success of Portland's 1995 slam poetry team, to the national renown of the locally published Cafe Review and its inclusion in Best American Poetry 1999; and

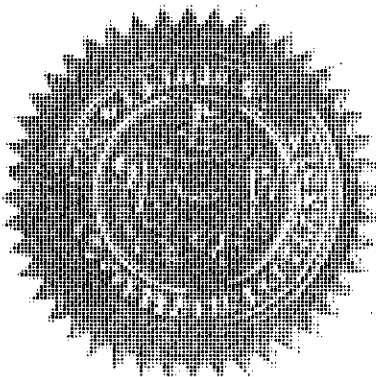
WHEREAS, Portland continues to be a place where poetry is written, recited, and appreciated by citizens of all ages and backgrounds at poetry readings and in the pages of both locally and internationally published journals; and

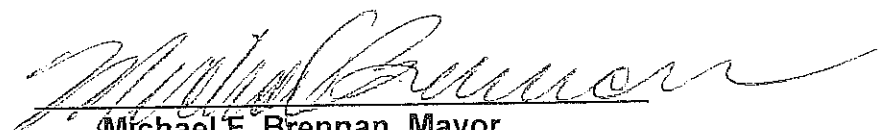
WHEREAS, A non-profit literary arts organization, Maine Poetry Central, was established in 2007 to curate the Portland Poet Laureate Program which celebrates Portland's diverse poetry culture and which spreads the art of poetry among the people of Portland through public readings, publications, and educational activities; and

WHEREAS, Gibson Fay-LeBlanc has been chosen by her peers to serve as Portland's fifth Poet Laureate for a three-year term, in recognition of her long-term and ongoing contributions to the poetry community via her own poetry, publishing, teaching and promotion of fellow poets and writers.

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 and honor Gibson Fay-LeBlanc as Portland, Maine's fifth Poet Laureate.

Signed and sealed this 18th day of May, 2015




Michael F. Brennan, Mayor
City of Portland, Maine

Dec 31 - 14/15
Feb 3 5-18-15

PROCLAMATION

Honoring

Regina Phillips
Employee of the Month

April 2015

* * * * *

WHEREAS: **Regina Phillips**, of the Health and Human Services Department, Social Services Division has been named the City of Portland Employee of the Month by a committee of her peers and selected for this distinct honor from a workforce of 1,300; and

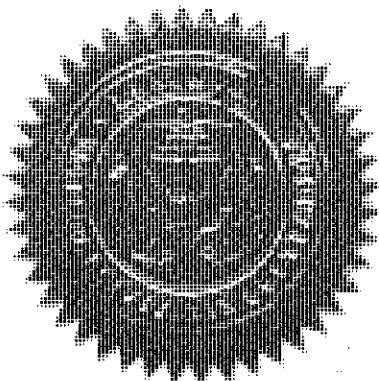
WHEREAS: This award is presented to **Regina** in recognition of her duties as a Program Manager in Refugee Services with a combined total of over 17 years of service with the City. In addition to her current position, **Regina** recently has taken on added duties of Program Manager for the General Assistance Program; and

WHEREAS: **Regina** has shown exemplary leadership and motivated staff to thrive even under adversity. Staff have recognized how effortlessly she assumed the duties and demonstrated a management style that is positive, supportive and involved. **Regina** immediately set into place staff meetings, supervision, Q&A sessions and updates regarding the program. **Regina** is forthright and communicates changes that affect the department quickly. **Regina** is the epitome of leadership; and

WHEREAS: **Regina** always has an open door and makes herself available to staff. She has a "can-do" attitude and goes above and beyond for staff, clients and the community in general. **Regina** has a great relationship with agencies that work with our clients and with other agencies which may have mutual clients. **Regina** truly is an asset to the Health and Human Services Department and to the City.

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 **Regina Phillips** as **City Employee of the Month, April 2015**.

Signed and Sealed this 18th day of May, 2015.



A handwritten signature of Michael F. Brennan in black ink, written over a horizontal line. The signature is stylized and cursive.

Michael F. Brennan, Mayor
City of Portland, Maine

Proc 32-14/15
Tab 4 5-18-15

PROCLAMATION

Honoring

Timothy Fuller
Employee of the Month

May 2015

* * * * *

WHEREAS: **Timothy Fuller**, of the Health and Human Services Department, Public Health Division 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

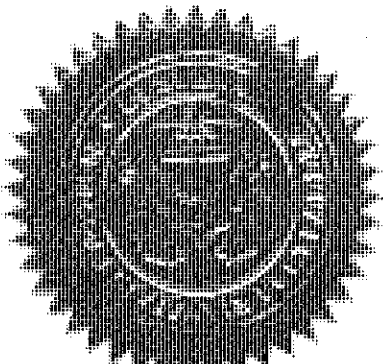
WHEREAS: This award is presented to **Timothy** in recognition of his duties as a Community Health Promotion Specialist. **Timothy** is knowledgeable and passionate on issues surrounding public health and underserved populations. **Timothy** has shown he will work tirelessly to support the efforts of issues he believes in, in particular, issues surrounding food policy, food security, urban agriculture, the infrastructure that supports food growth and delivery in Maine, and promoting the increased consumption of local, healthy foods; and

WHEREAS: **Timothy** has also been involved with the Mayor's Initiative for a Healthy and Sustainable Food System Committee. He has demonstrated competence and reliability, and earned the respect of numerous community leaders who are central to this issue; and

WHEREAS: **Timothy** is committed and hardworking, and takes the time necessary to effectively understand the issues at hand. He is able to take an idea and turn it into something that can be shared with the public through excellent writing skills and competency with public speaking. **Timothy** truly is an asset to the Health and Human Services Department and to the City.

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 **Timothy Fuller** as **City Employee of the Month, May 2015**.

Signed and Sealed this 18th day of May, 2015.




Michael F. Brennan, Mayor
City of Portland, Maine

*Proc 33-14/15
Tab 5 5-18-15*

PROCLAMATION

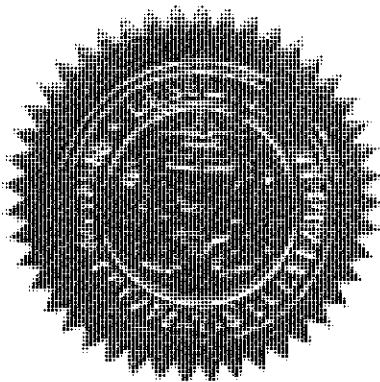
HONORING

OFFICER EVAN BOMBA

- WHEREAS,** **Officer Bomba** has been with the Police department since 2009 and is a member of the Mobile Command Vehicle Unit for both Portland and South Portland Fire and Police Departments; and
- WHEREAS,** **Officer Bomba** was exercising off-duty and observed subtle signs of disorientation in a citizen who was also exercising; and
- WHEREAS,** **Officer Bomba** took the time to speak with the individual and recognized the person may be experiencing a medical reaction; and
- WHEREAS,** **Officer Bomba** responded appropriately and compassionately to offer help and coordinate further medical assistance; and
- WHEREAS,** **Officer Bomba** is commended for providing expert and timely assistance to someone in medical need.

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 **Officer Evan Bomba as Officer of the Month for April 2015.**

Signed and sealed this 18th day of May 2015




Michael F. Brennan, Mayor
City of Portland, Maine

Proc 34-14/15
Tab 6 5-18-15

PROCLAMATION

HONORING

ARBOR WEEK

MAY 17-23, 2015

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

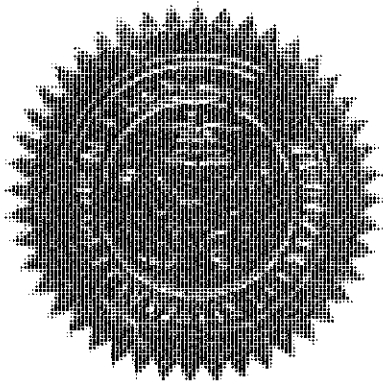
WHEREAS: **Arbor Week** is now observed annually in the United States and throughout the world; and

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 17th to May 23th, 2015** 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 18th day of May, 2015

Michael F. Brennan, Mayor
City of Portland, Maine

*order 252A-14/15
Tab 7 5-18-15*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPOINTING CONSTABLES FOR 2015
RE: DEPARTMENT OF PUBLIC SERVICES**

ORDERED, that Rusty Groh, Krista L. Keene, and Zachary J. Mullin, Park Rangers for the Department of Public Services, are hereby appointed as constables for the remaining calendar year 2015; and

BE IT FURTHER ORDERED, that these appointments shall be effective from the effective date of this order until 12:00 midnight, December 31, 2015; and

BE IT FURTHER ORDERED, that these appointments are made pursuant to Sections 20-19 and 20-19.5, Portland City Code, and Rusty Groh, Krista L. Keene, and Zachary J. Mullin are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests or issue parking tickets; and

BE IT FURTHER ORDERED, that these appointments are enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to allow Rusty Groh, Krista L. Keene, and Zachary J. Mullin to begin work immediately.

*Order 253-14/15
Tab 8 5-18-15*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPOINTING CONSTABLES FOR 2015
RE: DEPARTMENT OF PUBLIC SAFETY**

ORDERED, that , Benjamin Savage, Hashim Mohamed, Brian Rollins, Whitney Adell, and Raven Riendeau, Police Cadets for the Department of Public Safety, are hereby appointed as constables for the remaining calendar year 2015; and

BE IT FURTHER ORDERED, that these appointments shall be effective from the effective date of this order until 12:00 midnight, December 31, 2015; and

BE IT FURTHER ORDERED, that these appointments are made pursuant to Sections 20-19 and 20-19.5, Portland City Code, and Benjamin Savage, Hashim Mohamed, Brian Rollins, Whitney Adell, and Raven Riendeau are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests or issue parking tickets; and

BE IT FURTHER ORDERED, that these appointments are enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to allow Benjamin Savage, Hashim Mohamed, Brian Rollins, Whitney Adell, and Raven Riendeau to begin work immediately.

MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: Vern Malloch, Acting Police Chief

DATE: May 8, 2015

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

SUBJECT: Appointment of Five (5) Police Cadets as Constables

SPONSOR: Police Department

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ next available (May 18, 2015) _____ Final Action _____

Can action be taken at a later date: _____ Yes _____ ☒ No (If no, why not?) Cadets begin their active service on May 25, 2015.

PRESENTATION:

- I. SUMMARY OF ISSUE** Each summer the Portland Police Department partners with the Portland Downtown District to contract Police Cadets for the purpose of additional foot beat coverage in Portland's Downtown Districts.
- II. REASON FOR SUBMISSION** The Police Department affords this opportunity to entry level applicants who wish to seek further employment in law enforcement in the future. Their participation in this program adds to the City's public safety workforce and affords the cadets hands on experience in the field of law enforcement. The training for Cadets shall be completed on May 22, 2015 and foot beat assignments shall begin on May 25, 2015.
- III. INTENDED RESULT** Increased public safety presence in Portland's Downtown District during busy summer months.
- IV. COUNCIL GOAL ADDRESSED** Customer Service.
- V. FINANCIAL IMPACT**
- VI. STAFF ANALYSIS**

RECOMMENDATION Appoint the following Police Cadets as Constables: Benjamin Savage, Hashim Mohamed, Brian Rollins, Whitney Adell, Raven Riendeau effective immediately and expiring December 31, 2015.

VII. LIST ATTACHMENTS

Prepared by:

Signature

Date

*Order 254 - 14/15
Sub 9 5-18-15*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING AMENDED AND RESTATED LEASE AGREEMENT
WITH NOVA STAR CRUISES LIMITED**

ORDERED, that the Amended and Restated Lease with Nova Star Cruises Limited for space at Ocean Gateway facilities and property is hereby approved, substantially in the form attached; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the Acting City Manager to execute said document and any other related documents necessary or convenient to carry out the intent of said document.



Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

City Council Agenda Item

TO: Mayor and Members of the Portland City Council

FROM: Greg Mitchell, Economic Development Director

DATE: May 5, 2015

SUBJECT: Order Approving Amended and Restated Lease Agreement with Nova Star Cruises Limited and Authorizing the Acting City Manager to Execute the Document

SPONSOR: Housing and Community Development Committee (HCDC)/
Councilor Kevin Donoghue, Chair

COUNCIL MEETING DATE ACTION IS REQUESTED: May 18, 2015 – First reading and final action.

Can action be taken at a later date? No. **If no, why not?** In order for the ferry service to begin operations June 1, this Amended and Restated Lease Agreement needs to be approved on May 18, 2015.

PRESENTATION: Greg Mitchell – 5 Minutes.

I. SUMMARY OF ISSUE

On April 7, 2014, the City Council authorized the City Manager to execute a lease with Nova Star Cruises for use of Ocean Gateway for ferry service connecting the port of Portland, Maine with Yarmouth, Nova Scotia. Nova Star has approached the City for amendments to the lease, including, among others noted below, a shortened season, originally May 1 to October 31 – shortened to June 1 to October 14.

Attached is a proposed Amended and Restated Lease, with Nova Star Cruises Limited, which has been negotiated under the direction of the HCDC. An overview of the Amended and Restated Lease (ARL) terms is provided below.

Seasonal exclusive use, at certain times, of the following Ocean Gateway facilities and property:

- **Queuing Area** during certain times of day – originally 5:00 p.m. to 11:00 p.m., amended to 4:30 p.m. to 9:30 p.m. during the Operating Season.
- **Berthing** – originally 7:00 p.m. to 11:00 p.m. daily, amended to 6:30 p.m. to 9:30 p.m., during the Operating Season, except when cruise ships are in port Vessel arrival time shall be 7:00 p.m. It will be Tenant's responsibility to track scheduled cruise ship visits in order to ensure proper berthing time.
- **Roll-on, Roll-off Ramp** – Amended lease has Tenant responsible for all repairs and maintenance of the ramp during Operating Season, including the two weeks immediately before and the two weeks immediately after the Operating Season.
- **Terminal Building** – No change to original lease. Original lease gives Tenant exclusive daily use of the ground floor of the Terminal Building at Ocean Gateway for Custom Border and Protection screening between the hours of 5:00 p.m. and 9:00 p.m. during the operating season.
- **Receiving Building** – Original lease gives Tenant non-exclusive use of the Receiving Building between 9:00 a.m. and 9:00 p.m. for passenger waiting area and rest rooms. The ARL allows Tenant to use the Receiving Building for ticketing and requires Nova Star to conduct daily cleaning. Use of the Receiving Building is "as is", which means any changes to building requested by Tenant shall be implemented at Tenant's sole expense with Landlord approval.
- **Departure Building** - Original lease gives Tenant 24/7 exclusive use of the Departure Building for office and ticketing operations, as well as for general passenger support purposes, at an annual amount as rent of \$19,200; the ARL has the Tenant not using the Departure Building.
- **Parking** - Original lease allows Tenant all day parking spaces for up to five (5) employees, and part-time parking (original start time at 5:00 p.m. changed to 4:00 p.m. to 12:00 midnight) for up to ten (10) additional part-time parking spaces at a mutually agreeable cost and location; the ARL increases 5 full-day parking spaces to 7 and increasing 10 additional part-time parking spaces to 15, all located at the Thames Street parking lot. There are no changes to the parking rates.
- **Term** - There are no changes to the original lease term. Original lease allowed for a three (3) year initial term with three additional renewal terms: two, two-year renewal terms, and one-year renewal term. Renewals would be subject to mutual agreement.
- **City Fees** - See attached Lease Exhibit B for fees, with amendments to delete all references to first year fees and increase parking cost (due to the number of additional parking spaces), along with an increased cost to use the Receiving Building for ticketing. The ARL has berthing at \$1.00 per foot of overall vessel length per day, or \$15,900 monthly; monthly parking will be \$1,225; and monthly ground rent will be \$4,660.

- *Lease Deposit.* \$10,000 – paid at time of execution of original lease.

II. REASON FOR SUBMISSION

The ARL Agreement for use of Ocean Gateway requires City Council approval.

III. INTENDED RESULT

A recommendation from the City Council for the Acting City Manager to execute the ARL.

IV. COUNCIL GOAL ADDRESSED

Promote economic development in the City in a manner that provides for increased property values, diversification across industry sectors, and high paying jobs.

V. FINANCIAL IMPACT

Projected Lease rent and fee revenue is contingent upon the level of passenger, vehicle, and truck use. A conservative estimate is \$100,000 per season.

VI. STAFF ANALYSIS

Staff, working under the direction of the HCDC, negotiated the ARL agreement acceptable to both parties.

VII. RECOMMENDATION

The HCDC reviewed the ARL at its May 4, 2015, meeting at which time it unanimously recommended (4-0) that it be forwarded to the City Council for approval.

VIII. LIST ATTACHMENTS

- Proposed Amended and Restated Lease

AMENDED AND RESTATED
LEASE BY AND BETWEEN CITY OF PORTLAND AND
NOVA STAR CRUISES LIMITED
RE: OCEAN GATEWAY

THIS AMENDED AND RESTATED LEASE AGREEMENT dated as of ____ day of _____, 2015⁴ is by and between the City of Portland, Maine, Maine municipal corporation with a principal office at 389 Congress Street, Portland, Maine 04101 (the "Landlord"), and Nova Star Cruises Limited, a Canadian registered corporation with a principal office at 131 Sandy Run, Hammond Plains, Nova Scotia, Canada, B4B - 1X9 (the "Tenant").

WHEREAS, Landlord and Tenant are parties to a Lease Agreement dated April 28, 2014 (the "Existing Lease") for certain space ~~Landlord owns certain real property and improvements known as~~ the Ocean Gateway, including a Receiving building and a Terminal building at 14 Ocean Gateway Pier, and a ~~Departure building (formerly known as the "Paint Building")~~ at 14A Ocean Gateway Pier, and queuing and parking areas (collectively the "OG Facilities") located at the Ocean Gateway Pier, Portland, Maine; and

WHEREAS, under the Existing Lease, Tenant wishes to operate an international ferry service between Portland, Maine and Yarmouth, Nova Scotia on a cruise ferry vessel known as the Nova Star, 161 meters in length, or other vessel supplied by Tenant and approved by Landlord; and

WHEREAS, both parties desire to continue the operation of the ferry service under the amended lease terms set forth herein; and wish to continue service between Portland and Yarmouth (the "Service") by a corporate affiliate of Tenant on vessel cruise ferry known as the Nova Star, 161 meters in length, or other vessel supplied by Tenant and approved by Landlord, which shall not be unreasonably withheld, supplied by Tenant or its corporate affiliates (the "Vessel"); and

WHEREAS, in order to memorialize the above, Landlord and Tenant desire that the Existing Lease be substantially amended and restated to modify the Existing Lease. Landlord wishes to lease to Tenant office, ticketing, and passenger support space and to provide passenger departure and receiving space, queuing, berthing and employee parking facilities (the "Premises"), for use by Tenant and its customers in the conduct of the Service;

NOW, THEREFORE, in consideration of the mutual promises herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged, Landlord and Tenant hereby mutually agree that the Existing Lease

~~be amended and restated as of the Effective Date (as defined in Section 3) in consideration of the mutual covenants and agreements set forth herein, and for other good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:~~

1. Premises.

Landlord does hereby lease, demise and let unto **Tenant**, to have and to hold on the terms herein, subject to the reservation and condition in subparts below, the Premises identified herein and shown on Exhibit A, attached hereto and incorporated herein.

~~a. 24/7 Exclusive use space. The following space is available for the exclusive use of Tenant for the Initial Term or Renewal Term of this Lease:~~

- ~~i. Office and ticketing space at the Departure building to be used for customary and usual office and ticketing operations (the "Office Space"), as well as for general passenger support purposes;~~
- ~~ii. The interior of this structure is now unimproved; Landlord's sole obligation shall be to provide electricity and water to the building, with Tenant responsible for any improvement it requires, as provided below;~~
- ~~iii. The approximate exterior dimensions of the Departure building are forty feet by forty feet, and its location is shown on Exhibit A.~~

~~a.b. Spaces for exclusive use at certain times. The following spaces are available for the Exclusive use of Tenant for the hours stated during the Operating Season:~~

- ~~i. Queuing area. The sole area to be used for marshalling inbound and outbound vehicles, is the area labeled "Out Bound Queue" and "In Bound Queue" on Exhibit A, as may be modified to meet Customs and Border Protection requirements, and is to be used by Tenant on a non-exclusive but priority basis during the Operating Season to accommodate its sailing schedule, as outlined in Section 4. The Queuing area will be available to the Tenant for its exclusive use, however, only between the hours of 4:30:00 P.M. and 9:30:00 P.M., daily, and only during the Operating Season. The Queuing area may be reduced temporarily by mutual agreement of the Tenant and the City of Portland's Director of Facilities Management or his/her designee (the "Director"). In addition, Tenant may place in the Queuing area any trailers or other facilities or improvements required by the U.S. Custom Border Protection service to be in or near such area, with the approval of the Landlord which may not be unreasonable withheld, and subject to regulatory approval by the Portland Planning Board and/or Planning Staff. With respect to the queuing of commercial trucks and all truck with a cab and articulating trailer ('semi's'): The Tenant will actively discourage the the-queuing of such vehicles in the public ways of the Landlord. Before the beginning of the first Operating Season, Tenant will provide Landlord with a written plan for queuing such vehicles, including the contingency of such vehicles, while awaiting departure, being too numerous to be accommodated in the Outbound Queuing Area, and possibly including the establishment of an off- site~~

queuing area, with radio or telephone communication used to coordinate movement of such trucks to the Premises from that area.

ii. Berthing. In addition to the foregoing, berthing at the OG Terminal may be used by **Tenant** and the Vessel on a non-exclusive but priority basis during the Operating Season, based upon **Tenant's** sailing schedule, as outlined in Section

4. ~~During the Operating Season, the Berthing area will be available to the Tenant for its exclusive use between the hours of 6:30 7:00 P.M. and 9:30 11:00 P.M., daily, except that when cruise ships are in port, then Vessel arrival time shall be 7 P.M., during the Operating Season. It will be Tenant's responsibility to track scheduled cruise ship visits in order to ensure proper berthing time.~~ In the event **Tenant** wants unscheduled berthing, a request for such berthing shall be made with as much advance notice as reasonably possible prior to the need for such berthing. **Landlord** shall make such berthing available to the extent it is reasonably available, subject to the provisions of Section 4 below. The **Landlord** reserves the right to assign a secondary berth to **Tenant** in the event of **Tenant's** off-schedule berthing. **Tenant** shall be solely responsible for the cost of moving its vessel to off-schedule berthing, including but not limited to any security costs, and **Landlord** shall have no responsibility for such moving, security or related costs. Use of the Berthing area shall include the exclusive use of the "roll-on, roll-off" ramp facilities now existing at the OG Terminal (the "Ramp"), as is, for vehicle and passenger loading and unloading. Tenant shall have the exclusive Use of this ramp facility the Ramp during the Operating Season and for the two weeks immediately before and the two weeks immediately after the Operating Season. Tenant's use of the Ramp is at Tenant's sole risk. ~~Tenant agrees to have an appropriate engineering or other profession certify to Landlord as to the safety and acceptability of the interface of this ramp facility and the corresponding facilities on the Vessel, on or before April 15, 2014. Landlord is to certify that the ramp facility is constructed and maintained to the supplied drawings and specifications on execution of this Agreement. Upon request, Landlord will provide Tenant with any plan or schedule Landlord has for the maintenance of this ramp facility. The approximate size and location of this above non-exclusive use space shall be as shown on Exhibit A.~~

iii. Terminal Building. **Tenant** will have the exclusive use of the ground floor of the Terminal Building at the OG Terminal between the hours of 5:00 P.M. and 9:00 P. M. daily, during the Operating Season, for the processing of passengers by Custom Border Protection, and related functions. The **Tenant** will 'staff' this area during this exclusive use time, and clean the area after each use, and secure (lock up) the area after each use, unless requested otherwise by **Landlord's** employees.

be. Non-exclusive use space. The following spaces is available for the non-exclusive use of **Tenant** during the Operating Season:

i. Receiving Building. Between the hours of 9:00 A.M. and 9:00 P. M. daily, during the Operating Season, the Receiving Building at the OG Terminal may be used by **Tenant** on a non-exclusive basis, in common with others, for ticketing, including the passenger waiting areas and rest rooms within the OG Receiving

Building. During cruise ship operations at the OG Terminal, cruise ship passenger support will be a significant use within the Receiving building and surrounding vehicle circulation areas. **Tenant** will secure (lock up) the area after each use, unless requested otherwise by **Landlord's** employees.

Use of the Receiving Building is provided "as is." Any changes to the building, either requested by the **Tenant** or required to facilitate the **Landlord's** simultaneous use of the space for cruise ship operations, shall be implemented at the **Tenant's** sole expense.

ii. Exterior areas. In addition to the foregoing, the walkways, driveways and roadways within the OG Terminal may be used by **Tenant** on a non-exclusive basis, in common with others. However, on any day on which another vessel (such as a cruise ship) or scheduled event will be using the OG Terminal, the **Tenant** and its passengers will only use the area to the east of the Departure Building for dropping off of customers and passengers, ticketing, and **Tenant** will co-operate with **Landlord** to adequately place personnel signage for incoming customers and passengers to be aware of this use restriction. No outboard queuing is allowed in Receiving parking lot. Queuing prior to 4:30 PM must occur east of Departure Building or within the outbound queuing lane.

iii. Portland Ocean Terminal. Use of eight hundred (800) square feet of storage space from January 1, 2015 to December 31, 2016.

cd. Parking. **Landlord** will make available to **Tenant** for its employees' parking up to 75 full-day parking spaces and up to 1540 additional parking spaces available only between 4:00 P.M. and 11:59 P.M., daily, in the City-owned Thames Street parking lot per Exhibit B fee schedule at a mutually agreeable cost and location, ~~d~~ during the Operating Season of each year of the term of this Lease or any renewal term. **Landlord** will assist the **Tenant** such that **Tenant** is able to direct customers of parking facilities within the City of Portland, including the nearby Ocean Gateway Garage, but **Landlord** will ~~th~~ not provide any customer parking (other the Queuing area described above, to be used for queuing). Employee vehicles parked in the Receiving lot are subject to ticketing if parked beyond posted limits.

de. **Landlord** reserves the right to change particular locations of those portions of the Premises which are for non-exclusive use by **Tenant**, but subject to the condition that such re-location(s) will not unreasonably burden the operations of **Tenant**. The intent of this reserved right to re-locate is to allow **Landlord** to continue the ongoing development and enhanced utilization of its limited waterfront real estate, in coordination with other parties using nearby locations, or desiring to make use of City owned property or nearby locations.

This Lease Agreement is non-exclusive, ~~except as provided for above for exclusive use and~~ nothing herein shall prevent or prohibit the **Landlord** from leasing other available space at either the Ocean Gateway or any other facility owned or operated by **Landlord**, to another **Tenant** for any purposes **Landlord** deems suitable, including but not limited to the operation of a similar ferry service. **Tenant's** use of the Queuing area and all other areas to be used by passengers is subject to any reduction in size or configuration or availability as may be

required, at any time, by any security agencies having jurisdiction with respect to such areas.

2. [intentionally omitted]

3. Term.

- a. ~~Initial Term.~~ Except as provided below, the ~~initial~~ Term of this Lease shall be from ~~May~~ April 15, 2015 the "Effective Date") 2014 through October 31, 2016, with **Tenant** option to renew for two (2) additional two (2) year terms and then one (1) one (1) year term (the Renewal Term or Terms), subject to mutual agreement of the parties as to Rent and Fees. **Tenant** shall provide **Landlord** with notice no later than one full year before the then effective end date of the then term of this Lease, as to whether **Tenant** wishes to renew this Lease. If **Tenant** wishes to renew, the parties shall meet no later than within two months of such notice to negotiate renewal Rent and Fees. In the event the parties have not agreed on such Rent and Fees within four months after such notice, then this Lease will terminate effective on that then effective end date.
- b. Operating season. **Tenant's** Operating Season shall be ~~June~~ May 1 to October 14~~34~~, annually (the "Operating Season"), which Operating Season may be enlarged or extended, upon a request from **Tenant**, after approval of the **Landlord** in its sole discretion. **Tenant** shall have the right to exclusive occupancy of the portion of the Premises which is the Departure Building, and non-exclusive use of the remainder of the Premises from two weeks before the beginning of the Operating Season, and two weeks after the end of the Operating Season of each year of the ~~initial~~ Term of this Lease and any Renewal Term, for preparation and winding up, but subject to other uses the **Landlord** may make of all portions of the Premises, ~~but for the Departure Building.~~

4. Permitted Uses.

- a. During the term of this Agreement, **Tenant** is permitted to use the Premises and related OG Facilities for the purpose of conducting the Service via the Vessel. **Tenant** reserves the right to change vessels providing the Service hereunder, (so long as such new vessel is of reasonably comparable quality and is functionally compatible with the then existing facilities at OG), subject to **Landlord's** approval which shall not be unreasonably withheld. **Tenant** shall pay all costs associated with accommodating any such change in, or addition to, such vessel(s).
- b. **Tenant** agrees to provide seven (7) days of service per week during the Operating Season, subject to normal exigencies of the ferry business, including weather and mechanical breakdown. Sailings shall be daily with arrivals at ~~6:307:00~~ p.m. except that when cruise ships are in port, vessel arrival time will be 7:00 p.m. and with departures by 10:00 p.m. Should **Tenant** wish to institute additional service, the parties will meet to review the issue of priority berthing and queuing availability for such additional or modified service schedule, and such additional service shall only be instituted with the written approval of the **Landlord**, and at **Landlord's** sole discretion. Should **Tenant** wish to reduce its schedule of service, **Tenant** will provide

as much notice as reasonably practicable and will provide best efforts to give notice at least sixty (60) days in advance.

- c. **Tenant** acknowledges that no trade or occupation shall be conducted on or from the OG Facilities or use made thereof that would be unlawful, improper, or offensive, or contrary to any law or any municipal by-law or ordinance.

5. **Rent; Fees.**

- a. **Tenant** shall pay Fees, when due, as provided on Exhibit B, attached hereto and incorporated herein.
- b. Payment: Tenant shall make monthly rental payments for parking, berthing, and ground rent in advance on the 15th day of each month commencing May 15, 2015 and continuing until and including September 15, 2015, and for the 2016 season. The monthly rent for parking shall be \$1,225.00; the monthly rent for berthing shall be \$15,900.00; and the monthly ground rent shall be \$4,660 for a total monthly expense of \$21,785.
- ~~b. **Tenant** shall pay, for the use of the Departure Building, an annual amount as Rent of Nineteen Thousand Two Hundred Dollars (\$19,200.00) due and payable as specified in Section 6 (a), below.~~
- ~~cbe.~~ Overnight berthing may be provided upon **Tenant's** request, if such berthing is reasonably available. In such case, the fee for such berthing shall be pursuant to Exhibit B.
- ~~ded.~~ Upon execution of this Lease, **Tenant** agrees to pay **Landlord** a deposit in the amount of Ten Thousand (\$10,000.00) which deposit shall be forfeited in full to **Landlord** in the event of termination or default prior to one full season of operation by **Tenant**. After this first season of operation, this deposit shall be retained by **Landlord** as security deposit.

6. **Payment; Statements.**

- ~~a. Payment: Rent shall be paid in twelve equal monthly payments in advance beginning on April 1, 2014, and thereafter on the 1st day of each month of the term of this Lease and any renewals.~~
- ~~ab.~~ Other fees: **Tenant** shall pay ~~The~~ per passenger fees, per vehicle fees, berthing and common area fees in Exhibit B shall be paid, without need for an invoice from **Landlord**, by the fifteenth (15th) day of each month for the calendar month immediately preceding such payment, accompanied by **Tenant's** statement as provided below. All other Fees shall be paid within Thirty (30) days of receipt of an invoice from the **Landlord**.
- ~~be.~~ All payments will be made in U.S. legal tender to the **Landlord** at the address herein. **Tenant's** right to occupy the Exclusive Use space and its Rent and Fee

obligations under Paragraph ~~a.~~ above shall start on April 1, 2014. Fees due only during the Operating Season in Paragraph ~~ab.~~ above shall begin as of the first day of the month of said Operating Season. No additional rent shall be charged for insurance or operating expenses, unless otherwise provided for herein. **Tenant** shall be responsible for payment of personal property taxes which may be payable on their trade fixtures and equipment, and for payment of any federal, state or local fees or taxes which may apply to their operations hereunder.

~~cd.~~ Late payment: **Tenant** shall make prompt and timely payment of all rentals, fees, and other charges due hereunder as the same may from time to time come due.

In the event that any such payment is not made within thirty (30) days of the invoice due date, a penalty of one percent (1-%) per month 12% per annum) shall be assessed and paid on all such amounts outstanding.

~~de.~~ Address: All payments hereunder shall be written to the City of Portland and sent to the attention of: Public Assembly Facilities, Accounting Office, Portland Exposition Building, 239 Park Avenue, Director of Facilities Management, City of Portland, 389 Congress Street, Portland, Maine 04102+ or such other place as the Director may designate in writing from time to time.

Any invoices shall be sent to **Tenant** at the following address: Nova Star Cruises Limited, 30 Damascus Rd, Suite 201, Bedford NS, Canada B4A 0C1, Attn: Mark H. Amunden, President, or such other person or address as **Tenant** may designate in writing from time to time.

~~ef.~~ **Tenant** statements: **Tenant** shall submit its official manifest or other official documentation (or electronic equivalent) showing the number of passengers, vehicles and buses/trucks (or other conveyances) transported by **Tenant** both to and from the City of Portland each month when it submits its per passenger, per vehicle and per bus/truck fees under Exhibit B. **Tenant** shall further provide **Landlord** with a statement as to monthly berthing when it submits its payment for the berthing.

~~fe.~~ **Landlord** reserves the right to conduct an audit of **Tenant's** traffic records, upon reasonable notice and during regular business hours, to determine the accuracy of amounts paid hereunder. In the event such audit discloses an underpayment to **Landlord** of more than Five Percent (5%) in any year, **Tenant** shall pay to **Landlord**, in addition to the amount owed and any applicable late charges, the reasonable cost to **Landlord** of its audit.

7. Condition of Premises; Improvements to Premises.

a. "As is." **Tenant** has had the full opportunity to inspect the ~~Exclusive Use space~~, the berthing, queuing, parking and the common use space prior to execution of this Amended and Restated Lease Agreement and takes all such space, specifically including the existing ~~'roll-on-roll-off' ramp~~ Ramp, "as is", except as specifically provided herein. Should **Tenant's** Vessel require modifications of the existing ~~'roll-on-roll-off' r~~ Ramp, such modifications shall be solely at **Tenant's** cost and

expense, and subject to all required reviews and permits for such structure, including but not limited to approval of the Director which shall not be unreasonably withheld. Should **Tenant** change vessels and this results in the need for a new or modified ramp structure, gangway structure or other portions of the OG Facility from that provided as of May 1, ~~2015~~2014, such modified structure or facilities shall be provided solely at **Tenant's** cost and expense, and subject to all required reviews and permits for such structure, including but not limited to approval of the Director which shall not be unreasonably withheld.

- b. In the event **Tenant** wishes to make improvements to the Premises, it shall obtain the written approval of **Landlord** prior to undertaking any such improvements, which approval shall not be unreasonably withheld, but all such improvements shall be at **Tenant's** cost and expense.
- c. Notwithstanding the foregoing, **Landlord** agrees that **Tenant** may install, at **Tenant** expense, only at particular locations approved in advance by the Director, its security camera system in order to monitor the docking basin, vehicle inspection or processing booth and waiting areas for security and operational issues; subject to the condition, however, that **Tenant** will share access with the **Landlord** to the 'live feed' from such cameras, as well as any recordings from such cameras if and when requested.

8. Obligations of Landlord: Maintenance, Utilities.

Except as otherwise provided herein, the **Landlord** shall provide for the 'landside' facilities only, at its expense, the following:

- a. Heat and Ventilation to maintain the Receiving Building at a reasonable temperature and hot water at such hours and on such days as **Tenant** is using the Receiving Building, and electricity within the Receiving Building.
- ~~b. An Electrical connection to the Departure Building, with service to be sub-metered separately for, and paid for by the Tenant. Tenant shall have the right to use the Departure Building 24 hours per day, 7 days per week.~~
- be. Except as otherwise provided in this Lease, **Tenant** acknowledges and agrees that this Lease is a 'net lease', for the **Landlord**, and that the **Landlord** shall not be responsible for any costs, charges, expenses or the like whatsoever arising from or related to the leased premises or rights, or the business carried on or related to said premises or rights, and **Tenant** shall pay all costs, charges, expenses or the like of every nature and kind whatsoever relating to the leased premises or rights, including any passenger or vehicle ramps, unless agreed to in advance in writing by **Landlord**.
- cd. Water for ordinary drinking, cleaning, lavatory and toilet facilities and necessary for efficient, adequate and sanitary provision of services for the Receiving Building ~~and the Departure Building~~, and, at the Receiving Building only, **Landlord** will provide at its cost sewer service for the facilities located therein; **Landlord** will provide water

(including potable water) to the Vessel, at the Rates in Exhibit B.

de. Maintenance and repair of the roof, exterior walls and structure of the Premises, (the marine infrastructure, i.e., the passenger bridge, security fencing, and fendering and ramp (except as provided in section 7.a. above), in the same condition as they are at the commencement of the term or as they may be put in during the term of this Agreement, reasonable wear and tear, damage by fire and other casualty only excepted, unless such maintenance or repair is made necessary by fault or neglect of **Tenant** or the employees, contractors, agents or invitees of **Tenant**, in which case such maintenance or repair shall be at the expense of the **Tenant** and **Tenant** shall pay all costs therefor.

ef. Except during the Operating Season and the two weeks immediately before and the two weeks immediately after the Operating Season, the City shall provide routine maintenance of the Ramp. Two weeks prior to the Operating Season, Landlord shall turn over control of the Ramp to Tenant in good working order, reasonable wear and tear excepted.

f. Maintenance and reasonable cleaning of the common use areas, including washrooms, and the exterior grounds, all walkways and queuing and parking areas available for use by **Tenant**, its employees and invitees, including snow and ice removal.

9. Obligations of Tenant.

Tenant covenants that it will, at its expense:

- a. Pay when due, all Rent, Fees and other charges or assessments hereunder;
- b. Pay all costs associated with the ferry operation (except as otherwise stipulated herein), including but not limited to, office and ticketing staff, provision of all office and ticketing equipment, and direct Vessel costs including but not limited to fuel, water, electricity, stevedoring, screening and security staff, staff to direct and supervise vehicle traffic and queuing, trash removal and pilotage. **Tenant** shall be responsible for the repair, maintenance and cost of its own Vessel fueling system subject to all applicable federal, state and local regulations.
- c. **Tenant** is hereby required to utilize stevedores licensed by the City for line handling, loading and unloading luggage and baggage and the like, and supervising and directing the loading and un-loading of all vehicles;
- d. ~~Pay all utility periodic charges associated with the Departure Building, based upon a monthly invoice from Landlord, or from the utility itself if possible. To the extent reasonably available, sub-metering shall be used to determine such costs;~~
- de. Pay all expenses for all installation and periodic charges associated with communications systems, including but not limited to phone systems and services, computer systems and communication services, television and cable access,

satellite services, and security and video equipment and services within the exclusive use areas and used, except as provided herein, solely by the **Tenant**;

- ef. Maintain the Premises in such repair as on the commencement of this Agreement, except only for reasonable wear and tear and damage caused by fire or other unavoidable casualty not the fault of **Tenant**, its employees, contractors, agents or invitees. ~~Tenant shall be responsible for furnishing and cleaning its Exclusive Use space.~~ **Tenant** shall not injure or deface the Premises or the OG Facilities nor permit anyone else to do so. **Tenant** agrees to report to **Landlord** promptly, but in any case within 24 hours of when it ~~it~~ knew or reasonably should have known of any substantial damage to the Premises or OG Facilities which poses any potential health or safety issue, including but not limited to any water damage or intrusion;
- fg. **Tenant** shall be solely responsible for all repairs and maintenance of the Ramp during the Operating Season and the two weeks immediately before and the two weeks immediately after the Operating Season. At the end of the two week period immediately after the Operating Season, **Tenant** shall return control of the Ramp to **Landlord** in good working order, reasonable wear and tear excepted. To the extent that **Landlord** is then required to make any repairs to the ramp resulting exclusively from **Tenant's** use during the preceding Operating Season, or the two weeks before or after the Operating Season, **Tenant** shall reimburse **Landlord** for all related expenses. It being the intent that **Tenant** will be responsible for only those repairs to the ramp caused by **Tenant's** use excepting normal wear and tear."
- g. Properly contain and dispose of all trash and garbage from its operations, including but not limited to all vessel trash and garbage, in containers suitable for pickup by **Tenant** or **Tenant's** contractor. **Landlord** shall provide regular trash pickup for the common use areas of the OG Facilities only.
- h. ~~Provide cleaning of the exclusive use space on an as-needed basis relating to **Tenant's** activities. "Cleaning" shall mean dusting, vacuuming, sweeping, pest management, and trash removal and similar cleaning activities;~~
- hg. **Tenant**, at **Tenant's** expense, to provide nightly cleaning of the common use space. Cleaning shall mean dusting, vacuuming, sweeping, and mopping all common space and similar cleaning activities. **Landlord** will provide one cleaning per day and will provide **Tenant** paper goods for restocking restrooms.
- i. Maintain in full force and effect the insurance coverage required in Section 15 below, and such fire and extended coverage or business interruption insurance for its own property or benefit as it may deem to be appropriate. **Tenant** shall hold its property, including fixtures, furniture, equipment and the like, or that of any other owner, on the Premises at **Tenant's** own risk;
- j. Notify the **Landlord** in advance of any proposed alterations to the Premises, including but not limited to posting of signage by **Tenant** at OG in accord with Section 11 herein. All such alterations are subject to the prior written approval of the

Director, which approval shall not be unreasonably withheld;

- k. In addition to other payments required herein, **Tenant** shall pay and discharge punctually all generally applicable taxes and governmental assessments on any of **Tenant's** activities or property. The parties understand and agree that there are no real estate property taxes to be assessed against the Premises leased hereunder and chargeable to **Tenant**, but **Tenant** shall be responsible for payment of any personal property taxes which may be assessed. **Tenant** reserves the right to contest the imposition or amount of any such taxes or assessments by any means provided by law;
- l. Permit **Landlord** at reasonable times to inspect the Premises and to make, at its own expense, repairs, alterations, additions and improvements, structural or otherwise, in or to said Premises or any part thereof, and during such operations to take into and through said Premises or any part of the Premises all materials required, **Landlord** agreeing, however, that it will carry out such work in a manner which will cause **Tenant** minimum inconvenience;
- m. Not permit any employee, agent, contractor or invitee of **Tenant** to violate any covenant or obligation of **Tenant** hereunder nor create a nuisance at the OG Facilities;
- n. Keep the Premises equipped with all safety appliances required by law or any public authority because of the use made by the **Tenant** of the Premises;
- o. Keep **Landlord** informed of any unavoidable changes to sailing times sufficiently in advance so that **Landlord** can accommodate its berthing needs, if possible; however, **Landlord** does not guarantee that any revised sailing times can be accommodated; but for such notice, **Landlord** may presume the Vessel will arrive at approximately 6:30~~7:00~~ P.M., except when cruise ships are in port, when vessel will arrive at 7:00 P.M., and depart at approximately 10:00 P.M. daily; a departure of more than one hour from this times shall require notice to the **Landlord**; and
- p. Provide all security personnel, and any Custom Border Protection facilities, including utility connections and utilities services for the same, at **Tenant's** cost and expense, as may be required by, or for compliance with, Custom Border Protection or the Service with the United States Coast Guard operations, and such additional security personnel as may be deemed reasonably necessary by **Tenant**; and all such required facilities and improvements shall be property of **Landlord** at the end of the lease term.

Should any maintenance or repair of the OG Facilities or the systems serving the OG Facilities require repair or replacement as a result of the negligence or willful act of the **Tenant** or the **Tenant's** invitees, agents or contractors, **Tenant** shall be responsible for the timely repair or replacement of same. Any damage caused to the berthing, queuing, parking or common use areas, including but not limited to waiting areas, hallways, stairwells, and restrooms, caused by any of **Tenant's** employees, contractors, agents or invitees, shall be repaired by **Landlord**, and the cost of such repair shall be billed to **Tenant** at **Landlord's** cost, and shall be paid by **Tenant** as additional rent with the next due Rent payment; or, alternatively, taken from any security deposit being held by the **Landlord**, in which case the **Tenant** shall replenish that

security deposit within ten (10) days of being informed in writing that this is necessary.

10. Certain Rights Reserved to the Landlord.

The **Landlord** reserves the following rights:

- a. To retain and use in appropriate instances keys to all doors within and into the Premises and to change the locks to the Premises if **Landlord** deems it advisable. No lock shall be changed by **Tenant** without the prior written consent of **Landlord**. **Landlord** shall have the right to access the utility rooms through **Tenant's** exclusive use space as reasonably necessary;
- b. On reasonable prior notice to **Tenant**, to exhibit the Premises to prospective **Tenants** or users of the OG Facilities and to others having a legitimate interest at any time during the term;
- c. To adopt reasonable rules and regulations relating to the OG Facilities from time to time during the Term; provided, however, such rules and regulations shall not materially interfere with **Tenant's** permitted use of the Premises. **Tenant** agrees to comply with reasonable rules and regulations from and after the fifteenth (15th) day after **Tenant's** receipt thereof;
- d. To remove from the Premises, at **Tenant's** expense, any alterations, additions, signs, awnings, or the like, not consented to in writing by the Director; and
- e. **Landlord** reserves the right to berth vessels of any type at the OG Facilities, subject to **Tenant's** rights under this Lease.
- f. **Landlord** reserves the right to use the OG Terminal and OG Facilities for functions and for functions (including but not limited to weddings) for third parties, subject to **Tenant's** rights under this Lease.

11. Signage.

Tenant shall have the right to have signage on the Premises, including but not limited to outdoor signage, which signage shall be approved by the Director and shall be at **Tenant's** sole cost. It is the intent of the parties to prominently promote **Tenant's** ferry service. Installation of such signage may be done by the **Landlord**, or by the **Tenant** by a contractor acceptable to the **Landlord**, at **Tenant's** cost. General signage for the common use Space, and the parking lot at the OG facility, shall be provided and installed by the **Landlord**, at **Landlord's** cost. All signage shall be installed and maintained in accordance with all applicable local and state governmental codes. Subject to **Landlord's** approval which shall not be unreasonably withheld, **Tenant** may, at its expense, place murals and/or photographs and/or graphics on walls of the common use space for promotion of its ferry service. **Tenant** shall restore all such space to its original condition at the termination or expiration of the Lease.

12. Compliance with Laws.

Tenant agrees to comply with all present and future laws, ordinances, orders, rules, regulations and requirements of the federal, state and local governments or any of their departments, bureaus, boards, commissions and officials thereof (collectively, the "Laws") with respect to the Premises, or the use or occupancy thereof, including without limitation, at **Tenant's** cost, to alter, maintain or restore the Premises in compliance with all laws relating to the condition, use or occupancy of the Premises, whether said compliance shall be ordered or directed to or against **Landlord** or **Tenant**, or both. **Tenant** shall comply, at its sole cost and expense, with all Laws relating to (i) air emissions, (ii) water discharges, (iii) noise emissions, (iv) air, water or ground pollution, or (v) any other environmental or health matter (collectively, "Environmental Laws") during the Term in connection with its use and occupancy of the Premises and the OG Facilities. **Tenant** shall not be responsible for any compliance attributable to the obligations of **Landlord** hereunder nor to any event or act which occurred prior to the execution date or after the expiration date of this Lease Agreement, unless caused by the error or omission of **Tenant**, its officers, agents, employees, contractors or invitees, nor shall **Tenant** be responsible for the cost of any change to the OG Facilities required as a result of any changes in the requirements of laws related to accessibility by persons with disabilities.

13. Security Rules.

- a. **Tenant** shall comply with all safety and security requirements in its operations hereunder. **Tenant** further agrees that its officers, employees and agents shall abide by the provisions of the **Landlord's** Federal Facility Security Plan, and with any other security directives or policies that may be promulgated from time to time by the **Landlord**, the State of Maine or by agencies of the Federal Government during the term of this Agreement. The **Landlord** agrees to provide **Tenant** with copies of the relevant portions of **Landlord's** Plan to permit **Tenant** to comply with its terms.
- b. **Tenant** shall comply with the lawful directions of the City's Facility Security Officer's directions and commands, with respect to its operations at the OG Terminal and berthing area. **Tenant** shall designate a particular person, who must be readily available, as its Security Contact Person, for the purposes of emergency and other communications to, from and with the City's Facility Security Officer.
- c. **Tenant** shall, to the extent required by law or any agency with jurisdiction, prepare and file its own Facility Security Plan, which shall then become an amendment to **Landlord's** Facility Security Plan, for **Tenant's** operations and its use of **Landlord's** Facilities, and provide a copy of such Plan and amendment to the **Landlord**.
- d. Transportation Workers Identification Credential Requirement: All persons requiring unescorted access to the secure areas of vessels, facilities, and OCS facilities regulated by parts 104, 105, and 106 of 33 CFR (Code of Federal Regulations) must, to the extent required by law and applicable authorities, possess a TWIC (Transportation Workers Identification Credential) before such access will be granted. A TWIC must be obtained via the procedures established by TSA (Transportation Security

Administration) in 49 CFR part 1572.

- e. In addition, **Tenant** employees working at the OG Facilities shall have **Landlord**-approved identification badges displayed at all times when at the OG Facilities, whether within the Premises or the common use space.
- f. **Tenant** shall pay all costs and expenses for additional security, required as determined by the **Landlord** in its sole discretion, due to **Tenant's** failure to adequately provide security (whether required by third parties or not) at **Landlord's** OG Facilities.
- g. In addition, **Tenant** shall pay all costs, expenses, liabilities, losses, damages, fines, penalties, claims, and demands, including reasonable counsel fees, which may arise directly out of **Tenant's** failure to comply with the covenants of this paragraph, and such failure shall be deemed a default under this Agreement. **Tenant** shall be responsible for obtaining all necessary permits and licenses required for its use and occupancy of the OG Facilities at its own cost and expense.
- h. As provided in Section 9(p) above, **Tenant** will pay all costs related to required Security facilities.

14. Indemnification.

- a. General. To the fullest extent permitted by law, **Tenant** shall at its own expense defend, indemnify, and hold harmless the **Landlord**, its officers, agents, and employees, from and against any and all liability, claims, damages, penalties, losses, expenses, including costs of investigation and attorneys fees, or judgments, just or unjust, arising from injury or death to any person, or damage to, or loss of use of, property sustained by anyone (including but not limited to **Landlord's** employees or property) and arising, in whole or in part, out of **Tenant's** use, activities at or on, or occupancy of the OG Facilities, except that such obligation of indemnification shall not include indemnification for claims to the extent such claim is caused by (i) the negligent acts or omissions of **Landlord**, its officers, agents, employees or contractors, or (ii) a breach by **Landlord** of its obligations under this Lease. **Tenant** shall include **Tenant**, its officers, agents, employees, contractors, subcontractors (including Atlantic Fleet Services Corporation) and/or invitees.

Tenant shall, at its own cost and expense, defend any and all suits or actions, just or unjust, which may be brought against **Landlord** or in which **Landlord** may be impleaded with others upon any such above-mentioned matter, claim or claims, including claims of contractors, employees, laborers, materialmen, and suppliers. In cases in which **Landlord** is a party, **Landlord** shall have the right to participate at its own discretion and expense and no such suit or action shall be settled without prior written consent of **Landlord**. Such obligation of indemnity and defense shall not be construed to negate nor abridge any other right of indemnification or contribution running to **Landlord** which would otherwise exist.

- b. Covenant against liens: **Tenant** shall not cause nor permit any lien against the

Landlord's property or any improvements thereto to arise out of or accrue from any action or use thereof by **Tenant** and shall hold the **Landlord** harmless therefrom; provided, however, that **Tenant** may in good faith contest the validity of any alleged lien. Upon request of the **Landlord**, **Tenant** shall post a bond warranting payment of any such lien, or provide other security acceptable to **Landlord**, in the event **Tenant** contests such lien.

- c. Survival. The Terms of this Section shall expressly survive the expiration or termination of this Agreement.

15. Insurance.

- a. Amounts. Without expense to the **Landlord**, and with no lapse in coverage, **Tenant** shall procure and maintain, at its own cost, and show evidence to the **Landlord** of the following insurance to protect the **Landlord** from claims and damages which may arise from **Tenant's** operations under this Agreement, whether such operations shall be performed by the **Tenant** or by anyone directly or indirectly employed by it, including without limitation Atlantic Fleet Services Corporation, in the types and minimum amounts set forth below:

<u>Description</u>	<u>Coverage</u>	<u>Each Occurrence</u>
(i) Commercial General Liability, including Broad Form Property Damage	B.I./P.D./Death	\$5,000,000
(ii) Vehicle Liability, including owned, hired or non-owned	B.I./P.D./Death	\$2,000,000
(iii) Workers' Compensation, including U.S. Longshoremen and Harbor Workers' Coverage, as applicable	B.I./Death	Statutory
(iv) Protection & Indemnity insurance \$5,000,000 including Federal Maritime and Jones Act Coverage		
(v) Pollution coverage Land to Sea/Land to Land		\$5,000,000 (vi)
Employer's Liability B.I./P.D. including U.S. Longshoremen & Harbor Workers, as applicable		\$1,000,000

- b. **Landlord** protected. The **Landlord** shall be named as an additional insured under items (i) and (ii) above. Item (iii) shall include a waiver of subrogation against **Landlord**. To the extent that **Tenant** has any employees who are not covered by the Longshoremen & Harbor Workers, Federal Maritime and Jones Act coverages, **Tenant**

shall provide evidence of Workers Compensation coverage in the statutory amounts, including a waiver of subrogation against **Landlord**.

- c. Notice to **Landlord**. All policies of insurance required herein shall be in a form and issued by a company or companies approved to do insurance business in the State of Maine. Each such policy shall provide that such policy may not be changed, altered or canceled by the insurer during its term without first giving thirty (30) days' notice in writing to the **Landlord**. Each liability policy required to be obtained hereunder shall be on an occurrence basis. In the event that policies are not available on an occurrence basis, **Tenant** shall purchase a "tail" which provides coverage hereunder for a minimum of six (6) years after termination of this Agreement.

All policies required hereunder shall be primary to any insurance or self- insurance which **Landlord** may maintain for its own benefit. Liability insurance coverage shall also extend to damage, destruction, and injury to **Landlord**-owned or **Landlord**-leased property and **Landlord** personnel, to the extent caused by, or resulting from negligent acts, operations, or omissions of **Tenant**, its officers, agents, employees, invitees, and/or contractors.

- d. Certificates. Certificates or other evidence of insurance coverages required of **Tenant** in this Section, in amounts no less than those stipulated herein or as may be in effect from time-to-time, shall be delivered to the **Landlord** prior to use of the Premises. Such certificate or certificates shall at all times while this Lease Agreement is in effect provide **Landlord** with at least thirty (30) days prior written notice of any change or modification in insurance coverage or insurance carrier.
- e. **Tenant** Property Insurance. **Tenant** shall procure and maintain, at its option and election, such all risks fire and casualty insurance covering its property on the Premises as it deems necessary.
- f. **Landlord** reserves the right to require a commercially reasonable increase in the minimum insurance limits hereunder at the commencement of any Renewal Term of this Lease.

16. [Intentionally omitted]

17. Assignment/Subletting.

- a. By **Tenant**. **Tenant** shall not sublease, transfer or assign this Agreement or the rights granted hereunder at any time during the Term of this Agreement without the prior written approval of **Landlord**, which may be granted or withheld in **Landlord**'s discretion; except, however, **Tenant** may, if required by written agreement written agreement between **Tenant** and the Province of Nova Scotia, assign this Agreement and the rights granted hereunder to the Province of Nova Scotia in the event the **Tenant** is itself unable to continue operating the Service, and which case the

Province of Nova Scotia will assume all of the obligations of **Tenants** herein, as well as the rights of **Tenant** herein. No such assignment or subletting shall relieve **Tenant** of any obligations hereunder and any person accepting such assignment shall take the Agreement subject to all prior breaches and shall be liable therefor in the same manner as **Tenant**.

Tenant shall have the right to assign all of its rights, obligations and interests under this Agreement to any successor to its business through merger, consolidation, reorganization or sale of all of its assets and the consent of the **Landlord** thereto shall not be required. In such cases, **Tenant** shall provide **Landlord** with prompt written notice of any such assignment.

- b. By **Landlord**. **Landlord** reserves the right to assign this Lease to a quasi municipal or State entity, provided, however, that in such event such entity shall agree to assume all of the terms and obligations of the **Landlord** under this Lease. **Landlord** shall not assign this Lease to a private party without the prior written approval of **Tenant**, which may be granted or withheld in **Tenant's** discretion.

18. Casualty Damage.

- a. If the Premises or any part thereof shall be destroyed or damaged by fire or other unavoidable casualty, so that the same shall be thereby rendered unfit for use, then, and in such case, the Rent hereinabove stated or a just and proportional part thereof, according to the nature and extent of injuries sustained, shall be suspended or abated, until the Premises shall have been put in proper condition for use by **Tenant**; provided, however, in the event of such destruction or damage, either **Landlord** or **Tenant** shall have the right to terminate this Lease by giving the other party written notice of such termination within thirty (30) days after such damage or destruction, and upon the giving of such notice, the term of this Agreement shall cease and come to an end as of the date of such damage or destruction and any unearned rent shall be returned to **Tenant**.
- b. **Landlord** and **Tenant** each hereby waive any and all rights of action for negligence against the other which may hereafter arise on account of damage to the OG Facilities or to the property of either party, resulting from any fire, or other casualty of the kind covered by standard fire insurance policies with extended coverage, regardless of whether or not, or in what amounts, such insurance is now or hereafter carried by the parties, or either of them. **Landlord** and **Tenant** shall each be responsible for maintaining such casualty insurance on its property as it deems necessary and such policies shall waive any right of subrogation thereunder against the other party.

19. Default.

- a. Either party may terminate this Agreement upon no less than Thirty (30) calendar days' prior written notice for failure of the non-terminating party to comply with the terms and conditions of this Agreement. In such event, the non-terminating party shall have the right to cure such default within the Thirty (30) day

period, or in the case of default in any payment due hereunder, within Ten (10) calendar days of receipt of notice of such default. If a default is of such a nature that it cannot reasonably be cured within 30 days, the non-defaulting party shall permit a reasonable period to cure so long as the party in default proceeds diligently to cure such default. Such notice of default shall not be required to coincide with a rental period.

- b. Any suspension of operation of the vessel in excess of ten (10) consecutive days during the sailing season, for reasons other than major mechanical failure of the Vessel, shall, at **Landlord's** option, be deemed to be a default and termination of this Lease. For purposes of this subsection, a sailing season begins on the earlier of May 1 or the first trip of the vessel, and terminates on October 31.

During any period of suspension, **Tenant** shall continue to be liable for any rent or utility payments for its exclusive use space only, unless **Landlord** notifies **Tenant** that **Landlord** wishes to utilize the ticket counter during the suspension period, and such use is not disruptive to **Tenant**, in which case, the rent shall be ratably reduced.

- c. Upon termination of this Lease, **Tenant** shall quit and surrender to **Landlord** the Premises in accordance with the provisions of Section 20 hereof. In no event shall either party be liable to the other for incidental, special, or consequential damages of any nature claimed as a result of the breach of any term of this Agreement or termination of this Agreement. And upon termination of this Lease, the parties shall have no further obligation to one another, except those obligations which arose prior to termination of the Lease or which explicitly survive termination of the Lease hereunder.

20. Return of Premises; Holding Over.

- a. At the expiration or termination of this Lease, **Tenant** shall ensure that all vessels with which it is in any way affiliated are removed from the OG and all City of Portland berthing areas, and will also promptly quit and surrender the Premises to **Landlord** broom clean and in good order and condition, ordinary wear excepted, and free from debris, trash and waste, and shall cease its operations from the OG Facilities. **Tenant** shall, if any only if so requested by **Landlord**, remove all trade fixtures, equipment and other personal property installed or placed by it at its expense in, on or about the Premises or OG Facilities; provided, however, all damage caused by or as a result of such removal shall be repaired by **Tenant** at its expense. All trade fixtures, equipment, furniture, furnishings and personal effects not removed by **Tenant** within thirty (30) days after expiration or termination of this Lease shall, at **Landlord's** option, be deemed to have been conveyed to **Landlord** in fee title, and may be appropriated, sold, stored, destroyed or otherwise disposed of by **Landlord** without obligation to account therefor or, at **Landlord's** option, **Landlord** can have such trade fixtures and items removed and the cost of any such removal and the expense of any repair necessitated by such removal shall be borne by **Tenant**.
- b. If **Tenant** or any party claiming through or under **Tenant** shall remain or continue to be in possession of the Premises or any part thereof after the termination of the Lease

or any renewal thereof, without **Landlord's** consent, then, at **Landlord's** option, **Tenant** or such party or both shall be deemed to be illegally retaining possession or, at **Landlord's** option, shall be deemed to be a month-to-month **Tenant** of the Premises and subject to all the terms and conditions of this Lease except that the monthly rent hereunder shall be One Hundred and Fifty Percent (150%) of the Rent payable during the month prior to such termination. This Section shall not be construed as giving **Tenant** any right to hold over after the expiration of the Term or to limit **Landlord's** rights to obtain possession of the Premises upon termination by any lawful means available to **Landlord** if **Landlord** does not elect to treat the continued possession by **Tenant** or any party claiming through or under **Tenant** as a month-to-month tenancy.

- c. **Landlord** lawfully may upon termination of this Lease Agreement, enter into and upon the said Premises or any part thereof in the name of the whole, and repossess the same as of its former estate, and expel **Tenant** by any lawful means and those claiming through or under **Tenant**, and remove its or their effects without being deemed guilty of any manner of trespass, and without prejudice to any remedies which might otherwise be used for arrears of rent or preceding breach of covenant.

21. Quiet Enjoyment.

So long as **Tenant** shall observe and perform the covenants and agreements binding on it hereunder, **Tenant** shall at all times during the term herein granted peacefully and quietly have and enjoy possession of the Premises without any encumbrance or hindrance by, from or through the **Landlord**.

22. Notices.

Any notice required to be given under this Lease shall be in writing and shall be hand-delivered or sent by U.S. certified mail, return receipt requested, postage prepaid, addressed to the parties as stated below or such other address as either party may designate in writing to which its future notices shall be sent:

To **Tenant:** Mark H. Amunden, President Nova
Star Cruises Limited Nova Star
Cruises, Ltd
131 Sandy Run
Hammond Plains, Nova Scotia
B4B - 1X9 Canada

With a copy to: D. Kelley Young
Troubh Heisler P.O.
Box 9711
511 Congress Street
Portland, ME 04104-5011

To **Landlord:** Michael Sauschuck ~~Sheila Hill-Christian~~ ~~Mark H. Rees, Acting~~
City Manager

389 Congress Street

Portland, Maine 04101

With a copy to: Director of Facilities Management
 389 Congress Street
 Portland, Maine 04101

23. Amendment: Authority.

Both parties hereto acknowledge and agree that they have not relied upon any statements, representations, agreements or warranties except such as are expressed herein. The terms of this Lease may be modified or amended by the mutual assent of the parties hereto; provided, however, that no such modification or amendment to this Lease shall be binding until in writing and signed by both parties.

Each party warrants that this Lease Agreement has been signed by a representative duly authorized to bind that party to this Lease Agreement.

24. Governing Law.

This Agreement shall be governed by and construed in accordance with the laws of the State of Maine. **Tenant** warrants to **Landlord** that it is licensed to do business in the State of Maine and has an agent authorized to accept service of process in said State. **Tenant** shall provide such information upon request to **Landlord**.

25. Force Majeure.

Neither **Tenant** nor **Landlord** shall be deemed in violation of this Lease if it is prevented from performing any of its obligations hereunder by reason of strikes, boycotts, labor disputes, acts of God, war, acts of superior governmental authority or other reason over which it has no control; provided, however, that the suspension of performance shall be no longer than that required by the force majeure and the party prevented from performance has given written notice thereof to the other party.

26. Non-Waiver.

No waiver of any breach of any one or more of the conditions of this Lease by the **Landlord** or **Tenant** shall be deemed to imply or constitute a waiver of any succeeding or other breach hereunder.

27. Brokers.

Landlord and **Tenant** each represent and warrant to the other that it has not dealt with any agents, brokers or finders in connection with this Agreement. Each party agrees to hold and indemnify the other harmless from and against any losses, damages, costs or expenses (including attorneys' fees) that either party may suffer as a result of claims made or suits brought by any broker in connection with this transaction, the obligated party hereunder to be the party whose conduct gives rise to such claim.

28. Transition Provision.

Prior to the Effective Date, the rights and obligations of Landlord and Tenant are those described in the Existing Lease. On the Effective Date, the Existing Lease shall be deemed amended and restated so as to contain all of the terms of this Lease, and this Lease as amended and restated shall govern all future rights, obligations, duties and liabilities of the parties.

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be duly executed as of the day and year first above written.

WITNESS:

**NOVA STAR CRUISES
LIMITED**

By: _____

Mark H. Amundsen
Its President and CEO

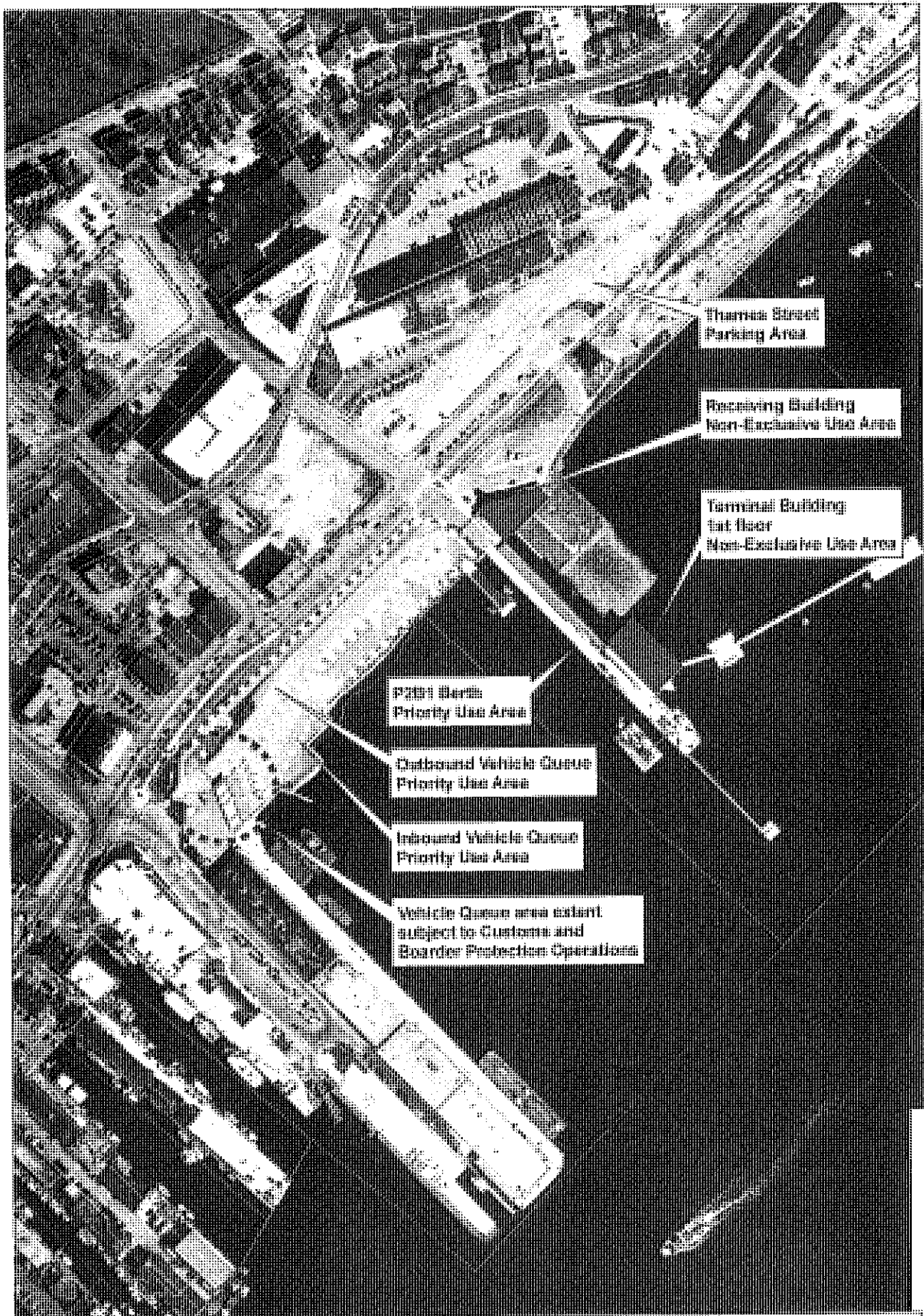
CITY OF PORTLAND

By: _____

~~Sheila Hill-Christian~~ Michael
~~Sauschuck~~ Mark H. Rees
Its Acting City Manager

AMENDED EXHIBIT A

DIAGRAM OF PREMISES
AND OCEAN GATEWAY TERMINAL



300 150 0 300 Feet



Ocean Gateway Site and Facilities
Nova Star Cruises Limited Lease
Exhibit A

April 2010, Amended and Restated Lease

EXHIBIT B

Fuel License, per season	\$100.00
Berthing	\$350 per day during 1st year; 2nd year: \$ 1.00 per foot of overall vessel length, per day
Common Area Fee-Receiving Building, And Portland Ocean Terminal storage, per month	day \$3,160 25.00
Common Area Fee-Terminal Ground Level, per month	day \$1,500 50.00
Subtotal:	\$4,660.00
<u>Parking</u>	
Full Time Parking (7 Spaces @ \$100/space/month	\$ 700.00
Part-time Parking (15 spaces) @ \$35/space/month	\$ 525.00
Subtotal:	\$1,225.00
Fresh Water, per metric ton	\$ 4.00
Security Badges, each	\$ 2.50
Security Badges, replacement, each	\$ 25.00

The following fees are upon each arrival and each departure:

Passengers	\$ 2.50
Bicycles	\$.50
Motorcycles	\$.75
Automobiles	\$ 3.00/1 st year, \$5.00/2 nd year.
Passenger Vehicle with Camper/Utility Trailer	\$ 3.00/1 st year, \$5.00/2 nd year.
Recreational Vehicles/Motor Homes	\$ 3.00
Tour Busses/Motor Coaches	\$ 20.00
Commercial Trucks (without articulating trailer)	\$ 20.00/1 st year, \$25/2 nd year.
Commercial 'Trailer Trucks': Cab with Articulating Trailer	\$ 20.00/1 st year, \$25/2 nd year.

*Order 233B-14/15
Tab 10 5-18-15*

Order 233B-14/15

Motion to divide Order 233-14/15 into two parts, passage: 7-1 (Brenerman opposed, Marshall absent) on 5/4/2015

[Divided Order 233A-14/15 including subparagraphs 1 and 3, passage: 8-0 (Marshall absent)]

Divided Order 233B-14/15 including subparagraph 2, failed: 4-4 (Marshall absent, Duson, Costa, Suslovic, Brennan opposed)

Divided Order 233B-14/15: postponed to 5/18/2015, passage: 5-3 (Marshall absent, Duson, Mavodones, Donoghue opposed)

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID BRENERMAN (5)
JON HINCK (A/L)
JILL C. DUSON, (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

**ORDER APPROVING ANNUAL ADJUSTMENTS TO THE COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG) ALLOCATION PROCESS**

ORDERED, that the annual adjustments to the Community Development Block Grant (CDBG) Annual Allocation Process are hereby approved in substantially the form attached hereto.

Community Development Block Grant
Allocation Process Changes Attachment
May 4, 2015

This order approves several procedural changes to the Community Development Block Grant (CDBG) allocation process. These changes are requested in an effort to improve the process and address issues raised through the Fiscal Year 2015-2016 allocation process.

2. Three (3) bonus points be awarded for each child care project or program in the Social Services funding category.

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

Order 234-14/15
~~*Tab 2 5-4-15*~~
Tab 11 5-18-15

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING FISCAL YEAR 2016 ADMINISTRATIVE FEES
IN VARIOUS DEPARTMENTS**

ORDERED, that the administrative fees in the Fire Department for Confined Space Rescue Services and Department of Public Services for Cemeteries and Street Openings, as shown in the schedules attached hereto, are hereby approved; and

BE IT FURTHER ORDERED, that these fees shall be effective on July 1, 2015 unless otherwise noted; and

BE IT FURTHER ORDERED, that all other administrative fees currently in effect that are not otherwise changed herein shall remain in effect for Fiscal Year 2016.



Portland Fire Department Headquarters Office of the Chief of Department



To: Sheila Hill-Christian, Acting City Manager
From: Jerome F. LaMoria, Fire Chief
Date: 1.13.15
RE: FY16 Revenue Fee Schedule Changes

The Fire Department is proposing to add three new fees to the FY16 Administrative Fee Schedule. These fees are related to responses to confined space rescue involving entities with no contracted rescue team as required by federal law. Any entity who has contracted with the Portland Fire Department Confined Space Rescue Cooperative will not be billed for this response.

The first fee is \$5,000.00 for any response to an incident involving a permit required confined space as specified by OSHA 1910.146 regulation. This fee is to cover the cost associated with maintaining the capabilities of a Confined Space Rescue Team.

The second fee is to offset the cost of all heavy apparatus utilized as part of the response.

The third fee is to offset the cost of personnel utilized as part of the response.

These fees conform to the FEMA table of reimbursement rates and industry standards. As you may recall in previous discussions, the purpose of OSHA requirements are that entities engaged in permit required confined space entries are operating safely and that the cost associated with potential rescues is not absorbed by local tax payers.

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

FY16 REVENUE FEE SCHEDULE CHANGE

Department:

Fire

Administrative Fees

<u>Account #</u>	<u>Revenue Description</u>	FY 16	
		<u>Current Fee</u>	<u>Proposed Fee</u>
100-2201-341-00-00	Copy of Fire Report	\$ 15.00	\$ 15.00
100-2203-342-00.00	ALS Non Emergency Transport	\$ 559.00	\$ 559.00
100-2203-342-00.00	BLS NonEmergency Transport	\$ 468.00	\$ 468.00
100-2203-342-00.00	BLS Emergency Transport	\$ 748.00	\$ 748.00
100-2203-342-00.00	ALS Emergency Transport	\$ 888.00	\$ 888.00
100-2203-342-00.00	ALS 2 Emergency Transport	\$ 1,266.00	\$ 1,266.00
100-2203-342-00.00	Speciality Care Transport	\$ 1,520.00	\$ 1,520.00
100-2203-342-00.00	ALS Mileage	\$ 18.06	\$ 18.06
100-2203-342-00.00	BLS Mileage	\$ 18.06	\$ 18.06
100-2203-342-00.00	Oxygen	\$ 110.00	\$ 110.00
100-2203-342-00.00	Airways	\$ 148.00	\$ 148.00
100-2203-342-00.00	IV Therapy	\$ 206.00	\$ 206.00
100-2203-342-00.00	EKG	\$ 206.00	\$ 206.00
100-2203-342-00.00	Intercept	\$ 451.00	\$ 451.00
100-2203-342-00.00	Defib.	\$ 194.00	\$ 194.00
100-2203-342-00.00	Critical Care Transfer	\$ 839.00	\$ 839.00
100-2203-342-00.00	Non-Emergency Mileage	\$ 18.06	\$ 18.06
100-2203-342-00.00	Capnography	\$ 138.00	\$ 138.00
100-2203-342-00.00	EZ IO/Intraosseous Access	\$ 275.00	\$ 275.00
100-2203-342-00.00	ALS on SceneCare	\$ 888.00	\$ 888.00
100-2203-342-00.00	ALS 2 on Scene Care	\$ 1,266.00	\$ 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	\$ 650.00	\$ 650.00
100-2203-342-00.00	Rescue Equipment - Spreader	\$ 150.00	\$ 150.00
100-2203-342-00.00	Rescue Equipment - Cutter	\$ 150.00	\$ 150.00
100-2203-342-00.00	Rescue Equipment - Rams	\$ 150.00	\$ 150.00
100-2203-342-00.00	Rescue Equipment - Air Bags	\$ 150.00	\$ 150.00
100-2203-342-00.00	Level I HazMat Response	\$250.00/hour/unit	\$250.00/hour/unit
100-2203-342-00.00	HazMat Still Response	\$ 125.00	\$ 125.00
100-2203-342-00.00	HazMat Plug Kit	\$ 65.00	\$ 65.00

New FY16 Fees

100-2203-341-00-00	Confined Space Rescue Response for Non Contracted Entities*	N/A	\$5,000/Response
100-2203-341-00-00	Heavy Apparatus Utilization*	N/A	\$250.00/hour/unit
100-2203-341-00-00	Confined Space Personnel Cost*	N/A	\$70.00/hr/person

*All applicable fines to be billed to Non Contracted Entity



Michael J. Bobinsky
Director of Public Services

TO: Sheila Hill-Christian, Acting City Manager
FROM: Michael J Bobinsky, Director of Public Services
DATE: April 24, 2015
SUBJECT: Revenue Fee Changes – Cemeteries

We are recommending a 10% across the board rate increase for cemetery services in FY16. Adjustments were made so that prices are even amounts. (See attached list.) We have not increased fees since 2010, so this reflects an increase of 2% per year for the past five years.

Our prices for services fall within the median range as compared to other cemeteries in the New England region. We need to increase our fees to compensate for our increased cost to do business. We will be spending approximately \$500,000 as part of a CIP project on expanding Evergreen Cemetery, which will provide an additional 800 graves and a 300 niche columbarium wall, all of which will increase our maintenance burden. In addition, we are establishing new fees for the columbarium niches which are a new feature under construction as part of the expansion plans.

Overall increase to revenue budget is approximately \$45,000.

CC: Jennifer Lodge, Assistant Budget Director
Joe Dumais, Parks & Cemeteries Coordinator
Pat Handrahan, Principal Financial Officer

FY16 REVENUE FEE SCHEDULE CHANGE

Department: Public Services Division: Cemeteries

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Rate</u>	<u>FY16 Proposed Rate</u>
<u>RESIDENT FEES:</u>			
100-3102-363-00-00	Wilde Chapel Rental	\$500	\$500
100-3102-347-05-00	Holiday Wreaths	\$30-\$45	\$30-\$45
	Interments, Conventional		
100-3102-347-01-00	Weekday	\$790	\$870
100-3102-347-01-00	Weekday -- after 2:30 pm	\$790 + \$105/hr	\$870 + \$115/hr
100-3102-347-01-00	Saturday -- before 11:00 am	\$945	\$1,040
100-3102-347-01-00	Saturday -- after 11:00 am	\$1,160	\$1,275
	Interments, Child (under 5 years)		
100-3102-347-01-00	Weekday	\$525	\$575
100-3102-347-01-00	Weekday -- after 2:30 pm	\$525 + \$105/hr	\$575 + \$115/hr
100-3102-347-01-00	Saturday -- before 11:00 am	\$790	\$870
100-3102-347-01-00	Saturday -- after 11:00 am	\$945	\$1,040
	Interments, Infant (under 1 year)		
100-3102-347-01-00	Weekday	\$315	\$345
100-3102-347-01-00	Weekday -- after 2:30 pm	\$315 + \$105/hr	\$345 + \$115/hr
100-3102-347-01-00	Saturday -- before 11:00 am	\$540	\$590
100-3102-347-01-00	Saturday -- after 11:00 am	\$620	\$680
	Vault Setting Fee		
100-3102-347-01-00	All Interments	\$160	\$175
100-3102-347-01-00	Cremation -- Urn Vault Placement	\$195	\$215
100-3102-347-01-00	Placement of Funeral Home Provided Vault	\$55	\$60
	Grave Re-use Fee		
100-3102-347-01-00	For cremains buried on top of existing casket	\$315	\$350
	Interments, Cremains		
100-3102-347-01-00	Weekday	\$420	\$460
100-3102-347-01-00	Weekday -- after 2:30 pm	\$420+\$105/hr	\$460 +\$115/hr
100-3102-347-01-00	Saturday -- before 11:00 am	\$570	\$630
100-3102-347-01-00	Saturday -- after 11:00 am	\$680	\$750
	Disinterments, Conventional		
100-3102-347-01-00	Within Cemetery (container additional)	\$1,800	\$1,980
100-3102-347-01-00	Outside Cemetery (container additional)	\$900	\$990
	Disinterments, Child (under 5 years)		
100-3102-347-01-00	Within Cemetery (container additional)	\$1,050	\$1,150
100-3102-347-01-00	Outside Cemetery (container additional)	\$525	\$575

FY16 REVENUE FEE SCHEDULE CHANGE

Department: Public Services Division: Cemeteries

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Rate</u>	<u>FY16 Proposed Rate</u>
	Disinterments, Cremains		
100-3102-347-01-00	Within Cemetery	\$840	\$920
100-3102-347-01-00	Outside Cemetery	\$420	\$460
100-3102-347-01-00	Winter Rates for Burials/Disinterments – Additional Fee (December 1 – April 1)	\$100	\$110
100-3102-347-01-00	Clearing Grounds for Tent Placement (December 1 – April 1)	\$100	\$110
	FY16 New Proposed Fees:		
100-3102-347-01-00	Columbarium (30% to perpetual care)	NA	\$1,610
100-3102-347-01-01	Second inurnment	NA	\$200
	Lot Sales – Forest City		
100-3102-347-07-00	Single Lot	\$745	\$820
100-3102-347-07-00	Two (2) Grave Lot	\$1,490	\$1,640
100-3102-347-07-00	Three (3) Grave Lot	\$2,235	\$2,460
100-3102-347-07-00	Four (4) Grave Lot	\$2,980	\$3,280
100-3102-347-07-00	Five (5) Grave Lot	\$3,725	\$4,100
100-3102-347-07-00	Cremation Garden	\$390	\$430
100-3102-347-07-00	Odd-shaped Lots – Resident (per sq.ft.)	\$18	\$20
	Lot Sales – Evergreen		
100-3102-347-07-00	Single Lot	\$890	\$980
100-3102-347-07-00	Two (2) Grave Lot	\$1,785	\$1,960
100-3102-347-07-00	Three (3) Grave Lot	\$2,780	\$2,940
100-3102-347-07-00	Four (4) Grave Lot	\$3,570	\$3,920
100-3102-347-07-00	Five (5) Grave Lot	\$4,460	\$4,900
100-3102-347-07-00	Veterans Section	\$630	\$695
100-3102-347-07-00	Cremation Garden	\$475	\$525
100-3102-347-07-00	Odd-shaped Lots – Resident (per sq.ft.)	\$18	\$20
100-3102-347-07-00	Historic Section - Single	\$2,625	\$2,900
100-3102-347-07-00	Historic Section – Double	\$5,250	\$5,800
	Foundations		
100-3102-347-02-00	Price per square inch of concrete	\$0.80	\$0.90
100-3102-347-02-00	Government Marker (includes setting)	\$0	\$0
100-3102-347-02-00	Bronze Marker, single (includes setting)	\$95	\$105
100-3102-347-02-00	Bronze Marker, double (includes setting)	\$140	\$155
100-3102-347-02-00	Cremation Garden Marker	\$65	\$70
	Annual Care		
100-3102-347-04-00	Payment for one year's care of one grave lot	\$40	\$45
100-3102-347-04-00	Monument Cleaning – Varies with size	\$25-\$500	\$25-\$500
	Perpetual Care		
100-3102-391-00-00	One-time Perpetual Care Fee	\$105	\$105

FY16 REVENUE FEE SCHEDULE CHANGE

Department: Public Services Division: Cemeteries

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Rate</u>	<u>FY16 Proposed Rate</u>
<u>NON-RESIDENT:</u>			
100-3102-363-00-00	Wilde Chapel Rental	\$650	\$650
100-3102-347-05-00	Holiday Wreaths	\$30-\$45	\$30-\$45
	Interments, Conventional		
100-3102-347-01-00	Weekday	\$950	\$1,050
100-3102-347-01-00	Weekday – after 2:30 pm	\$950 + \$105/hr	\$1,050 + \$115/hr
100-3102-347-01-00	Saturday – before 11:00 am	\$1,135	\$1,250
100-3102-347-01-00	Saturday – after 11:00 am	\$1,385	\$1,525
	Interments, Child (under 5 years)		
100-3102-347-01-00	Weekday	\$630	\$690
100-3102-347-01-00	Weekday – after 2:30 pm	\$630 + \$105/hr	\$690 + \$115/hr
100-3102-347-01-00	Saturday – before 11:00 am	\$945	\$1,040
100-3102-347-01-00	Saturday – after 11:00 am	\$1,135	\$1,245
	Interments, Infant (under 1 year)		
100-3102-347-01-00	Weekday	\$375	\$410
100-3102-347-01-00	Weekday – after 2:30 pm	\$375 + \$105/hr	\$410 + \$115/hr
100-3102-347-01-00	Saturday – before 11:00 am	\$640	\$700
100-3102-347-01-00	Saturday – after 11:00 am	\$745	\$820
	Vault Setting Fee		
100-3102-347-01-00	All Interments	\$160	\$175
100-3102-347-01-00	Cremation – Urn Vault Placement	\$195	\$215
100-3102-347-01-00	Placement of Funeral Home Provided Vault	\$55	\$60
	Grave Re-nse Fee		
100-3102-347-01-00	For cremains buried on top of existing casket	\$315	\$350
	Interments, Cremains		
100-3102-347-01-00	Weekday	\$505	\$555
100-3102-347-01-00	Weekday – after 2:30 pm	\$505+\$105/hr	\$555 +\$115/hr
100-3102-347-01-00	Saturday – before 11:00 am	\$670	\$740
100-3102-347-01-00	Saturday – after 11:00 am	\$810	\$890
	Disinterments, Conventional		
100-3102-347-01-00	Within Cemetery (container additional)	\$1,890	\$2,100
100-3102-347-01-00	Outside Cemetery (container additional)	\$945	\$1,050
	Disinterments, Child (under 5 years)		
100-3102-347-01-00	Within Cemetery (container additional)	\$1,260	\$1,380
100-3102-347-01-00	Outside Cemetery (container additional)	\$630	\$690

FY16 REVENUE FEE SCHEDULE CHANGE

Department: Public Services Division: Cemeteries

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Rate</u>	<u>FY16 Proposed Rate</u>
	Disinterments, Cremains		
100-3102-347-01-00	Within Cemetery	\$1,010	\$1,110
100-3102-347-01-00	Outside Cemetery	\$505	\$555
100-3102-347-01-00	Winter Rates for Burials/Disinterments:		
	Additional Fee (December 1 – April 1)	\$100	\$110
100-3102-347-01-00	Clearing Grounds for Tent Placement (December 1 – April 1)	\$100	\$110
	FY16 New Proposed Fees:		
100-3102-347-01-00	Columbarium (30% to perpetual care)	NA	\$1,900
100-3102-347-01-00	Second inurnment	NA	\$240
	Lot Sales – Forest City		
100-3102-347-07-00	Single Lot	\$855	\$940
100-3102-347-07-00	Two (2) Grave Lot	\$1,710	\$1,880
100-3102-347-07-00	Three (3) Grave Lot	\$2,565	\$2,820
100-3102-347-07-00	Four (4) Grave Lot	\$3,420	\$3,760
100-3102-347-07-00	Five (5) Grave Lot	\$4,275	\$4,700
100-3102-347-07-00	Cremation Garden	\$440	\$485
100-3102-347-07-00	Odd-shaped Lots – Resident (per sq.ft.)	\$22	\$22
	Lot Sales – Evergreen		
100-3102-347-07-00	Single Lot	\$1,070	\$1,180
100-3102-347-07-00	Two (2) Grave Lot	\$2,140	\$2,360
100-3102-347-07-00	Three (3) Grave Lot	\$3,215	\$3,540
100-3102-347-07-00	Four (4) Grave Lot	\$4,285	\$4,720
100-3102-347-07-00	Five (5) Grave Lot	\$5,355	\$5,900
100-3102-347-07-00	Veterans Section	\$755	\$830
100-3102-347-07-00	Cremation Garden	\$570	\$630
100-3102-347-07-00	Odd-shaped Lots – Resident (per sq.ft.)	\$22	\$25
100-3102-347-07-00	Historic Section - Single	\$3,150	\$3,470
100-3102-347-07-00	Historic Section – Double	\$6,300	\$6,930
	Foundations		
100-3102-347-02-00	Price per square inch of concrete	\$0.90	\$1.00
100-3102-347-02-00	Government Marker (includes setting)	\$0	\$0
100-3102-347-02-00	Bronze Marker, single (includes setting)	\$95	\$105
100-3102-347-02-00	Bronze Marker, double (includes setting)	\$140	\$155
100-3102-347-02-00	Cremation Garden Marker	\$65	\$70
	Annual Care		
100-3102-347-04-00	Payment for one year's care of one grave lot	\$40	\$45
100-3102-347-04-00	Monument Cleaning – Varies with size	\$25-\$500	\$25-\$500
	Perpetual Care		
100-3102-391-00-00	One-time Perpetual Care Fee	\$105	\$105

Portland, Maine



Yes. Life's good here.

Michael J. Bobinsky
Director of Public Services

TO: Sheila Hill-Christian, Acting City Manager
FROM: Michael J Bobinsky, Director of Public Services
DATE: April 24, 2015
SUBJECT: Revenue Fee Changes – Permit Fees

We are recommending an increase in street opening fees to reflect an approximate increase in revenue of \$53,000 or 21%. This increase is derived from both increase number of permits expected to be issued; as well as increased costs associated with running the program.

Based on a three year average it's anticipated that the number of permits will increase by 80. Program costs, including salaries, are expected to increase \$24,000 or 9%. We are recommending an increase in street opening permits from \$270 to \$295, Sidewalk opening permits from \$202 to \$206.50 and esplanade/other permits from \$135 to \$147.50.

CC: Pat Handrahan, Principal Financial Officer
Jennifer Lodge, Assistant Budget Director
Rhonda Zazzara, Field Inspection Coordinator

FY16 REVENUE FEE SCHEDULE CHANGE

Administrative Fees

Department Public Services/Street Openings

			FY16
<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
247-3100-321-03-00	Street Opening Permits:		
	1. Street Opening Permit	\$270.00	\$295.00
	2. Sidewalk Opening Permit	\$202.00	\$206.50
	3. Esplanade/Other opening permit	\$135.00	\$147.50
247-3100-321-06-00	Permanent Pavement Restoration	\$45.00	\$ 45.00

Order 235-14/15
~~Tab 5 5-4-15~~
Tab 12 5-18-15

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER AUTHORIZING INCREASE IN THE TRASH BAG FEE

ORDERED, pursuant to Section 12-18(d) of the Portland City Code, the cost of purple city trash bags, which will replace blue city trash for curbside trash collection, shall be as follows:

Size	Current Cost	Proposed Cost
15 Gallon	1.00 each	1.35
30 Gallon	2.00 each	2.70

BE IT FURTHER ORDERED, the current blue and the new purple city trash bags shall both be accepted for curbside collection in the month of July. Beginning on August 3, 2015, only purple trash bags will be accepted for curbside collection; and

BE IT FURTHER ORDERED, that the effective date of this order is July 1, 2015.



Michael J. Bobinsky
Director of Public Services

TO: Sheila Hill-Christian, Acting City Manager
FROM: Michael J Bobinsky, Director of Public Services
DATE: April 24, 2015
SUBJECT: Revenue Fee Changes – Solid Waste Bag Fees

In a Pay-As-You-Throw ("PAYT") program like Portland's residents pay for the collection of municipal solid waste based on the amount they throw away. This creates a direct economic incentive to recycle more and to generate less waste. The City of Portland PAYT program was implemented in 1999 (FY00) after review and recommendation by a panel of Recycling Advisory Committee members. In our program bag fees do not offset the complete cost of the solid waste division. They instead split the cost of solid waste collection and removal between solid waste generators and taxpayers. In original program documentation it was noted that "the price per bag would be set and reviewed annually through the budget process by City Council". However, the bag fees have not been reviewed or increased every year since program inception. In the nearly 17 years since the program began bag fees have only been raised four times (and only twice in the last decade).

Meanwhile, Portland has continued to be a leader in responsible disposal of all types of waste, expanding the number of program offerings and households served. In FY00, the year the PAYT program began; total Solid Waste Division costs were only \$1.6M, with a net cost to the taxpayer of \$410k after collection of bag fee and other program revenues. By FY05, program offerings had significantly expanded and included options for citizens to dispose of yard waste, construction waste, universal waste, hazardous waste and many other types of waste. Total Solid Waste Division costs had risen accordingly, up to \$2.2M with \$796k falling onto the taxpayer. In the years since the City's last bag fee increase (FY11-15) total Solid Waste Division costs have averaged \$3.8M per year, with total average net cost to taxpayers of \$1.9M per year. Meanwhile, Portland's bag fees have remained lower than any surrounding jurisdiction even while the levy on City taxpayers has continued to rise.

City staff is recommending that the bag fee be increased by 35% to rebalance the cost of solid waste collection and disposal between the taxpayers and generators of solid waste. This lightens the taxpayer burden by generation of an additional \$517,000 in revenue from the solid waste generating population.

The proposed bag fees are as follows:

15 gallon trash bags \$1.35 per bag (\$13.50 per roll of 10 bags)
30 gallon trash bags \$2.70 per bag (\$13.50 per roll of 10 bags)

CC: Troy Moon, Environmental Services and Open Spaces Manager
Pat Handrahan, Principal Financial Officer
Jennifer Lodge, Assistant Budget Director

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

*Order 236-14/15
~~Sub 4 5-4-15~~
Sub 13 5-18-15*

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

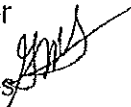
**ORDER AUTHORIZING CITY MANAGER OR ACTING CITY MANAGER TO
ENTER INTO CERTAIN AGREEMENTS TO IMPLEMENT THE FISCAL
YEAR 2016 HUMAN RESOURCES AND CERTAIN FRINGE BENEFITS
BUDGETS**

ORDERED, that the City Manager or Acting City Manager is authorized to enter into standard agreements and amendments to standard agreements with providers of services for Fiscal Year 2016 as needed in order to implement the Human Resources, Medical, Worker's Compensation and Liability budgets.

CITY OF PORTLAND, MAINE

Memorandum

TO: Sheila Hill-Christian, Acting City Manager

FROM: Gina Tapp, Director of Human Resources 

DATE: April 29, 2015

RE: FY16 Budget Order Re: Implementing Human Resources and Fringe Benefit Budgets

Please have the attached Council Order accompany the FY16 budget. This item should be given a first reading on May 4, 2015 and a second reading on the May 18, 2015 meeting along with other budget related items.

STATEMENT OF FACT:

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

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

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

The Medical budget contains contracted services for claims administration.

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

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

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

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

CITY OF PORTLAND
IN THE CITY COUNCIL

Order 237-14/15
~~*Tab 5 5-4-15*~~
~~*Tab 14 5-18-15*~~

DAVID H. BRENERMAN (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. 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 Acting 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: Sheila Hill-Christian, Acting City Manager
FROM: Danielle West-Chuhta, Corporate Counsel 
DATE: April 13, 2015
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 4, 2015 and then postponed to the May 18, 2015 meeting along with other budget related items.

cc: Nancy English, Paralegal
Jennifer Lodge, Budget Analyst

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

CITY OF PORTLAND
IN THE CITY COUNCIL

Order 238-14/15
~~Tab 6 5-4-15~~
Tab 15 5-18-15

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AUTHORIZING CITY MANAGER OR ACTING CITY MANAGER
TO ENTER INTO CERTAIN AGREEMENTS TO IMPLEMENT
FISCAL YEAR 2016 HEALTH & HUMAN SERVICES BUDGET**

ORDERED, that the City Manager or Acting 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 2016 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: Sheila Hill-Christian, Acting City Manager
From: Brendan O'Connell, Finance Director BTO
Date: 04/13/15
Re: FY16 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 4th agenda.

Order 239-14/15
~~Tab 4 5-4-15~~
Tab 16 5-18-15

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

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AUTHORIZING CITY MANAGER OR ACTING CITY MANAGER TO
ACCEPT SCHOLARSHIP TRUST DONATIONS AND ENTER INTO TRUST
AGREEMENTS**

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

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

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

CITY OF PORTLAND
IN THE CITY COUNCIL

Order 240-14/15
~~Tab 8 5-4-15~~
Tab 17 5-18-15

DAVID H. BRENERMAN (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: Sheila Hill-Christian, Acting City Manager
From: Brendan O'Connell, Finance Director *BT*
Date: April 13, 2015
Re: Agenda Item Request – Authorizing Collection Actions

Please place the attached order on the City Council agenda for first reading and public hearing on May 4th and second reading and passage on May 18, 2015. 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 4th agenda.

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

CITY OF PORTLAND
IN THE CITY COUNCIL

Order 241-14/15
~~*Tab 7 5-4-15*~~
Tab 18 5-18-15

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

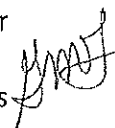
ORDER AUTHORIZING NON-UNION WAGE ADJUSTMENT

ORDERED, that a three percent (3%) wage increase effective July 5, 2015 is hereby approved for non-union employees and the non-union pay plan adjusted accordingly.

CITY OF PORTLAND, MAINE

MEMORANDUM

TO: Sheila Hill-Christian, Acting City Manager

FROM: Gina Tapp, Director of Human Resources 

DATE: April 29, 2015

RE: FY16 Budget Order Re: Implementing Non-Union Wage Adjustment

Please have the attached Council Order accompany the FY16 budget. This item should be given a first reading on May 4, 2015 and a second reading on the May 18, 2015 meeting along with other budget related items.

ORDER APPROVING SALARY INCREASE FOR NON-UNION PERSONNEL

This Order authorizes the City Manager to make a 3% pay adjustment for all non-union employees effective July 5, 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.

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

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

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

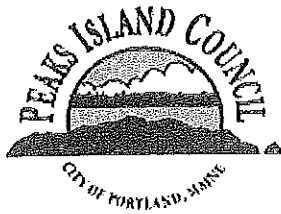
CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENNERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

Order 242-14/15
~~Tab 10 5-4-15~~
Tab 19 5-18-15

**ORDER DESIGNATING FISCAL YEAR 2016 FUNDS FOR
SPECIFIC ISLAND SERVICES**

ORDERED, that \$40,000 from the Fiscal Year 2016 municipal budget is hereby designated to pay for the Peaks Island services specified in the attached list.



Voted and approved on 3/25/2015

Motion: The Peaks Island Council requests the Portland City Council to allocate the following funds to the PIC FY 16 Parking and Transportation Fund in the amount of \$40,000 in accordance with the following items:

Item A: The Peaks Island Council requests that the Portland City Manager allow the allocation of authorized PIC FY 16 funds to reimburse the Portland Police Department for the cost of establishing a Police Cadet on Peaks Island for the period for July 1 – Sept 18, 2015, for a one-season trial basis. The Cadet will be assigned a three day per week schedule, and will have a focus on the Island Avenue/Welch Street area. The Cadet will assist with congestion issues in and around the Peaks Island ferry landing. The total FY 16 cost of the cadet for the three-day per week schedule is \$2475, of which \$1500 is to be paid from PIC funds, with the remainder to come from pledges already made by island businesses and individuals; the amount is estimated to total over \$975. The number of days the cadet works may be increased, as additional funds become available.

Sheila Hill-Christian, Acting City Manager

Date

Item B: "Turning-10" or "Age-Gap Subsidy" The Peaks Island Council requests the City Manager or her 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 . (3rd year)

Sheila Hill-Christian, Acting City Manager

Date

Item C: The Peaks Island Council requests the City Manager or her designee to transfer to the Portland School Department \$4400 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. (3rd year)

Sheila Hill-Christian, Acting City Manager

Date

Item D: The Peaks Island Council requests the City Manager or her designee to expend monies from the Parking and Transportation Fund payable to Casco Bay Lines for Island resident college students: for up to 3 monthly stickers per student @ \$82.45/sticker, not to exceed \$2,000 . For the purposes of PIC transportation support, a college student shall be defined as a full-time Island resident carrying a full-time course load at a Portland-area institution of higher education. *(1st year)*

Sheila Hill-Christian, Acting City Manager

Date

Item E: The Peaks Island Council requests the City Manager or her designee to issue vouchers in the amount of \$84 per voucher per student to the parents of children attending private schools off-island. Criteria for determination of residency will be directed through the Island/Neighborhood Administrator's Office. Total cost allocated is \$450 . *(2nd year)*

Sheila Hill-Christian, Acting City Manager

Date

Item F: The Peaks Island Council requests the City Manager or her designee to expend monies from the Parking and Transportation Fund payable to Casco Bay Lines to purchase tickets for needs-based Peaks Island residents. To receive **Needs-Based tickets**, recipients must fit defined criteria developed by the Peaks Island Council; this is a continuation of the program funded in FY 14 and FY 15. The total is not to exceed \$5,000. *(3rd year)*

Sheila Hill-Christian, Acting City Manager

Date

Item G: The Peaks Island Council requests the City Manager or her 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 . *(3rd year)*

Sheila Hill-Christian, Acting City Manager

Date

Item H: ITS: a.k.a., Island "Taxi" The Peaks Island Council requests the City Manager of her designee to provide an allocation of \$15,000 to the **Island Transportation System** for continued support of the only transportation service available to residents. (3rd year)

Sheila Hill-Christian, Acting City Manager

Date

Item I: The Peaks Island Council requests the City Manager of her 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. (2nd year)

Sheila Hill-Christian, Acting City Manager

Date

Item J: The Peaks Island Council requests the City Manager or her 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. (2nd year)

Sheila Hill-Christian, Acting City Manager

Date

Item K: The Peaks Island Council requests the City Manager of her 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. (2nd year)

Sheila Hill-Christian, Acting City Manager

Date

Voted and approved on 3/25/2015

Item L: The Peaks Island Council requests the City Manager or her designee to provide an allocation of \$3,150 to the Peaks Island Council for Administrative Expenses. *(All previous years.)*

Sheila Hill-Christian, Acting City Manager

Date

Peaks Island Council
March 25, 2015

FY 2016 budget

Ferry tickets, passes, vouchers, loading control	
A. Cadet/Safety	1,500
B. Elementary school "turning 10"	3,000
C. Middle & High school passes	4,400
D. College students	2,000
E. Private school tickets	450
F. Needs-based tickets	5,000
G. Bicycle tickets	500
H. ITS ("The Taxi")	15,000
Other PI non-profits	
I. PITEA (for PIC, heating assistance only)	3,000
J. Food pantry	1,000
Parks and recreation	
K. Skateboard park	1,000
L. Administrative	3,150
Total	40,000

Grant Application from the Island Transportation System (ITS)

January 14, 2015

The Island Transportation System, an organization founded in 2008 by the Peaks Island Council, wants to thank The Peaks Island Council for considering our grant application of \$15,000.

Details of our grant request and requested financial data are listed below.

Respectfully submitted:

Norman J. Proulx

President: Island Transportation System

2015 Funding Request Detail

• Vehicle Maintenance and Repairs.	2,300
• Operations Manager @ \$50/week.	2,600
1. Maintain driver schedule.	
2. Ensure vehicle maintenance, repairs, inspection, and licensing.	
3. Oversee initial and renewal of drivers' licenses.	
• Financial Manager @ \$50/week.	2,600
• Senior Coupon Program.	4,500
Provide 10 free rides/mo for seniors.	
• Vehicle Replacement Fund.	<u>3,000</u>
	15,000

Island Transportation System General Background

The Island Transportation System (ITS) was founded in 2008 by the Peaks Island Council with a start-up grant of \$16,150. ITS thanks the Peaks Island Council for its ongoing support.

ITS maintains a necessary and viable service to islanders and visitors, and has become part of the fabric of island life by providing the following:

1. Seven day a week operation from 7:45am to 8:45pm with additional hours by reservation.
2. Senior Coupon and voucher programs to provide free service to the elderly, disabled and low income families.
3. Meals on Wheels delivery.
4. Free rides to and from the boat to visiting nurses.
5. Free rides to and from the boat for those using the Loretta Voyer Fund.
6. Free rides to and from the island voting polls.
7. Pick and delivery of groceries, pizza, luggage, and pets.
8. Transportation services to all parts of the island.
9. Battery operated jump starters.

As a 501c3 enterprise and with generous funding from the Peaks Island Council and the island community, ITS is able to maintain quality and charitable services. ITS, like the Metro Greater Portland Transit District, relies on fares, and public and private funding to provide a reasonable rate structure and to substantial charitable services to the elderly, handicapped, medical patients and low income residents.

Senior Coupon Program

The Senior Coupon Program currently provides 29 seniors with 10 rides per month. Seniors use coupons for rides to the boat, health center, store, community events, church, library, the backshore and basically any where they would like to go on island. Not every senior used all ten rides. Had they done so the monthly cost would be \$890.

Below is a monthly breakdown of the cost of the program and the number of rides provided.

Month	Rides provided	Cost ***
JAN		
FEB*	72	240.00
MAR	67	217.00
APR	89	277.00
MAY	91	277.00
JUN	89	275.00
JUL	93	315.00
AUG	98	353.00
SEP**	83	351.00
OCT	92	278.00
NOV	104	316.00
DEC	101	323.00
Total	<u>979</u>	<u>3,222.00</u>

* Senior Coupon Program began in February.

** Funding of the Senior Coupon Program with the monies granted by PIC began in September.

*** Note that the cost per ride is based on a fare structure. Fares to zone one are \$3.00 and fares to zone two are \$5.00.

ISLAND TRANSPORTATION SYSTEM
PROFIT LOSS BUDGET OVERVIEW
JANUARY - DECEMBER 2015

Income

Contributions/Fundraising

Peaks Island Council Request	12,000.00	Only \$12,000 of the grant monies requested will be used in the operating fund. \$3000 of the request will go to the Taxi Replacement Fund.
Raffle Income	1,100.00	
Indiv/business contribution/Fundraising	4,100.00	TEIA, LPA, Lions , misc
Total Contributions and Fundraising	17,200.00	

Operating Revenue

Interest Income	6.00	
ITS Share of Taxi Revenue	11,236.50	10% increase
Total Operating Revenue	11,242.50	

Total Income	28,442.50	
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Expense

Business expenses

Advertising	1,300.00	summer fund raiser
Government Fees	35.00	
Taxes - other	525.00	
Depreciation exp	3,347.16	
Gasoline	5,947.00	10% increase
Insurance, vehicle	4,465.00	
License	456.00	x 6 drivers
Supplies	120.00	
Telephone Expense	500.00	new plan, phone
Accounting fees	2,600.00	Financial Manager
Operations Manager	2,600.00	Operations Manager
Vehicle Expense	4,000.00	
Transportation Cost(Ferry)	172.00	
Vouchers	900.00	
Senior Coupon Program	4,500.00	

Total Expense	31,467.16	
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Net Ordinary Income	(139.90)	
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Cash flow effect (No Depreciation)	322.50	
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PI COUNCIL TRANSPORTATION FUND USAGE SUMMARY

2014

Received (Deposit 08.19.14)	\$ 17,500.00	
Holding in new vehicle fund	\$ 3,000.00	
Using for Senior Coupon Program	\$ 5,000.00	using monthly as needed
Used thru 12.31.14	<u>\$ 1,255.00</u>	
Balance Sr. Cpn. Program :	<u><u>\$ 3,745.00</u></u>	
Using for Operations Manager	\$ 2,600.00	Using \$50 per week
Used thru 12.31.14	<u>\$ 1,050.00</u>	
Balance Ops. Mgr. :	<u><u>\$ 1,550.00</u></u>	
Using for repair,maint, operating loss	\$ 7,200.00	
Used on REPAIR as of 12.31.14	<u>\$ 2,352.00</u>	
Balance Rpr, Mnt, Op. Loss :	<u><u>\$ 4,848.00</u></u>	

2013

Extra \$\$ Received (07.22.14)	\$ 3,000.00
Holding in new vehicle fund	<u>\$ 3,000.00</u>
Balance :	<u><u>\$ -</u></u>
Received (Deposit 07.25.13)	\$ 20,000.00
Used for New Vehicle	<u>\$ 20,000.00</u>
	<u><u>\$ -</u></u>

**ISLAND TRANSPORTATION SYSTEM
OPERATING COSTS PROFIT & LOSS
PREVIOUS YEAR & BUDGET COMPARISONS**

01.01.14 - 12.31.14

I n c o m e

	YTD 2014	YTD 2013	YTD DIFFERENCE	
Agency (government) Grants	\$ 14,500.00	\$ 5,800.00	\$ 8,700.00	**
Corporate / Business Grants	\$ -	\$ -	\$ -	
Foundation/trust Grants	\$ -	\$ -	\$ -	
Raffle Income	\$ 1,075.00	\$ 2,570.00	\$ (1,495.00)	
Individual / Business Contributions	\$ 4,806.00	\$ 5,670.00	\$ (864.00)	*
Nonprofit Organization Grants	\$ -	\$ 1,316.00	\$ (1,316.00)	
Donation - Cash	\$ -	\$ -	\$ -	
Advertising Revenue	\$ -	\$ 960.00	\$ (960.00)	
Interest Income	\$ 7.72	\$ 7.91	\$ (0.19)	
ITS SHARE OF TAXI REVENUE	\$ 10,460.70	\$ 9,032.60	\$ 1,428.10	
Total Income	\$ 30,849.42	\$ 25,356.51	\$ 5,492.91	

E x p e n s e

Advertising Fees	\$ 380.00	\$ 279.06	\$ 100.94
Government Fees	\$ 35.00	\$ 135.00	\$ (100.00)
Taxes - Other	\$ 524.74	\$ 804.90	\$ (280.16)
Depreciation Expense	\$ 3,347.16	\$ 1,944.60	\$ 1,402.56
Gasoline	\$ 5,627.94	\$ 7,219.65	\$ (1,591.71)
Gifts	\$ -	\$ 29.84	\$ (29.84)
Vehicle Insurance	\$ 4,465.00	\$ 4,471.00	\$ (6.00)
License	\$ 925.00	\$ 1,295.85	\$ (370.85)
Other Expense	\$ 26.00	\$ 25.00	\$ 1.00
Printing & Copying	\$ -	\$ -	\$ -
Supplies	\$ 182.34	\$ 132.55	\$ 49.79
Telephone	\$ -	\$ 41.95	\$ (41.95)
Accounting Fees	\$ 2,600.00	\$ 3,900.00	\$ (1,300.00)
Operations Manager Fees	\$ 1,850.00	\$ -	\$ 1,850.00
Transportation	\$ 146.20	\$ 195.10	\$ (48.90)
Vehicle Expense	\$ 3,658.34	\$ 3,059.45	\$ 598.89
Vouchers Expense	\$ 537.00	\$ 41.00	\$ 496.00
Vouchers Coupon Program	\$ 2,871.00	\$ -	\$ 2,871.00
Total Expense	\$ 27,175.72	\$ 23,574.95	\$ 3,600.77
Other Income/Expense			
Loss on Sale of Asset		\$ 1,570.09	
Net Income	\$ 7,673.70	\$ 21,781.56	\$ 3,462.23
(WITHOUT DEPRECIATION)	\$ 7,020.86	\$ 2,156.07	\$ 4,864.79

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 to 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 has made it difficult for some islanders and our assistance has proved to be a vital 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 to 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. PITEA greatly appreciates the \$3000 we received last year to help our neighbors.

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. PITEA has sponsored a variety of events including two summer dinners featuring Lobster rolls and 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. PITEA'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.

Cynthia Pedlikin, President

January 27, 2015

TO: Members of the Peaks Island Council
FROM: Susan Hanley, Peaks Island Community Food Pantry, Volunteer Coordinator

RE: Funding Request

Dear Members of the Peaks Island Council,

Thank you for considering the Peaks Island Food Pantry as a recipient of the Peaks Island Council budget funding. We are fortunate to live in a community that continues to provide tremendous support for our programs, and we are grateful for the \$1000 that the PIC budgeted for the food pantry last year.

The Peaks Island Community Food Pantry is truly a community effort, with a history that goes back over 25 years. We are open to all and our volunteers are year-round islanders. Because of our sensitivities to privacy in a small island community, we do not require our clients to fill out qualifying paperwork to demonstrate need. We feel this would be an additional obstacle for our neighbors who could benefit from our programs and, it is our experience that our patrons are not abusing the benefits provided by the food pantry.

In fact, the food pantry is most often a stop-gap measure used by our island neighbors during times when they are struggling to make ends meet. Very often, these same people go on to make donations to the food pantry when they have found their financial footing. They are grateful for the help when they have needed it and willing to help their fellow islanders when they are able.

To date, we have been able to sustain ourselves with a combination of grants, fund-raisers, food drives and individual donations. We ran a very successful food drive at Hannigan's in the fall of 2014 and received many generous individual donations from islanders during the Christmas season. We also received a grant of \$3500 from the Peaks Island Fund in 2014, although \$2000 of that was earmarked towards developing ongoing fundraising tactics such as a website, and is not available for food purchases.

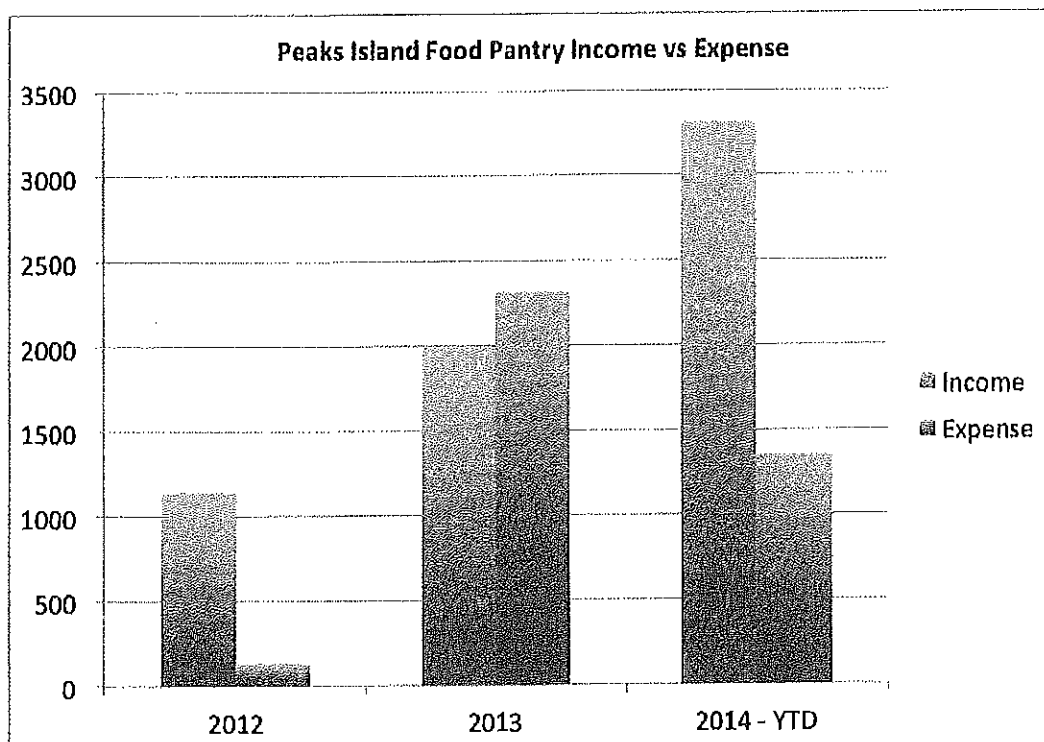
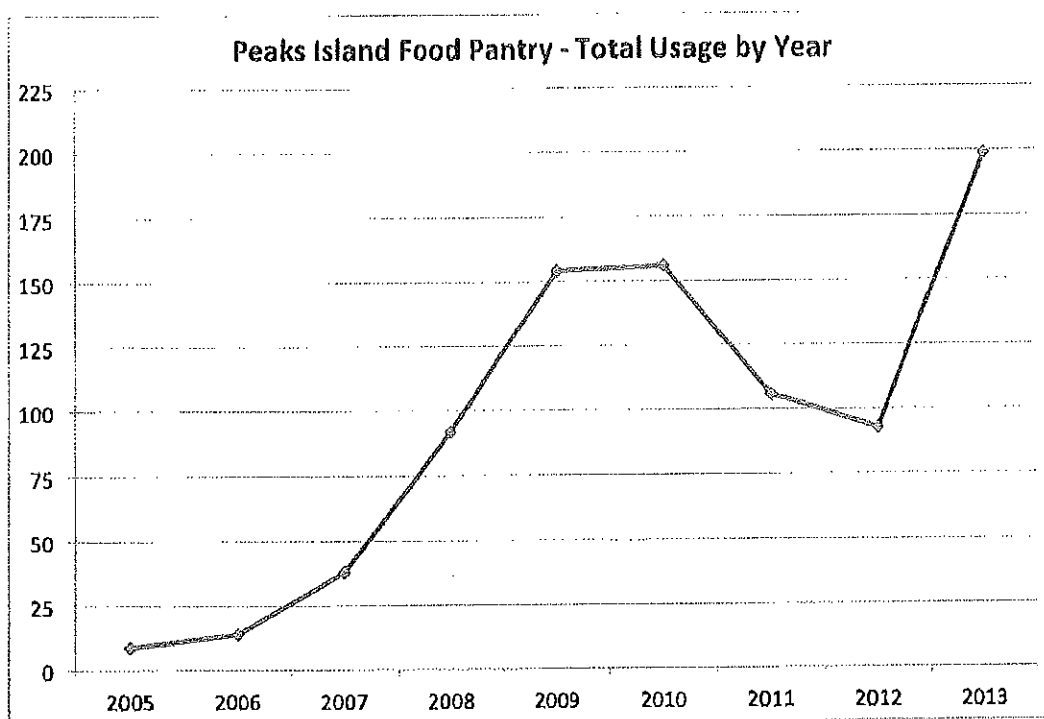
Usage of the food pantry spiked dramatically during 2014 – our usage rates doubled between 2012 and 2013, and then almost doubled AGAIN between 2013 and 2014. It was difficult to keep up with the demand, which led us to implement several changes to limit the monthly expenditure of the food pantry to \$600. We reduced the opening times to just 1.5 hours per week, and imposed household limits of "1 bag, 1 voucher, 1 ticket" – one bag of groceries, one \$20 Hannigan's voucher and one needs-based ticket per household per week.

Of the almost \$11,000 we received in grants and cash donations during 2014, we currently have just under \$2900 available for future food purchases, which would keep the food pantry running for the next five months.

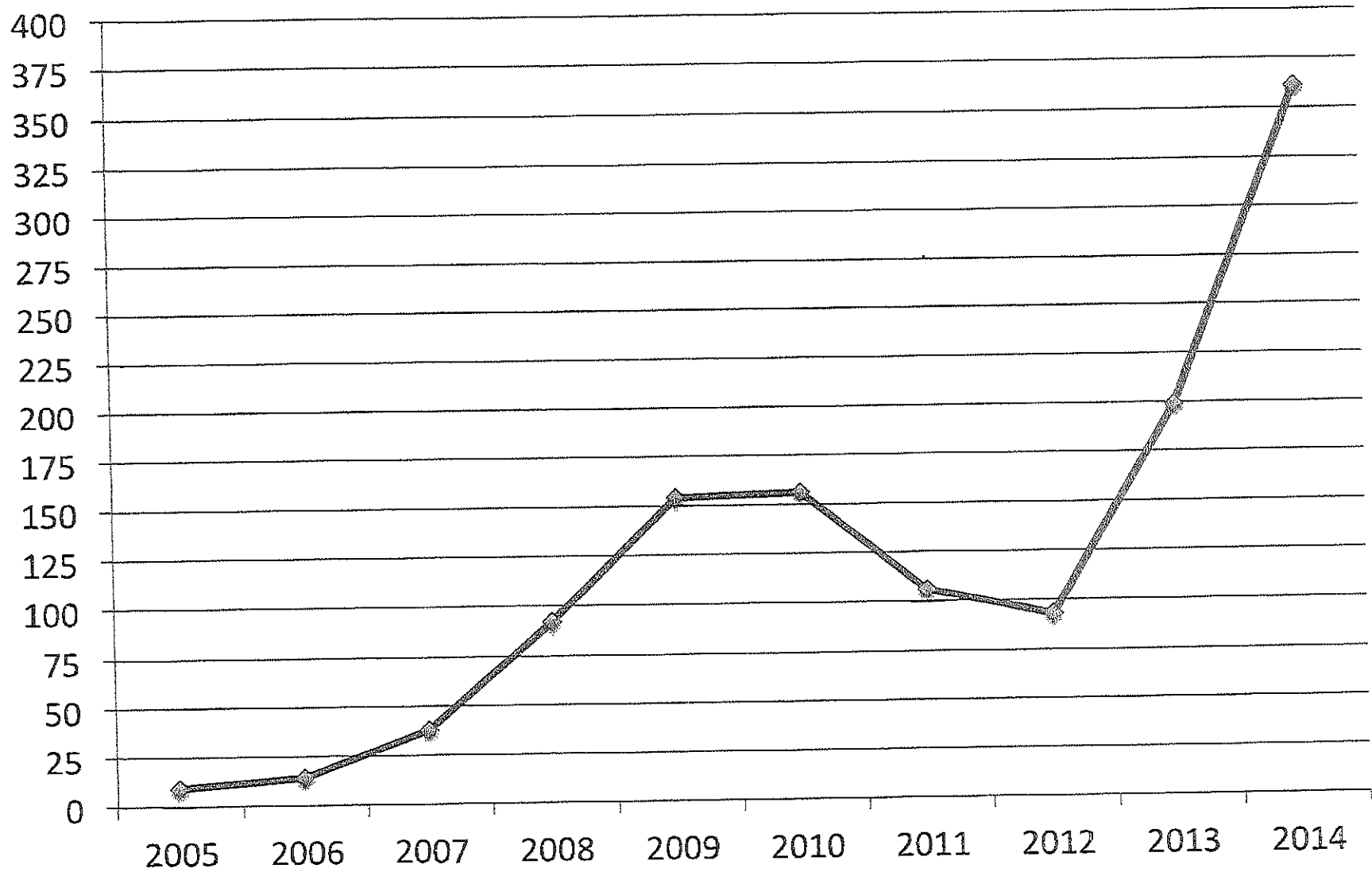
We would like to ask the Council Members to consider our funding request in the amount of \$1000. I am attaching a few graphs that demonstrate the increase in demand for food assistance and a quick snapshot of our yearly income vs expenses.

On behalf of all the food pantry volunteers, thank you for your time and consideration.

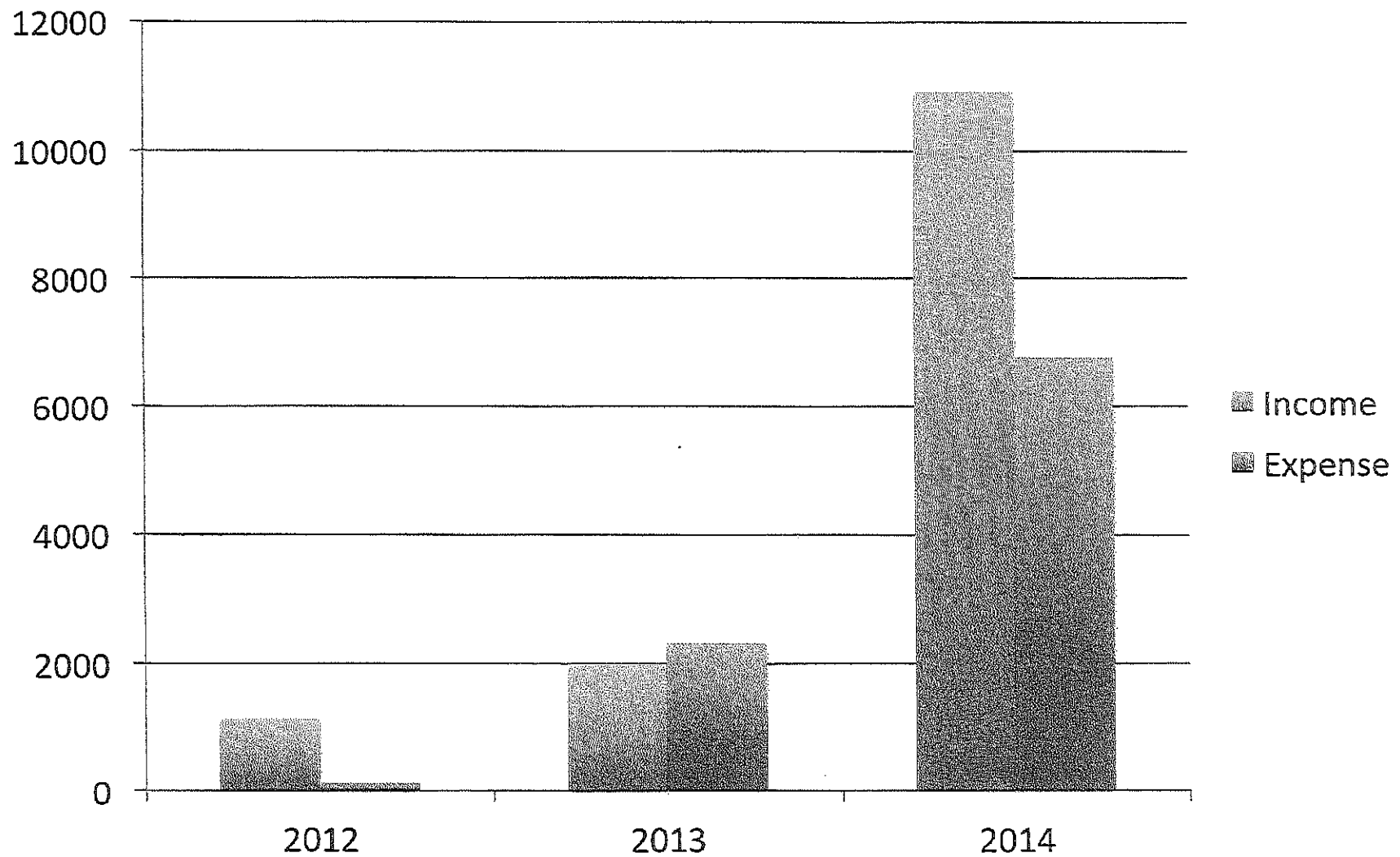
Sincerely,
Susan Hanley



Peaks Island Food Pantry - Total Usage by Year



Peaks Island Food Pantry Income vs Expense



On Monday, January 12, 2015 2:17 PM, Chris Hoppin <choppin@aol.com> wrote:

Thanks for your notes, Mary Anne -

Last year's PIC money for the Skateboard Park went into a Portland Recreation Fund with the other money from the Peaks Island Lions' Club and community funds from a fundraiser.

I understand this Fund is where funds remain until they are actually used.

Our Skateboard Park Committee is still working on the details of the park. We intend to start with a sloping base measuring approximately 90 by 100 feet whenever the PWD sewer contractor clears the area.

Our plans are still in development and we hope to have them done in three stages. The first stage proposed includes a 'peanut bowl' shaped area and has a cost in the range of \$40,000. That is, IF funds could be made available.

We need to cost out the other two stages and agree to the entire plan before we expend any funds and proceed.

I do plan to attend the PIC meeting January 14th and hope to have more specific plans for that meeting.

Chris

C.J. Hoppin

196 Seashore Avenue

Peaks Island, ME 04108

www.cjhoppin.com

207 766-2593

FY 2016 PIC Budget July 1 2015 - June 30, 2016

3/25/2015

(Note: Budget is to be submitted to the Finance Committee and the Portland City Council for approval by May 2015)

Category	2014	2015	2016	Comments re 2016 budget
Ferry tickets, passes, vouchers, loading control				
A. Cadet/Safety	-	-	1,500.00	Assume will be augmented by at least \$975 in outside
B. Elementary school "Turning 10"	3,000	3,200	3,000	14 students turning 10 by June, 2015 will still be in ele
C. Middle & High School passes	4,865	5,000	4,400	53 summer extensions @ \$82.45
D. College students	-	-	2,000	8 students w 3 monthly stickers @ \$82.45
E. Private school tickets	-	300	450	3 high school @ \$82.45 + 1 elementary @ 200
F. Needs-Based tickets	7,660	5,000	5,000	Had spent \$2,875 of FY 2015 by 11/14/03
G. Bicycle tickets	475	500	500	Spent \$475 in FY 2014
Dropped in 2016 - Peaks Island Acade	1,500	1,000	-	
Total ferry-related	17,500	15,000	16,850	
H. ITS ("The Taxi")	20,000	17,500	15,000	ITS request; includes \$3,000 for vehicle replacement f
Total direct transportation-related	37,500	32,500	31,850	
Other PI non-profits				
I. PITEA (for PIC, heating assistance only)		3,000	3,000	PITEA request, Pedikin, January 2015
J. Food pantry		1,000	1,000	Food Pantry request of 1/27/15
Parks and recreation				
K. Skateboard Park	-	1,000	1,000	Requested continued support to parks and rec fund at
L. Administrative				
Transcription			1,200	
PO Box			112	
Supplies, printing, copying			500	
Software			-	
Island coalition dues			200	

Other			1,138	Unexpected contingencies; "rainy day fund"
Total administrative	2,500	2,500	3,150	
Totals	40,000	40,000	40,000	

Order 243-14/15
~~Tab 11~~ 5-4-15
Tab 20 5-18-15

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

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER FOR FISCAL YEAR 2016 APPROPRIATING
\$200,000 FROM EXCESS FUND FOR
CASCO BAY ISLAND TRANSIT DISTRICT**

ORDERED, that the City Council hereby authorizes and appropriates \$200,000 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 to support the planning and design of a replacement vehicle.

From: Henry Berg <HankB@cascobaylines.com>
To: CAR@portlandmaine.gov; SMK@portlandmaine.gov
CC: Henry Berg <HankB@cascobaylines.com>
Date: 2/25/2015 12:55 PM
Subject: RE: CBITD request for Casco Bay Ferry Garage Excess Funds

Hi,

I just would like to make sure you received the request below that I sent and it is in the budgeting process.

Also, checking in on the status of the distribution of the FY2013 Garage Maintenance Fund.

Thanks.

n Hank
n

Hank Berg
General Manager
Casco Bay Lines
p: 207-774-7871 x103
f: 207-774-7875
e: hankb@cascobaylines.com<mailto:hankb@cascobaylines.com>

From: Henry Berg
Sent: Thursday, January 22, 2015 10:21 AM
To: 'Suzanne Knight'
Cc: Cathy Ricker; Henry Berg
Subject: CBITD request for Casco Bay Ferry Garage Excess Funds

Hi Suzanne & Cathy,

This is a request for the City of Portland to consider, during the annual budgeting process, providing local match funding of \$200,000 from the Casco Bay Ferry Garage Excess fund to be used for a replacement vessel for one of oldest vessels in CBITD's fleet. Two vessels in the fleet will soon be 30 years old and one of them will need to be replaced in the next few years followed shortly by the replacement of the second vessel. This request is to support the planning and design of the first replacement vessel. It is anticipated the Federal Transit Administration (FTA) will provide the remaining \$800,000 for this task. This capital improvement project is included in the approved CBITD Long Range Capital Improvement Plan and the Portland Area Comprehensive Transportation (PACTS) Transit Six Year Capital Plan.

As you know CBITD provides essential public transportation services to the Casco Bay Islands but unlike Metro, CBITD receives no subsidization from Portland with the exception of the Casco Bay Garage Maintenance fund, when available. Any assistance in the local match requirements of CBITD's capital grants is greatly appreciated and would help the District continue to provide existing services as well as expansion of the services.

Please do not hesitate to let me know if you have any questions or if you need this information in a different format.

Thank you in advance for your consideration of this request.

-- Hank

Hank Berg
General Manager
Casco Bay Lines
p: 207-774-7871 x103
f: 207-774-7875
e: hankb@cascobaylines.com<<mailto:hankb@cascobaylines.com>>

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

CITY OF PORTLAND
IN THE CITY COUNCIL

Order 244-14/15
~~Tab 12 5-4-15~~
Tab 31, 5-18-15

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

AMENDMENT TO PORTLAND CITY CODE
CHAPTER 5 (ANIMALS & FOWL)
ARTICLE VI. Keeping of Domesticated Chickens, SECTION 401(b)
RE: Chicken Permit Annual Fee

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

1. That Article IV., Chapter 5, section 401(b), is hereby
amended to read as follows:

Sec. 5-401. Permit required.

(a) An annual permit is required for the keeping of any
domesticated chickens. The annual permit is personal to the
permittee and may not be assigned.

(b) The fee for an annual permit to keep chickens is
| twenty-~~five~~six dollars (\$256.00).

(c) An applicant for a permit to keep chickens must
demonstrate compliance with the criteria and standards in this
Article in order to obtain a permit.

Portland, Maine



Yes. Life's good here.

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

MEMORANDUM

TO: Sheila Hill-Christian, Acting City Manager
Jennifer Lodge, Budget Director

FROM: Carolyn M. Dorr, Deputy City Clerk/PAO

DATE: March 11, 2015

RE: Proposed Fee Changes

The City Clerk Office is requesting Ordinance section 5-401 (b), Chicken Permits: Annual Fee, be approved.

Since its passage in 2009 the annual fee for the keeping of domesticated chickens has never been raised. With the request to increase business license fees for FY16 an increase of \$1.00 per annual permit is being proposed. This would generate an estimated additional \$27.00 in revenue.

cc: Suzanne Knight
Katherine Jones

FY16 REVENUE FEE SCHEDULE CHANGE

Department: 1200 City Clerk

<u>Account #</u>	<u>Revenue Description</u>	<u>FY15 Current Fee</u>	<u>FY16 Proposed Fee</u>
100-1200-322.00-00	Chapter 5 Sec.5-401 (b) Chicken Permits: (Annual Fee)	25.00	26.00

Projection:

Additional revenue generated with proposed increase

\$27.00

Order 245-14/15
~~Tab 13 5-4-15~~
Tab 22 5-18-15

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 10. FIRE PREVENTION AND PROTECTION
ARTICLE II - FIRE CODE, Section 10-18
Re: Fire Permit Fees**

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

*That Chapter 10, Article II, Section 10-18 (Amendments) of
the City of Portland Code is hereby amended to read as follows:*

Sec. 10-18. Amendments.

The Fire Prevention Code adopted by section 10-16 is amended, modified and deleted in the following respects:

- (a) Section 1.10 (Board of Appeals); delete.
- (b) In addition to the requirements of 18.2.3.4, fire department access roads shall comply with the standards set forth in the *City of Portland's Technical and Design Standards and Guidelines, Chapter IV (Public Safety Standards)*.
- (c) Section 1.12.7 is amended to read as follows:

"All applications for a permit required by the Fire and Life Safety codes shall be filed electronically with the authority having jurisdiction in such form and detail as it shall prescribe. Applications for permits shall be accompanied by such plans in an approved electronic format as required by the authority having jurisdiction. In addition to the foregoing, the following must be submitted to the authority having jurisdiction prior to the issuance of the permit: state license and proof of insurance for blasting permits or fireworks permits; and documentation of code-specific fire inspection for any required permit.

"In addition to the permits required by the Life Safety Code, the authority having jurisdiction shall have the authority to issue permits for any of the activities identified in Tables 1.12.7(a), (b), (c) and (d) and the operations listed below. Permits for the following shall be required:

Permit	Fire Prevention Code Section	Permit Fee
Application for Flammable Finishes	1.12.7	\$160.00 <u>166.00</u> (D)
Bulk Waste Storage	1.12.7	\$160.00 <u>166.00</u> (D)
Certificate of Fitness for Fire Alarm Service and Installation Company	1.12.7	\$250.00 each
Cutting and Welding (Permanent Facilities)	1.12.7	\$60.00 <u>62.00</u> (D)
Dry Cleaning Plants	1.12.7	\$60.00 <u>62.00</u> (D)
Fire Alarm Inspections Sticker	1.12.7	\$20.00 each
Fireworks Display	1.12.7	\$141.00**
Flammable or combustible liquids, other than motor fuel dispensing	1.12.7	\$160.00 <u>166.00</u> * (D)
Hazardous materials	1.12.7	\$60.00 <u>62.00</u> (D)
Hot work (Temporary)	1.12.7	\$25.00
Motor Fuel Dispensing and Refueling	1.12.7	\$160.00 <u>166.00</u> (D)

Special Type Dispensing Systems, other than Flammable or Combustible Liquids	1.12.7	\$160.00 <u>166.00</u> (A) (D)
Repair Garages and Service Stations	1.12.7	\$160.00 <u>166.00</u> (D)
Woodworking and Lumber Storage Plants	1.12.7	\$100.00 <u>104.00</u> (D)

(A) License from city clerk required, see: Private and Special Laws of 1917, Chapter 160.

(B) Imposed by state statutes.

(C) Building permit required.

(D) Application and license issued through City Clerk's office after Fire Department review.

**Equal to fee charged by state

...



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

MEMORANDUM

TO: Sheila Hill-Christian, Acting City Manager
Jennifer Lodge, Budget Director

FROM: Carolyn M. Dorr, Deputy City Clerk/PAO

DATE: March 11, 2015

RE: Proposed Fee Changes

The City Clerk Office is requesting Ordinance section 10-18 (c), Fire Permit Fees, be approved.

Fees pertaining to the issuance of various fire permits have not been increased since FY11. In keeping with our revenue strategy to raise fees every five years a 4% fee increase for FY16 is being proposed. This would generate an estimated additional \$1,604.00 in revenue.

cc: Suzanne Knight
Katherine Jones

FY16 REVENUE FEE SCHEDULE CHANGE

Department: 1200 City Clerk

<u>Account #</u>	<u>Revenue Description</u>	<u>FY15 Current Fee</u>	<u>FY16 Proposed Fee</u>
100-1200-322.00-00	Chapter 10 Sec.10-18 (c) Fire Permits:		
	Application For Flammable Finishes	160.00	166.00
	Bulk Waste Storage	160.00	166.00
	Certificate of Fitness for Fire Alarm Install (each)*	250.00	250.00
	Cutting & Welding (Perm Facilities)	60.00	62.00
	Dry Cleaning Plants	60.00	62.00
	Fire Alarm Inspection Sticker (each)*	20.00	20.00
	Fireworks Display*	141.00	141.00
	Flammable/Combust Liq (Excl Motor)	160.00	166.00
	Hazardous Materials	60.00	62.00
	Hot Work(temporary)	25.00	25.00
	Motor Fuel Dispense/Refueling	160.00	166.00
	Spec'l Dispense (Excl Flame Liq)	160.00	166.00
	Repair Garage/Svc Stations	160.00	166.00
	Woodworking & Lumber Storage Plants	100.00	104.00

* Fire Department Issued

Projection:

Additional revenue generated with proposed increase

\$1,604.00

Order 246-14/15
Tab 14 5-4-15
Tab 235-18-15

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
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NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 15 (LICENSES AND PERMITS*),
ARTICLE I SECTION 15-12 RE: FEES AND REORGANIZATION**

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

1. That Section 15-12 of the Portland City Code is hereby
amended to read as follows:

Sec. 15-12. Fees and expiration dates.

(a) Unless specified elsewhere in this Code, fees for
licenses issued pursuant to this Code and the expiration date of
each license shall be as follows:

Location in Code	Description	Fee	Expiration Date
Ch. 3, Art. II	Bottle clubs (must obtain FSE and special entertainment if applicable)	\$860.00 895.00	June 30
Ch. 4, Art. II	Amusement devices:		
	Amusement devices (other than pinball and adult amusements), per device	\$140.00 146.00	Twelve months or concurrent with state liquor license or with any city license

Location in Code	Description	Fee	Expiration Date
	Pinball machines, per device	\$140.00 <u>146.00</u>	Twelve months or concurrent with state liquor license or with any city license
	Adult amusement devices, per location	\$895.00 <u>931.00</u>	Twelve months or concurrent with state liquor license or with any city license
Ch. 4, Art. III	Music, dancing and special entertainment:		
	<u>Entertainment with dancing</u>	\$485.00 <u>504.00</u>	<u>Twelve months or concurrent with state liquor license or with any city license</u>
	<u>Entertainment without dancing</u>	\$270.00 <u>281.00</u>	<u>Twelve months or concurrent with state liquor license or with any city license</u>

Location in Code	Description	Fee	Expiration Date
	<u>After-hours Entertainment</u>	\$545.00 567.00	<u>Twelve months Or concurrent with state liquor license or with any city license</u>
	<u>Dance hall</u>	\$135.00 140.00	<u>June 30</u>
	<u>Concert hall</u>	\$135.00 140.00	<u>June 30</u>
	<u>Single dance</u>	\$35.00 36.00	<u>Per dance</u>
	<u>Single concert</u>	\$35.00 36.00	<u>Per concert</u>
Ch. 3, Art. II	Bottle clubs (must obtain FSE and special entertainment if applicable)	\$860.00	June 30
<u>Ch. 4, Art. IV</u>	<u>Gaming:</u>		
	<u>Beano</u>	\$95.00 99.00	<u>December 31</u>
	<u>Games of chance (application fee pursuant to section 15-6 only)</u>		
<u>Ch. 4, Art. V</u>	<u>Nudity in licensed businesses</u>	\$1,350.00 1,404. 00	<u>June 30</u>
Ch. 23, Art. II	Flea market seller	\$20.00	Last day of February

Location in Code	Description	Fee	Expiration Date
Ch. 11, Art. II	Food service establishments (FSE):		
	Temporary FSE:		
	Reinspection fee for FSE	\$75.00 per reinspection	
	a. Unopened prepackaged food	\$85.00 <u>89.00</u>	Three months
	b. Opened or nonprepackaged food	\$85.00 <u>89.00</u>	Per event not to exceed two weeks
	Mobile FSE (Chapter 19) a. pushcarts	\$295.00 <u>307.00</u>	March 31
	b. Food Trucks	\$500.00 <u>520.00</u>	March 31
	c. Base station (for all mobile FSE)	\$110.00 <u>114.00</u>	March 31
	Street vendor cooler storage space - maximum of 7 sq. ft.	\$35.00 <u>36.00</u> per 3.5 sq. ft. of space	March 31
	FSE-No food preparation on premises	\$165.00 <u>172.00</u>	January 31
	FSE-With preparation limited to hot beverages only	\$135.00	January 31
	FSE-With beer and wine take out	\$380.00 <u>395.00</u>	January 31
	FSE/Community Kitchen - Food preparation on premises	\$420.00 <u>437</u>	January 31

Location in Code	Description	Fee	Expiration Date
	FSE Community Kitchen User	\$100.00 104.00	January 31
	FSE's with liquor:		
	FSE-Class A lounge (Class X)	\$2,540.00 2,642. 00	Concurrent with state liquor license
	FSE-Class A restaurant (Class I)	\$1,715.00 1,784. 00	Concurrent with state liquor license
	FSE-Hotel (Class IA)		
	FSE-Class A restaurant/lounge (Class XI)	\$2,130.00 2,215. 00	Concurrent with state liquor license
	FSE-Qualified catering service (Class I)	\$1,715.00 1,784. 00	Concurrent with state liquor license
	Innholder-15 rooms or less	\$1,315.00 1,368. 00	Concurrent with state liquor license
	Innholder-16 to 40 rooms	\$1,765.00 1,836. 00	Concurrent with state liquor license

Location in Code	Description	Fee	Expiration Date
	Innholder-more than 40 rooms	\$2,050.00 <u>2,132.00</u>	Concurrent with state liquor license
	FSE-Spirituuous license (Class II)	\$560.00 <u>582.00</u>	Concurrent with state liquor license
	FSE-Vinous license (Class III)	\$375.00 <u>390.00</u>	Concurrent with state liquor license
	FSE-Malt license (Class IV)	\$755.00 <u>785.00</u>	Concurrent with state liquor license
	FSE-Malt and vinous license (Classes III and IV combined)	\$830.00 <u>863.00</u>	Concurrent with state liquor license
	FSE-Nonprofit club (Class IV with catering or Class V without catering)	\$675.00 <u>702.00</u>	Concurrent with state liquor license
	FSE-Liquor catering	\$30.00 <u>31.00</u>	Per event
	FSE-Temporary (bona fide nonprofit organization) with any spirituous, vinous or malt license and special entertainment	\$60.00 <u>62.00</u>	Per 2-day period

Location in Code	Description	Fee	Expiration Date
	FSE-Auditorium	\$535.00 556.00	Concurrent with State Liquor License
	FSE-Civic Auditorium	\$1,695.00 1,763	Concurrent with State Liquor License
<u>Ch. 12, Art. VII</u>	<u>Operation of rendering facilities</u>	<u>250.00</u>	<u>September 30</u>
<u>Ch. 16</u>	<u>Massage establishment</u>	\$60.00 62.00	<u>September 30</u>
	<u>Combined massage establishment/massage therapist</u>	\$50.00 52.00	
	<u>Massage therapist</u>	\$35.00 36.00	
	<u>Conditional massage therapist</u>	\$35.00 36.00	
<u>Ch. 19, Art. II</u>	<u>Night Street Vendor (must also obtain FSE and street vendor)</u>	\$200.00 208.00	
<u>Ch. 19, Art. III</u>	<u>Transient sellers</u>	\$100.00 104.00	<u>December 31</u>
<u>Ch. 23, Art. II</u>	<u>Flea market seller</u>	\$20.00 21.00	<u>Last day of February</u>
	<u>Flea market Operator</u>	\$50.00 52.00 \$225.00 234.00	<u>Per day Annual/March 1st</u>
	<u>Secondhand dealer, junk dealer, pawnbroker¹ (including used cars)</u>	\$140.00 146.00	<u>December 31</u>

¹ Reflects city practice for junk dealers and pawnbrokers.

Location in Code	Description	Fee	Expiration Date
	<u>Junk collector</u>	<u>\$25.00</u>	<u>December 31</u>
Ch. 4, Art. IV	Gaming:		
	Beano	95.00	December 31
	Games of chance (application fee pursuant to section 15-6 only)		
Ch. 30, Art. III	Bicycle cabs	100.00, plus 20.00 per driver	January 31
Ch. 30, Art. III	Horse-drawn cabs	200.00, plus 20.00 per driver	April 30
Ch. 16	Massage establishment	60.00	September 30
	Combined massage establishment/massage therapist	50.00	
	Massage therapist	35.00	
	Conditional massage therapist	35.00	
Ch. 4, Art. III	Music, dancing and special entertainment:		
	Entertainment with dancing	485.00	Twelve months or concurrent with state liquor license or with any city license

Location in Code	Description	Fee	Expiration Date
	Entertainment without dancing	270.00	Twelve months or concurrent with state liquor license or with any city license
	After hours Entertainment	545.00	Twelve months Or concurrent with state liquor license or with any city license
	Dance hall	135.00	June 30
	Concert hall	135.00	June 30
	Single dance	35.00	Per dance
	Single concert	35.00	Per concert
Ch. 19, Art. II	Night Street Vendor (must also obtain FSE and street vendor)	\$200.00	—
Ch. 4, Art. V	Nudity in licensed businesses	1,350.00	June 30
Ch. 12, Art. VII	Operation of rendering facilities	250.00	September 30
Ch. 10, Art. VI	Sidewalk tanks and pumps	25.00	December 31
Ch. 23, Art. II	Secondhand goods:		

Location in Code	Description	Fee	Expiration Date
	Junk collector	25.00	December 31
	Secondhand dealer, junk dealer, pawnbroker ² (including used cars)	140.00	December 31
	Flea market Operator	50.00 225.00	Per day Annual/March 1st
Ch. 28, Art. VII	Valet Parking	\$250.00 260.00 per location	Twelve months
	Valet Parking Special Event Permit	\$50.00 52.00	
Ch. 28, Art. VIII	Wreckers and vehicle towing	\$255.00 265.00	June 30
Ch. 30, Art. II	Taxicabs and liveries:		
	Taxicab business license	300.00	April 30
	Livery business license	300.00	April 30
	Taxicab driver's license	75.00	April 30
	Taxi Replacement license	10.00	
	Livery driver's license	20.00	April 30
	Livery replacement license	10.00	

² Reflects city practice for junk dealers and pawnbrokers.

Location in Code	Description	Fee	Expiration Date
Ch. 30, Art. III	Bicycle cabs	<u>100.00, plus</u> <u>20.00 per</u> <u>driver</u>	<u>January 31</u>
Ch. 30, Art. III	Horse-drawn cabs	<u>200.00,</u> <u>plus 20.00 per</u> <u>driver</u>	<u>April 30</u>
Ch. 19, Art. III	Transient sellers	100.00	December 31
Ch. 28, Art. VII	Valet Parking	\$250.00 per location	Twelve months
	Valet Parking Special Event Permit	\$50.00	
Ch. 28, Art. VIII	Wreckers and vehicle towing	255.00	June 30

(b) Fees for licenses to be established by the city pursuant to state law shall be as follows:

Description	Fee	Expiration Date
Amusements, including images; pageantry; sleight of hand tricks; puppet shows; feats of balancing; wire dancing; personal agility; or dexterity	\$20.00 <u>21.00</u>	Per day
Billiards or pool, per table	\$30.00 <u>31.00</u>	Twelve months or concurrent with state liquor license or with any city license

Bowling alley, per establishment	\$85.00 <u>88.00</u>	April 30
Carnival (travelling amusement show)	\$110.00 <u>114.00</u>	Per day
Circus	\$165.00 <u>172.00</u>	Per day
Circus (bona fide nonprofit organization)	\$26.00 <u>25.00</u>	Per day
Going-out-of-business sale	\$95.00 <u>99.00</u>	--
Menageries	\$20.00 <u>21.00</u>	Per day
Merry-go-round or other rides, per type of ride	\$60.00 <u>62.00</u>	Per day
Merry-go-round or other rides, per type of ride	\$235.00 <u>244.00</u>	December 31
Motion picture theatres (other than open-air drive-in) operating more than six (6) months:		
Seating capacity 999 or less, per screen	\$270.00 <u>281.00</u>	June 30
Seating capacity 1,000 or more, per screen	\$445.00 <u>463.00</u>	June 30
Temporary--One (1) week or less	\$30.00 <u>31.00</u>	One week
Temporary--More than one (1) week but less than two (2) months	\$45.00 <u>47.00</u>	Two months
Temporary--More than two (2) months but less than six (6) months	\$70.00 <u>73.00</u>	Six months
Roller skating rink	\$150.00 <u>156</u>	June 30

| BE IT FURTHER ORDERED, that these fees shall be effective on
July 1, 2015 unless otherwise noted.

Description	Current Fee	Proposed Fee
Bottle clubs (must obtain FSE and special entertainment if applicable) (Chapter 3 Art. II):	\$860	\$895.00
Amusement devices (Chapter 4 Art. II):		
Amusement devices (other than pinball and adult amusements), per device	\$140	\$146.00
Pinball machines, per device	\$140	\$146.00
Adult amusement devices, per location	\$895	\$931.00
Music, dancing and special entertainment (Chapter 4 Art. III):		
Entertainment with dancing	\$485	\$504.00
Entertainment without dancing	\$270	\$281.00
After-hours Entertainment	\$545	\$567.00
Dance hall	\$135	\$140.00
Concert hall	\$135	\$140.00
Single dance	\$35	\$36.00
Single concert	\$35	\$36.00
Gaming (Chapter 4 Art. IV):		
Beano	\$95	\$99.00
Nudity in licensed businesses (Chapter 4 Art. V):	\$1,350	\$1,404.00
Food service establishments (FSE) (Chapter 11 Art. II):		
Temporary FSE:		
Reinspection fee for FSE	\$75	\$75.00 per reinspection
a. Unopened prepackaged food	\$85	\$89.00
b. Opened or nonprepackaged food	\$85	\$89.00
Mobile FSE (Chapter 19):		
a. pushcarts	\$295	\$307.00
b. Food Trucks	\$500	\$520.00
c. Base station (for all mobile FSE)	\$110	\$114.00
Street vendor cooler storage space – maximum of 7 sq. ft.	\$35 per 3.5 sq. ft. of space	\$36.00 per 3.5 sq. ft. of space
FSE-No food preparation on premises	\$165	\$172.00
FSE-With preparation limited to hot beverages only	\$135	\$135.00
FSE-With beer and wine take out	\$380	\$395.00
FSE/Community Kitchen - Food preparation on premises	\$420	\$437
FSE Community Kitchen User	\$100	\$104.00
FSE's with liquor:		
FSE-Class A lounge (Class X)	\$2,540	\$2,642.00
FSE-Class A restaurant (Class I)	\$1,715	\$1,784.00
FSE-Hotel (Class IA):		

Description	Current Fee	Proposed Fee
FSE-Class A restaurant/lounge (Class XI)	\$2,130	\$2,215.00
FSE-Qualified catering service (Class I)	\$1,715	\$1,784.00
Innholder-15 rooms or less	\$1,315	\$1,368.00
Innholder-16 to 40 rooms	\$1,765	\$1,836.00
Innholder-more than 40 rooms	\$2,050	\$2,132.00
FSE-Spirituos license (Class II)	\$560	\$582.00
FSE-Vinous license (Class III)	\$375	\$390.00
FSE-Malt license (Class IV)	\$755	\$785.00
FSE-Malt and vinous license (Classes III and IV combined)	\$830	\$863.00
FSE-Nonprofit club (Class IV with catering or Class V without catering)	\$675	\$702.00
FSE-Liquor catering	\$30	\$31.00
FSE-Temporary (bona fide nonprofit organization) with any spirituous, vinous or malt license and special entertainment	\$60	\$62.00
FSE-Auditorium	\$535	\$556.00
FSE-Civic Auditorium	\$1,695	\$1,763
Massage Establishments (Chapter 16):		
Massage establishment	\$60	\$62.00
Combined massage establishment/massage therapist	\$50	\$52.00
Massage therapist	\$35	\$36.00
Conditional massage therapist	\$35	\$36.00
Night Street Vendor (must also obtain FSE and street vendor) (Chapter 19 Art. II):	\$200	\$208.00
Transient sellers (Chapter 19 Art. III):	\$100	\$104.00
Secondhand Goods (Chapter 23 Art. II):		
Flea market seller	\$20	\$21.00
Flea Markets (per day)	\$50	\$52.00
Operator (annual)	\$225	\$234.00
Secondhand dealer, junk dealer, pawnbroker (including used cars)	\$140	\$146.00
Junk collector	\$25	\$25.00
Valet Parking (Chapter 28, Article VII)	\$250.00	\$260.00
Valet Parking Special Event	\$50.00	\$52.00
Wreckers and Vehicle Towing (Chapter 28 Art. VIII):	\$255	\$265.00

FY16 REVENUE FEE SCHEDULE CHANGE

Department: 1200 City Clerk

<u>Account #</u>	<u>Revenue Description</u>	<u>FY15 Current Fee</u>	<u>FY16 Proposed Fee</u>
100-1200-322.00-00	Chapter 15 Sec.15-12 (a) & (b) Fees:		
	Bottle Clubs	860.00	895.00
	Amusement Devices(other than pinball/adult amusements)	140.00	146.00
	Adult Amusement Devices/Establishment	895.00	931.00
	Pinball Machines	140.00	146.00
	Entertainment W/Out Dance	270.00	281.00
	Entertainment With Dance	485.00	504.00
	After Hours Entertainment	545.00	567.00
	Dance Hall/ Concert Hall	135.00	140.00
	Concert / Dance (Single)	35.00	36.00
	Beano	95.00	99.00
	Nude Activity	1,350.00	1,404.00
	FSE Temp Food Service Permit	85.00	89.00
	Pushcart	295.00	307.00
	Food Truck	500.00	520.00
	Base Station	110.00	114.00
	Pushcart-Cooler Storage	35.00	36.00
	Night Vendor	*200.00	208.00
	Transient Sales	100.00	104.00
	FSE W/Out Prep	165.00	172.00
	FSE W/Prep	420.00	437.00
	Beer/Wine Takeout	380.00	395.00
	Community Kitchen	420.00	437.00
	Community Kitchen User(Fee included with FSE)	100.00	104.00
	Class A Lounge	2,540.00	2,642.00
	Class I FSE	1,715.00	1,784.00
	Class I-A FSE Inn 0-15	1,315.00	1,368.00
	Class I-A FSE Inn 16-40	1,765.00	1,836.00
	Class I-A FSE Inn 41+	2,050.00	2,132.00
	Class II FSE (Spirits)	560.00	582.00
	Class III & IV (Beer&Wine)	830.00	863.00
	Class III FSE (Wine Only)	375.00	390.00
	Class IV FSE (Beer)	755.00	785.00
	Class IV/V Non-Profit	675.00	702.00
	Class XI Rest / Lounge	2,130.00	2,215.00
	Liquor Catering Permit Off Premises	30.00	31.00
	Non-profit 2-day Liquor Permit	60.00	62.00
	FSE Auditorium	535.00	556.00
	FSE Civic Auditorium	1,695.00	1,763.00
	Massage Establishment	60.00	62.00
	Massage Estab / Therapst	50.00	52.00

*Revised: 03/24/15

FY16 REVENUE FEE SCHEDULE CHANGE

Department: 1200 City Clerk

Account #	Revenue Description	FY15 Current Fee	FY16 Proposed Fee
100-1200-322.00-00	Chapter 15 Sec.15-12 Fees:		
Cont. from previous page....			
	Massage Therapist	35.00	36.00
	Second Hand Dealer	140.00	146.00
	Flea Market Seller	20.00	21.00
	Flea Market Operator (Annual)	225.00	234.00
	Flea Market Operator (per Day)	50.00	52.00
	Towing Company	255.00	265.00
	Valet Parking per location	250.00	260.00
	Valet Parking special event fee	50.00	52.00
	Operation of Rendering Facility	250.00	260.00
	Amusements (per Day)	20.00	21.00
	Pool Tables (Non-Mechanical)	30.00	31.00
	Bowling Alley	85.00	88.00
	Carnival Per Day	110.00	114.00
	Circus Per Day Profit	165.00	172.00
	Circus Per Day Non-Profit	25.00	26.00
	Merry-Go-Round Per Day	60.00	62.00
	Merry-Go-Round (Annual)	235.00	244.00
	Menageries	20.00	21.00
	Theatre Less Than 999	270.00	281.00
	Theatre Greater Than 999	445.00	463.00
	Temp. Theatre 1 week or less	30.00	31.00
	Temp. Theatre less than 2 months	45.00	47.00
	Temp. Theatre 2-6 months	70.00	73.00
	Skating (Roller Rink)	150.00	156.00
	Closing Out Sale	95.00	99.00

Section: Additional revenue generated with proposed increase
\$47,810

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

Order 247-14/15
~~*Tab 15 5-4-15*~~
Tab 24 5-18-15
DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 25, ARTICLE II. DIVISION 2. PERMITS
Re: Street and Sidewalk Occupancy Permit**

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

*That Chapter 25, Article II, Section 25-27 of the
Portland City Code is hereby amended by adding a new
section as follows:*

Sec. 25-27. Fees.

(a) The following fees are hereby established for the
issuance of a revocable street and sidewalk occupancy permit:

- (1) Objects other than portable signs, including but not
limited to tables, chairs, barricades and bollards,
eighty-five~~eight~~ dollars (\$~~85~~88.00) for one (1) fiscal
year or any portion thereof;
- (2) Portable signs, twenty-five dollars (\$25.00) plus
twenty cents (\$0.20) per square foot of signage.
Square footage is calculated pursuant to section
14-369(b) of the land use ordinance. Permits remain
valid until there is a change:
 - a. In the sign dimensions; or
 - b. In the use, lessee or ownership of the business
causing a change in the business name, design or
dimensions.
- (3) Vehicles, equipment, or construction materials,
fifteen dollars (\$15.00) per day or any portion
thereof;
- (4) Use of city property (including but not limited to
festivals, events, promotions, demonstrations,
parades, marches, road races, walkathons, fundraisers,

press conferences, rallies, protests, sampling, poll taking, banners and public displays), fee as provided by annual order of the city council;

- (5) Use of streets, ways or public places by street goods vendors as defined in Section 19-16 for purposes of vending, ~~thirty-five~~six dollars (\$~~35~~36.00) per day or any portion thereof;
- (6) Permit to Portland's Downtown District or similar organization/business to hold events on not less than twenty-four (24) hours' notice to the city manager, within area or areas designated in permit, one hundred dollars (\$100.00) per fiscal year or any portion thereof;
- (7) Location of dumpster on city-owned property, except as part of a street festival or other special event declared by the city council, two hundred twenty-five dollars (\$225.00) per fiscal year or any portion thereof.

(b) The following fees are hereby established for the issuance of a revocable outdoor dining permit:

- (1) Outdoor dining on streets, sidewalks or other public ways, eighty dollars (\$80.00) plus two dollars (\$2.00) per square foot of dining area per fiscal year or any portion thereof.
- (2) Outdoor dining in parks, eighty dollars (\$80.00) plus six dollars (\$6.00) per square foot of dining area per fiscal year or any portion thereof. In no instance shall the total square footage of dining area equal more than 10% of park space, unless the applicant receives a waiver from the director of parks and recreation or his or her designee. For the purposes of this section, the area abutting the buildings which border Monument Square and extending ten (10) feet from the façade of said buildings shall be considered a sidewalk. The ten (10) foot area shall be measured from that portion of the façade that protrudes furthest into the sidewalk. The area beyond the ten (10) foot sidewalk shall be considered park space.

BE IT FURTHER ORDERED, that these fees shall be effective on July 1, 2015 unless otherwise noted.



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

MEMORANDUM

TO: Sheila Hill-Christian, Acting City Manager
Jennifer Lodge, Budget Director

FROM: Carolyn M. Dorr, Deputy City Clerk/PAO

DATE: March 11, 2015

RE: Proposed Fee Changes

The City Clerk Office is requesting Ordinance section 25-27 (1) & (5), Streets and Sidewalks Fees, be approved.

Fees pertaining to sidewalk sales and street goods vending have not been increased since FY11. In keeping with our revenue strategy to raise fees every five years a 4% fee increase for FY16 is being proposed. This would generate an estimated additional \$424.00 in revenue.

cc: Suzanne Knight
Katherine Jones

FY16 REVENUE FEE SCHEDULE CHANGE

Department: 1200 City Clerk

Account #	Revenue Description	FY15 Current Fee	FY16 Proposed Fee
100-1200-322.00-00	Chapter 25 Sec.25-27 (10) & (5) Streets & Sidewalks Fees:		
	Sidewalk Permit (fiscal year or any portion thereof)	85.00	88.00
	Street Goods Vendor (per day or any portion thereof)	35.00	36.00

Projection:

**Additional revenue generated with proposed increase
\$424.00**

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

Order 248-14/15
~~*Tab 16 5-4-15*~~
Tab 25 5-18-15

DAVID H. BRENNERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 28. TRAFFIC AND MOTOR VEHICLES
ARTICLE VII - VALET PARKING, SECTION 273
Re: Valet Parking Fees**

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

*1. That Chapter 28, Article VII, Section 273 of the
Portland City Code is hereby amended to read as follows:*

Sec. 28-273. Fees; exceptions.

(a) *Issuance fees.* Applications for yearly valet permits shall be accompanied by an annual nonrefundable fee of two hundred and ~~fifty~~sixty dollars (\$250260.00) per location. Each location shall only include two (2) parking spaces approved by the Transportation Systems Engineer, whose decision shall be final.

(b) *Special event fee.* Application for a special event permit shall be accompanied by a nonrefundable fee of ~~fifty~~sixty dollars (\$5060.00) provided that the clerk's office has received ten (10) days' notice prior to such event.

(c) *Application fees.* Except as expressly provided, all applications for original permits, shall be accompanied by an issuance fee and an administrative fee of thirty-five dollars (\$35.00) to defray the cost of processing the application. All applications for renewal of licenses shall be accompanied by the fees for issuance and an administration fee of twenty-five dollars (\$25.00). The latter fee shall be refundable if the application is denied.

(d) *Late fees.* An additional fee of ten dollars (\$10.00) shall be charged for issuance of any permit after expiration of the prior permit.

BE IT FURTHER ORDERED, that these fees shall be effective on
July 1, 2015 unless otherwise noted.



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

MEMORANDUM

TO: Sheila Hill-Christian, Acting City Manager
Jennifer Lodge, Budget Director

FROM: Carolyn M. Dorr, Deputy City Clerk/PAO

DATE: March 11, 2015

RE: Proposed Fee Changes

The City Clerk Office is requesting Ordinance section 28-273 (a) & (b), Valet Parking Fees, be approved.

With the request to increase business license fees for FY16, an increase of \$10.00 for each valet parking permit per location and a \$2.00 increase for special event parking are being proposed. This would generate an estimated additional \$30.00 in revenue.

cc: Suzanne Knight
Katherine Jones

FY16 REVENUE FEE SCHEDULE CHANGE

Department: 1200 City Clerk

<u>Account #</u>	<u>Revenue Description</u>	<u>FY15 Current Fee</u>	<u>FY16 Proposed Fee</u>
100-1200-322.00-00	Chapter 28 Sec.28-273 (a) & (b) Valet Parking Fees:		
	Valet Parking (per location)	250.00	260.00
	Special Event Fee	50.00	52.00

Projection:

**Additional revenue generated with proposed increase
\$30.00**

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

Order 249-14/15
~~Tab 17 54-15~~
Tab 26 5-18-15

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 25, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES
ARTICLE VII. EXCAVATIONS, SECTION 25-119
Re: Excavator License Fee**

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

*That Chapter 25, Article VII, Section 25-119 of the
Portland City Code is hereby amended to read as
follows:*

Sec. 25-119. Excavator license.

No person or utility shall excavate in a public place without holding a valid excavator's license and obtaining a street opening permit as provided in division 2 of this article, for such work from the city. The public works authority shall issue the excavator's license upon receipt of an application therefor and the annual license fee of ~~\$595.00~~ \$596.00, after having satisfied himself or herself of the competency and ability of the applicant to carry on the business of excavating. Persons or utilities without a previous work history with the city may be required at the discretion of the director to submit references from responsible municipal officials from other municipalities. No person or utility possessing such license shall allow his or her name to be used by any person or utility, directly or indirectly, either to obtain a permit or to do any work under this license; provided, however, that nothing herein shall be construed to prohibit a licensed excavator from doing such work through an authorized agent or employee who is directly and continuously supervised by him while in the performance thereof. A license issued to an excavator may be revoked after notice and hearing, if it is determined by the city that the licensed excavator has willfully disobeyed any portion of this article or the rules and regulations.

BE IT FURTHER ORDERED, that this fee shall be effective on July 1, 2015 unless otherwise noted.

Portland, Maine



Yes. Life's good here.

Michael J. Bobinsky
Director of Public Services

TO: Sheila Hill-Christian, Acting City Manager
FROM: Michael J Bobinsky, Director of Public Services
DATE: April 22, 2015
SUBJECT: Revenue Fee Changes – Street Opening Licenses

We are recommending a minor increase in Street Opening Licenses. Changes to this fee are generally associated with changes in the consumer price index. Applying this theory, the fee in 2010 was \$554.00. Adjusted for 2015 the fee would be \$596.00 which is a dollar increase from rates charged in FY15. Overall revenue is expected to be \$42.00

CC: Pat Handrahan, Principal Financial Officer
Jennifer Lodge, Assistant Budget Director
Rhonda Zazzara, Field Inspection Coordinator

FY16 REVENUE FEE SCHEDULE CHANGE

Department Public Services/Street Openings

			FY16
<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
247-3100-320-02-00	Street Opening License (ord chapter 25-119)	\$595.00	\$596.00

Prepared: 04/21/2015

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

CITY OF PORTLAND
IN THE CITY COUNCIL

Order 250-14/15
Tab 18 5-4-15
Tab 27 5-18-15

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
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. ~~For 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-nine dollars and eighty-one-seventy cents~~

(~~\$8.81~~9.70) per hundred cubic feet of volume for connected parcels of land. Beginning January 1, 2016, user charges under this section for both dwelling units and commercial units shall be eight dollars and twenty cents (\$8.20) 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, 2015 unless otherwise noted.



To: Members of the City Council

From: Sheila Hill-Christian, Acting City Manager

Date: April 23, 2015

Subject: Sewer Rate Increase for FY2016

The City continues to fund projects related to the DEP managed 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:

FY15 5.5%
FY14 3.0%
FY13 0.0%
FY12 3.0%
FY11 3.0%

Based on budget and construction costs estimates, plus the implementation of a new Stormwater Charge (as approved in City Council Order 129-14/15) the existing Sewer Rate of \$8.81 will need to be increased to \$9.70 per hcf from July 1, 2015 through December 31, 2015. Beginning on January 1, 2016, coinciding with the implementation of the new Stormwater Charge, there will be a reduction of \$1.50 in the Sewer Rate down to \$8.20 per hcf for the period of January 1, 2016 to June 30, 2016.

MICHAEL F. BRENNAN (MAYOR)
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JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

Order 251-14/15
~~*Tab 19 5-4-15*~~
Tab 28 5-18-15

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

FISCAL YEAR 2015-2016 APPROPRIATION RESOLVE

RESOLVED, that the sum of \$221,770,295.00 is hereby appropriated for Fiscal Year 2016 for General Municipal purposes; and

BE IT FURTHER RESOLVED, that the sum of \$102,776,657.00 is hereby appropriated for Fiscal Year 2016 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, 2015 and not exempt from taxation, to the aggregate amount of \$78,978,308.00 for municipal purposes and \$79,773,211.00 for school purposes for a total tax levy of \$158,751,519.00 resulting in a tax rate of \$20.58 per \$1,000 of valuation (a 2.9 % 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 11, 2015, and payable in two equal installments, the first due on the 11th day of September, 2015, and the second installment due on the 11th day of March, 2016. 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.

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2016
July 1, 2014 - June 30, 2015
July 1, 2015 - June 30, 2016
Finance Committee's Recommendation

	FY 15	FY 16	\$ +/()	%
CITY GENERAL FUND REVENUES				
31 Property Taxes	\$ 75,754,243	\$ 78,978,308	\$ 3,224,065	4.3%
31 Other Local Taxes	8,007,936	8,757,212	749,276	9.4%
32 Licenses & Permits	3,745,774	4,140,154	394,380	10.5%
33 Intergovernmental Revenue	15,169,850	9,320,226	(5,849,624)	-38.6%
34 Charges for Services	32,097,715	34,080,683	1,982,968	6.2%
35 Fines, Forfeits and Penalties	2,065,475	2,003,005	(62,470)	-3.0%
36 Use of Money and Property	7,877,882	8,101,192	223,310	2.8%
39 Other Sources	30,901,598	29,377,510	(1,524,088)	-4.9%
Fund Balance Use (Restoration)	735,000	500,000	(235,000)	
Total General Fund Revenues	176,355,473	175,258,290	(1,097,183)	-0.6%
GENERAL FUND EXPENDITURES				
100-1100 City Council	331,195	333,503	2,308	0.7%
100-1200 City Clerk	532,585	576,338	43,753	8.2%
100-1300 Executive	877,488	881,557	4,069	0.5%
Housing Safety	-	335,783	335,783	
Total Executive	877,488	1,217,340	339,852	38.7%
100-1400 Assessor	325,352	333,139	7,787	2.4%
100-1500 Finance Administration	1,029,191	1,034,988	5,797	0.6%
Treasury	682,374	641,983	(40,391)	-5.9%
Total Finance	1,711,565	1,676,971	(34,594)	-2.0%
100-1600 Legal	498,493	511,850	13,357	2.7%
100-1700 Human Resources Admin	802,801	1,041,392	238,591	29.7%
100-1800 Parking	1,183,259	1,276,152	92,893	7.9%
Crossing Guides	130,200	129,200	(1,000)	-0.8%
Elm Street Garage	237,269	242,647	5,378	2.3%
Spring Street Garage	385,439	417,796	32,357	8.4%
Temple Street Garage	107,550	108,176	626	0.6%
Total Parking/Garages	2,043,717	2,173,971	130,254	6.4%
100-1900 Economic Development	264,926	273,906	8,980	3.4%
100-2100 Police Administration	992,383	996,771	4,388	0.4%
Jetport Security	510,641	518,956	8,315	1.6%
Uniformed Operations	8,545,710	8,709,329	163,619	1.9%
Investigation Services	1,602,065	1,691,284	89,219	5.6%
Support Services	835,219	694,174	(141,045)	-16.9%
Dispatch	1,879,660	1,970,549	90,889	4.8%
Total Police	14,365,678	14,581,063	215,385	1.5%

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2016
July 1, 2014 - June 30, 2015
July 1, 2015 - June 30, 2016
Finance Committee's Recommendation

		FY 15	FY 16	\$ +/- ()	%
100-2200	Fire Administration	646,426	698,488	52,062	8.1%
	Code Enforcement	306,566	363,810	57,244	18.7%
	Field Operations	13,573,695	13,291,410	(282,285)	-2.1%
	Air Rescue	1,111,321	1,104,245	(7,076)	-0.6%
	Operations Support Services	1,122,635	1,107,084	(15,551)	-1.4%
	Total Fire	16,760,643	16,565,037	(195,606)	-1.2%
100-2400	Planning & Urban Dev. Admin	430,104	478,318	48,214	11.2%
	Inspections	697,689	685,289	(12,400)	-1.8%
	Planning	823,195	787,362	(35,833)	-4.4%
	Housing & Comm Dev	145,904	132,742	(13,162)	-9.0%
	Historic Preservation	118,748	124,099	5,351	4.5%
	Total Planning & Urban Development	2,215,640	2,207,810	(7,830)	-0.4%
100-2900	Information Technology	2,147,017	2,135,846	(11,171)	-0.5%
100-3100	Public Services Administration	741,131	767,116	25,985	3.5%
	Cemeteries	586,028	579,885	(6,143)	-1.0%
	Forestry	658,815	622,118	(36,697)	-5.6%
	Districting	2,040,611	2,021,048	(19,563)	-1.0%
	Solid Waste	2,952,070	2,785,945	(166,125)	-5.6%
	Communications	146,852	149,000	2,148	1.5%
	Portland Downtown District	323,321	335,329	12,008	3.7%
	Construction Company	431,027	400,130	(30,897)	-7.2%
	Transportation Opr	2,116,640	2,184,770	68,130	3.2%
	Engineering	713,767	736,461	22,694	3.2%
	Winter	1,098,039	1,147,087	49,048	4.5%
	Fleet Services	3,954,448	3,588,514	(365,934)	-9.3%
	Island Services	568,574	569,545	971	0.2%
	Total Public Services	16,331,323	15,886,948	(444,375)	-2.7%
100-3300	Rec & Facilities Administration	293,933	299,629	5,696	1.9%
	Trades	982,335	890,645	(91,690)	-9.3%
	Public Safety Bldg.	425,862	382,505	(43,357)	-10.2%
	City Hall Maint.	447,778	447,440	(338)	-0.1%
	Merrill Auditorium Maint.	430,777	450,249	19,472	4.5%
	Hadlock Stadium Maint.	263,150	270,650	7,500	2.9%
	Other Buildings Maint.	500,016	512,153	12,137	2.4%
	Ice Arena	533,013	551,105	18,092	3.4%
	Expo Building	403,735	426,876	23,141	5.7%
	Waterfront Maint.	721,211	774,103	52,892	7.3%
	Public Assembly Facilities Mgmt.	687,595	786,915	99,320	14.4%
	Concessions	293,111	313,520	20,409	7.0%
	School HVAC	531,878	539,303	7,425	1.4%
	Athletic Fields	772,084	738,859	(33,225)	-4.3%
	Recreation	1,605,139	1,685,854	80,715	5.0%
	Aquatics	404,512	417,906	13,394	3.3%
	School Maintenance	1,073,776	1,078,755	4,979	0.5%
	Therapeutic Recreation	159,168	189,911	30,743	19.3%
	Golf Course	784,069	781,166	(2,903)	-0.4%
	Golf Course Restaurant	418,887	365,550	(53,337)	-12.7%
	Total Recreation & Facilities Management	11,732,029	11,903,094	171,065	1.5%

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2016
July 1, 2014 - June 30, 2015
July 1, 2015 - June 30, 2016
Finance Committee's Recommendation

		FY 15	FY 16	\$ +/()	%
100-4100	Public Health	3,899,599	3,833,413	(66,186)	-1.7%
100-4200	Social Services	13,274,993	8,610,001	(4,664,992)	-35.1%
107-4300	Barron Center	15,343,457	15,678,017	334,560	2.2%
100-4700	Debt Service	35,168,703	35,669,850	501,147	1.4%
100-4800	Public Library	3,591,915	3,681,713	89,798	2.5%
100-5100	Pension	6,588,237	7,177,477	589,240	8.9%
100-5200	Health Insurance	15,544,865	15,915,250	370,385	2.4%
	Workers' Comp	1,629,275	1,657,755	28,480	1.7%
	Group Life	189,420	198,790	9,370	4.9%
	Unemployment	175,000	150,000	(25,000)	-14.3%
	FICA	972,000	1,018,909	46,909	4.8%
	Total Employee Benefits	18,510,560	18,940,704	430,144	2.3%
100-7000	Capital Equipment	375,000	375,000	-	0.0%
100-6100	Contingent	125,000	931,000	806,000	644.8%
100-6200	Liability Insurance	763,990	775,003	11,013	1.4%
100-6500	Regional Transportation Program	145,514	130,459	(15,055)	-10.3%
	Contributions	384,000	424,148	40,148	10.5%
	Total Memberships/Contributions	529,514	554,607	25,093	4.7%
100-6700	Wage Adjustment	(237,000)	(111,827)	125,173	-52.8%
	Total General Fund Expenditures	168,874,420	167,533,166	(1,341,254)	-0.8%
100-6502	Metro Assessment	2,511,910	2,485,115	(26,795)	-1.1%
100-6300	County Tax	4,969,143	5,240,009	270,866	5.5%
Total General Fund and Assessments		\$ 176,355,473	\$ 175,258,290	\$ (1,097,183)	-0.6%

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2016
July 1, 2014 - June 30, 2015
July 1, 2015 - June 30, 2016
Finance Committee's Recommendation

	FY 15	FY 16	\$ +/-	%
ENTERPRISE FUND REVENUES				
31 Property Taxes, Current Year	\$ -	\$ -	\$ -	0.0%
32 Licenses & Permits	144,000	153,975	9,975	6.9%
33 Intergovernmental	116,800	116,800	-	0.0%
34 Charges for Services	24,873,005	27,172,581	2,299,576	9.2%
36 Use of Money and Property	19,538,843	20,119,843	581,000	3.0%
39 Other Sources	27,733	335,045	307,312	1108.1%
Fund Balance	(70,018)	(1,386,239)	(1,316,221)	
Total Enterprise Fund Revenues	44,630,363	46,512,005	1,881,642	4.2%
ENTERPRISE FUND EXPENDITURES				
583-2800 Jetport Admin	852,417	894,921	42,504	5.0%
Field	2,897,820	3,116,380	218,560	7.5%
General Aviation	39,168	26,293	(12,875)	-32.9%
Fringe, Indirects, & Chargebacks	3,277,367	3,559,028	281,661	8.6%
Security	1,663,291	1,663,772	481	0.0%
Terminal	4,974,756	5,099,636	124,880	2.5%
Marketing	567,975	545,259	(22,716)	-4.0%
Parking	4,178,254	4,614,302	436,048	10.4%
Airfield Deicing	814,119	704,827	(109,292)	-13.4%
Jetport Anticipated Surplus	897,828	528,643	(369,185)	-41.1%
Total Jetport	20,162,995	20,753,061	590,066	2.9%
530-3300 Fish Pier	278,345	336,795	58,450	21.0%
570-1503 Sewer--Finance Admin	88,645	87,405	(1,240)	-1.4%
570-3101 PW Admin	272,191	350,679	78,488	28.8%
570-3112 Districting	1,398,181	1,779,367	381,186	27.3%
570-3115 Communications	67,215	68,857	1,642	2.4%
570-3137 Sewer Engineering	899,085	902,786	3,701	0.4%
570-3140 Stormwater Management	1,713,446	-	(1,713,446)	-100.0%
570-3155 Debt Service	7,607,401	7,249,665	(357,736)	-4.7%
570-3156 Fringe Benefits	1,080,389	1,292,651	212,262	19.6%
570-3158 Assessment from Portland Water District	11,062,470	11,255,841	193,371	1.7%
Total Sewer	24,189,023	22,987,251	(1,201,772)	-5.0%
571-1502 Stormwater - Finance Admin	-	189,204	189,204	
571-3140 Stormwater Management	-	2,035,714	2,035,714	
571-3155 Debt Service	-	-	-	
571-3156 Fringe Benefits	-	209,980	209,980	
Total Stormwater	-	2,434,898	2,434,898	
Total Enterprise Fund Expenditures	44,630,363	46,512,005	1,881,642	4.2%
TOTAL CITY EXPENDITURES	\$ 220,985,836	\$ 221,770,295	\$ 784,459	0.4%

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2016
July 1, 2014 - June 30, 2015
July 1, 2015 - June 30, 2016
Finance Committee's Recommendation

	FY 15	FY 16	\$ +/()	%
SCHOOL DEPARTMENT REVENUES				
Property Taxes	\$ 77,469,011	\$ 79,773,211	\$ 2,304,200	3.0%
Local Revenue	7,377,707	7,554,346	176,639	2.4%
State Subsidy	16,495,951	15,034,100	(1,461,851)	-8.9%
Surplus Use	250,000	415,000	165,000	
Total School Revenues	<u>\$ 101,592,669</u>	<u>\$ 102,776,657</u>	<u>\$ 1,183,988</u>	<u>1.2%</u>
SCHOOL DEPARTMENT EXPENDITURES				
Public Schools	<u>101,592,669</u>	<u>102,776,657</u>	<u>1,183,988</u>	<u>1.2%</u>
TOTAL CITY AND SCHOOL EXPENDITURES	<u>\$ 322,578,505</u>	<u>\$ 324,546,952</u>	<u>\$ 1,968,447</u>	<u>0.6%</u>

**Amendment to
Fiscal Year 2015-2016 Appropriation Resolve
Order 251-14/15
Prepared by Corporation Counsel for Councilor Costa
Re: Payment of General Assistance to Asylum Seekers**

FISCAL YEAR 2015-2016 APPROPRIATION RESOLVE

RESOLVED, that the sum of \$221,770,295.00 is hereby appropriated for Fiscal Year 2016 for General Municipal purposes; and

BE IT FURTHER RESOLVED, that the sum of \$102,776,657.00 is hereby appropriated for Fiscal Year 2016 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, 2015 and not exempt from taxation, to the aggregate amount of \$78,978,308.00 for municipal purposes and \$79,773,211.00 for school purposes for a total tax levy of \$158,751,519.00 resulting in a tax rate of \$20.58 per \$1,000 of valuation (a 2.9 % 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 11, 2015, and payable in two equal installments, the first due on the 11th day of September, 2015, and the second installment due on the 11th day of March, 2016. 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.

City of Portland, Maine
General Assistance Amendment
Asylum Seekers Assistance Full-Year Restore

Account	Description	FTE	Proposal	Tax Rate
<i>Expenditure:</i>				
<i>Social Services GA:</i>				
100-4202-442-XXXX	GA Line Item Added Expenditures		\$4,340,000	
Social Services GA:		-	\$4,340,000	
			(\$440,000)	
<i>Contingency:</i>				
100-6100-490-3500	Contractual Services Misc.			
100-6100-490-3552	Legal Services			
Contingency:		-	(\$440,000)	
Proposed Expenditure Change:		-	\$3,900,000	
<i>Revenue:</i>				
100-4202-335-0300	GA State of Maine / Social Services Revenue Add		\$3,900,000	
Total Added Revenues:			\$3,900,000	
GA Proposed General Assistance Net Change:		-	\$0	\$0.00

**Amendment to
Fiscal Year 2015-2016 Appropriation Resolve
Order 251-14/15
Prepared by Corporation Counsel for Councilor Costa
Re: Proposed Tax Levy & Tax Rate with Full Year Shelter Funding
Add-Back**

FISCAL YEAR 2015-2016 APPROPRIATION RESOLVE

RESOLVED, that the sum of \$~~221,770,295.00~~ 221,947,813.00 is hereby appropriated for Fiscal Year 2016 for General Municipal purposes; and

BE IT FURTHER RESOLVED, that the sum of \$102,776,657.00 is hereby appropriated for Fiscal Year 2016 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, 2015 and not exempt from taxation, to the aggregate amount of \$79,139,596.00 ~~78,978,308.00~~ for municipal purposes and \$79,773,211.00 for school purposes for a total tax levy of \$~~158,751,519.00~~ 158,912,807.00 resulting in a tax rate of \$~~20.58~~ 20.61 per \$1,000 of valuation (a ~~2.9~~ 3.1% 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 11, 2015, and payable in two equal installments, the first due on the 11th day of September, 2015, and the second installment due on the 11th day of March, 2016. 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.

City of Portland, Maine
Shelter Options

Account	Description	FTE Change	Proposal	Tax Rate Change
Option #2 - Full-Year Funding:				
Expenditure:				
<i>Social Services:</i>				
100-4203-442-0110	Salaries & Wages	3.0 Shelter Attendants (Proj)	\$103,912	
100-4203-442-0130	Temporary Help	Overflow per Diem	\$57,376	
100-4203-442-5520	Supplies - All Other	Laundry	\$16,230	
Total Added Expenditures:			\$177,518	
Revenue:				
107-4300-345-6687	BC Laundry Services Reimbursement Increase (Based on BC Revenue Est.)		\$16,230	
Total Added Revenues:			\$16,230	
Option #2 Shelter Full-Year Funding Levy Change:		3.0	\$161,288	
FC Level City / School Combined Levy:			\$158,751,519	
FY16 Valuation: 7,712,000,000				
FC Tax Rate: \$20.585				
Option #2 Proposed Tax Levy & Tax Rate w/ Full-Year Shelter Add back (Based on FC Level):		3.0	\$158,912,807	\$20.61

**Amendment to
Fiscal Year 2015-2016 Appropriation Resolve
Order 251-14/15
Prepared by Corporation Counsel for Councilor Costa
Re: Shelter Funding to Sept. 30, 2015**

FISCAL YEAR 2015-2016 APPROPRIATION RESOLVE

RESOLVED, that the sum of \$221,770,295.00 is hereby appropriated for Fiscal Year 2016 for General Municipal purposes; and

BE IT FURTHER RESOLVED, that the sum of \$102,776,657.00 is hereby appropriated for Fiscal Year 2016 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, 2015 and not exempt from taxation, to the aggregate amount of \$78,978,308.00 for municipal purposes and \$79,773,211.00 for school purposes for a total tax levy of \$158,751,519.00 resulting in a tax rate of \$20.58 per \$1,000 of valuation (a 2.9 % 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 11, 2015, and payable in two equal installments, the first due on the 11th day of September, 2015, and the second installment due on the 11th day of March, 2016. 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.

City of Portland, Maine

Shelter Options

Account	Description	FTE Change	Proposal	Tax Rate Change
Option #1 - Funding to Sept 30, 2015 (3 Months):				
<i>Expenditure:</i>				
<i>Social Services:</i>				
100-4203-442-0110	Salaries & Wages	3.0 Shelter Attendants (Proj)	\$25,978	
100-4203-442-0130	Temporary Help	Overflow per Diem	\$14,344	
100-4203-442-5520	Supplies - All Other	Laundry	\$4,058	
Social Services Cost:		0.8	\$44,380	
<i>Contingency:</i>				
100-6100-490-35-00	Contractual Services	Transitional Services (SS) (from \$300k)	(\$40,322)	
Total Added Expenditures:			\$4,058	
<i>Revenue:</i>				
107-4300-345-6687	BC Laundry Services Reimbursement Increase (Based on BC Revenue Est.)		\$4,058	
Total Added Revenues:			\$4,058	
Option # 1 Proposed Shelter Extended Three Month Coverage:		0.8	\$0	\$0.00

**Amendment to
Fiscal Year 2015-2016 Appropriation Resolve
Order 251-14/15
Prepared by Corporation Counsel for Councilor Costa
Re: Supervising Park Ranger**

FISCAL YEAR 2015-2016 APPROPRIATION RESOLVE

RESOLVED, that the sum of \$221,770,295.00 is hereby appropriated for Fiscal Year 2016 for General Municipal purposes; and

BE IT FURTHER RESOLVED, that the sum of \$102,776,657.00 is hereby appropriated for Fiscal Year 2016 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, 2015 and not exempt from taxation, to the aggregate amount of \$78,978,308.00 for municipal purposes and \$79,773,211.00 for school purposes for a total tax levy of \$158,751,519.00 resulting in a tax rate of \$20.58 per \$1,000 of valuation (a 2.9 % 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 11, 2015, and payable in two equal installments, the first due on the 11th day of September, 2015, and the second installment due on the 11th day of March, 2016. 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.

City of Portland, Maine
Supervising Park Ranger Proposal

Account	Description	FTE Change	Proposal
Expenditure:			
<i>Public Services (Districting):</i>			
100-3112-430-0110	Salaries & Wages	1.0 Supervising Park Ranger*	\$34,433
100-3112-430-0130	Temporary Help	Seasonal Park Temps	(\$14,433)
Public Services Districting:		1.0	\$20,000
<i>Contingency:</i>			
100-6100-490-35-00	Contractual Services	Master Plan Parks Commission (From \$75k)	(\$20,000)
Proposed Supervising Park Ranger Net Expenditure Change:		1.0	\$0

*Based on Original Changes at City Manager's Level

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

*Order 255-14/15
Tab 29 5-18-15*

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14. LAND USE ARTICLE III. ZONING DIVISION 17
Re: Drive-in Banks in the B-7 Zone**

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

*That Chapter 14, Article III, Division 17, Section 14-296
of the Portland City Code is hereby amended to read as follows:*

Sec. 14-296. Conditional uses.

(a) The following uses shall be permitted as conditional uses in the B-7 zone as provided in section 14-474 (conditional uses), provided that, notwithstanding section 14-474 (a) or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority:

1. Commercial use:

- a. Meeting, convention and exhibition halls limited to a total of twenty-five thousand (25,000) gross square feet of interior floor area.
- b. Wholesaling, providing that the wholesale operation is associated with an onsite retail establishment and that the wholesaling component of the facility occupies a building gross floor area of less than fifteen thousand (15,000) square feet.
- c. Drive-up banking provided that:
 - i. The drive-up is accessory to a banking service occupying a minimum floor area of four thousand (4,000) square feet; and

- ii. The drive-up is attached to or included within a building with a minimum floor area of twenty thousand (20,000) square feet, except that for lots of less than 20,000 square feet and in existence as of March 9, 2005, a drive-up may be included in a building of less than 20,000 sq ft.; and
- iii. ~~All drive-up features, such as automated teller machines and service windows, shall not extend nearer than twenty-five (25) feet to the street right-of-way line~~ The drive-up facility is attached or included within a building and/or addition meeting the minimum height of four stores in the Bayside Height District A and three stories in the Bayside Height Districts B and C. For the purposes of this conditional use, the minimum height exceptions contained in Section 14-298 (h) 5, 7, and 8 shall not apply; and
- iv. ~~The site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular or pedestrian circulation or creating hazards to vehicular or pedestrian circulation on adjoining streets~~ The first floor of the building shall include banking or other retail storefront uses with storefront windows, entries, and interior public space oriented to and visible from the street, with front entry access facing the street and directly accessible from the public sidewalk; and
- v. ~~Drive-up vehicle circulation shall not be located between the building and any adjacent public streets~~ All drive-up features, such as automated teller machines and service windows, shall not extend nearer than twenty-five (25) feet to the street right-of-way line; and
- vi. ~~The drive-up shall be limited to two vehicle drive-up lanes~~ The site must have adequate stacking capacity for vehicles waiting to

use these service features without impeding vehicular or pedestrian circulation or creating hazards to vehicular or pedestrian circulation on adjoining streets; and

vii. The location of any drive-up shall be limited to the geographic area between Somerset Street/I-295/Franklin Arterial/Forest Avenue. Drive-up vehicle circulation shall not be located between the building and any adjacent public streets; and

viii. The drive-up shall be limited to two vehicle drive-up lanes; and

ix. The location of any drive-up shall be limited to the geographic area between Somerset/Kennebec Streets/ I-295/Franklin Street/Forest Avenue.

d. The expansion of automotive repair facilities existing as of March 9, 2005, but in no case shall such expansion over the life of the building exceed fifty percent (50%) of the gross floor area existing on March 9, 2005.

2. *Industrial uses:*

...

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Alexander Jaegerman, Planning Division Director

DATE: May 6, 2015

DISTRIBUTION: Sheila Hill-Christian, Acting City Manager, Mayor Brennan, Sonia Bean, Danielle West-Chuhta, Nancy English, Julie Sullivan, Jeff Levine, Jennifer Thompson

SUBJECT: B-7 Bank Drive Through Text Amendment

SPONSOR: Stuart O'Brien, Chair, Planning Board

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading May 18, 2015 Final Action June 1, 2015

Can action be taken at a later date: X Yes No (If no why not?) The applicant (Bangor Savings Bank) would like to start the site plan review with the PB as soon as possible, but appreciate that the CC agenda may be full and the hearing would need to be delayed to June 15th, 2015.

PRESENTATION: Planning Board Chair Stuart O'Brien and Alex Jaegerman, Planning Division Director, will make a brief presentation.

I. SUMMARY OF ISSUE (Agenda Description)

Bangor Savings Bank is requesting a text amendment in order to develop a small lot at 20 Marginal Way, within the B-7 zone, as a three story bank with drive through. The proposed zoning text amendment would amend the drive-through requirements of the B-7 Conditional Use standards (§14-296(a)1(c)) that currently require that bank drive-throughs must be within a building of at least 20,000 sq ft. The proposed text amendment would create an exception to this requirement for smaller buildings on small lots in existence at the time B-7 was first enacted on March 9, 2005.

On April 14, 2015, the Planning Board voted 5-0 (Boepple and O'Brien absent) that the proposed zoning text amendment (Attachment 1) to §14-296(a)1(c) (Conditional uses, B-7 zone) is consistent with Portland's Comprehensive Plan and recommends adoption of the amendment to the City Council.

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

The text amendment is proposed to allow bank drive-throughs in buildings with a smaller floor area than 20,000 sq ft. The proposed exception would enable redevelopment of 20 Marginal Way, currently a single-story car wash that is a grandfathered use, to construct a three story building facing on Marginal Way, which is more in keeping with the pattern of development envisioned in the Bayside Plan.

III. INTENDED RESULT

The proposed amendments would allow existing small lots under 20,000 sq ft to be developed with bank drive throughs and require all bank drive-throughs to be associated with buildings over three stories and that are designed with pedestrian orientation. Since testimony to the Planning Board suggested that bank developments need a drive-through to meet customer expectations, the amendment would facilitate bank developments on the several small lots in the B-7 zone where bank drive-throughs are allowed.

IV. COUNCIL GOAL ADDRESSED

The proposed amended conditional zoning agreement addresses the following Council goal:

Economic Development: Promote economic development in the City in a manner that provides for increased property values, diversification across industry sectors, and high paying jobs.

V. FINANCIAL IMPACT

The amendment would allow appropriate development that is currently prohibited by the B-7 conditional use requirements.

VI. PLANNING BOARD ANALYSIS

Bank drive-throughs are the only type of drive-through allowed in the B-7 zone. They are only allowed in the northern portion of the B-7 zone between Somerset/Kennebec Streets and I-295 and must meet the seven conditions set out in §14-296(a)1(c). The second condition currently states:

The drive-up is attached to or included within a building with a minimum floor area of twenty thousand (20,000) square feet; and

The applicant is able to meet all of the other conditions in this section but has requested a text amendment exception to the second condition in order to develop this small lot at 20 Marginal Way.

The applicant has stated that the lot size of 17,352 sq ft prevents the construction of a building of 20,000 sq ft and thus the proposal could not meet the second condition that limits a bank drive-through to being attached or included within a building with a minimum floor area of twenty thousand (20,000) square feet. (It should be noted that a 20,000 sf office would require 50 parking spaces, which would require a lot area of approximately 7,000 sf for the building footprint plus at least 15,000 square feet for parking if provided totally on-site, for a total of 22,000 square feet.) The applicant has stated that their proposal would be able to meet the other six (6) standards for a conditional use.

VII. RECOMMENDATION

During the review, the Planning Board sought to clarify the amended text language while maintaining the effect of a limited exception to condition ii for existing small lots, and requested additional provisions to reflect the goals of the Bayside Plan to achieve at least 3 stories of building height and pedestrian orientation for buildings associated with this conditional use.

The amended text supported by the Planning Board added two provisions that require all buildings that include a bank drive-through to meet the minimum height requirements of the zone, with no minimum height exemptions as contained in the ordinance for buildings, historic buildings and additions, and to require greater pedestrian orientation. Lastly, a text amendment to the last condition clarifies the description of the area where bank drive-throughs would be allowed within the B-7 zone.

On April 14, 2015, the Planning Board voted 5-0 (Boepple and O'Brien absent) that the proposed zoning text amendment (Attachment 1) to §14-296(a)1(c) (Conditional uses, B-7 zone) is consistent with Portland's Comprehensive Plan and recommends adoption of the amendment to the City Council.

VIII. LIST ATTACHMENTS

1. Order (Text amendment attached 5.6.2015; order will be similar)
2. Planning Board Report to City Council

Prepared by: Jean Fraser

Date: Draft 5.5.2015

Text amendment as recommended by the Planning Board:

Sec.14-296. Conditional uses.

- (a) The following uses shall be permitted as conditional uses in the B-7 zone as provided in section 14-474 (conditional uses), provided that, notwithstanding section 14-474 (a) or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority:
1. *Commercial use:*
 - a. Meeting, convention and exhibition halls limited to a total of twenty-five thousand (25,000) gross square feet of interior floor area.
 - b. Wholesaling, providing that the wholesale operation is associated with an onsite retail establishment and that the wholesaling component of the facility occupies a building gross floor area of less than fifteen thousand (15,000) square feet.
 - c. **Drive-up banking** provided that:
 - i. The drive-up is accessory to a banking service occupying a minimum floor area of four thousand (4,000) square feet; and
 - ii. The drive-up is attached to or included within a building with a minimum floor area of twenty thousand (20,000) square feet, except that for lots of less than 20,000 square feet and in existence as of March 9, 2005, a drive-up may be included in a building of less than 20,000 sq ft.; and
 - iii. The drive-up facility is attached or included within a building and/or addition meeting the minimum height of four stories in the Bayside Height District A and three stories in the Bayside Height Districts B and C. For the purposes of this conditional use, the minimum height exceptions contained in Section 14-298 (h) 5, 7, and 8 shall not apply; and
 - iv. The first floor of the building shall include banking or other retail storefront uses with storefront windows, entries, and interior public space oriented to and visible from the street, with front entry access facing the street and directly accessible from the public sidewalk; and
 - v. All drive-up features, such as automated teller machines and service windows, shall not extend nearer than twenty-five (25) feet to the street right-of-way line; and
 - vi. The site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular or pedestrian circulation or creating hazards to vehicular or pedestrian circulation on adjoining streets; and
 - vii. Drive-up vehicle circulation shall not be located between the building and any adjacent public streets; and
 - viii. The drive-up shall be limited to two vehicle drive-up lanes; and
 - ix. The location of any drive-up shall be limited to the geographic area between Somerset/Kennebec Streets/ I-295/Franklin Arterial Street/Forest Avenue.

PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE



B-7 Bank Drive Through Text Amendment
20 Marginal Way
Bangor Savings Bank, Applicant
Project #: #2015-015

Submitted to: Portland City Council	Prepared by: Jean Fraser, Planner
From: Portland Planning Board	Date: May 6 th , 2015
Second City Council Reading: June 1, 2015	CBL: 113 A025001

I. INTRODUCTION

David Latulippe, agent, is requesting a text amendment on behalf of Bangor Savings Bank, applicant, in order to develop a small lot at 20 Marginal Way, within the B-7 zone, as a three story bank with drive through (Attachment A; Plans P1. to P4.). The proposed zoning text amendment would amend the drive-through requirements of the B-7 Conditional Use standards (§14-296(a)1(c)). These include the requirement that bank drive-throughs must be within a building of at least 20,000 sq ft.

The B-7 text amendment is requested to create an exception to this requirement as a building of this size is not feasible to build on a small lot of 17,352 sq ft. (currently the site of Northern Pride Autowash). The proposed text amendment would allow bank drive-throughs in smaller buildings that are located on small lots in existence at the time B-7 was first enacted, March 9, 2005.

The Planning Board held a public workshop on March 24, 2014 and a public hearing on April 14, 2015 regarding the proposed text amendments. The Board voted 5-0 (Boepple and O'Brien absent) that the proposed zoning text amendment to §14-296(a)1(c) (Conditional uses, B-7 zone) is consistent with Portland's Comprehensive Plan and recommends adoption of the following amendment to the City Council.

Sec.14-296. Conditional uses.

- (a) The following uses shall be permitted as conditional uses in the B-7 zone as provided in section 14-474 (conditional uses), provided that, notwithstanding section 14-474 (a) or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority:

1. Commercial use:

- a. Meeting, convention and exhibition halls limited to a total of twenty-five thousand (25,000) gross square feet of interior floor area.
- b. Wholesaling, providing that the wholesale operation is associated with an onsite retail establishment and that the wholesaling component of the facility occupies a building gross floor area of less than fifteen thousand (15,000) square feet.
- c. Drive-up banking provided that:
 - i. The drive-up is accessory to a banking service occupying a minimum floor area of four thousand (4,000) square feet; and
 - ii. The drive-up is attached to or included within a building with a minimum floor area of twenty thousand (20,000) square feet, except that for lots of less than 20,000 square feet and in existence as of March 9, 2005, a drive-up may be included in a building of less than 20,000 sq ft.
 - iii. The drive-up facility is attached or included within a building and/or addition meeting the minimum height of four stories in the Bayside Height District A and three stories in the Bayside Height Districts B and C. For the purposes of this conditional use, the minimum height exceptions contained in Section 14-298 (h) 5, 7, and 8 shall not apply.

- iv. The first floor of the building shall include banking or other retail storefront uses with storefront windows, entries, and interior public space oriented to and visible from the street, with front entry access facing the street and directly accessible from the public sidewalk; and
- v. All drive-up features, such as automated teller machines and service windows, shall not extend nearer than twenty-five (25) feet to the street right-of-way line; and
- vi. The site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular or pedestrian circulation or creating hazards to vehicular or pedestrian circulation on adjoining streets; and
- vii. Drive-up vehicle circulation shall not be located between the building and any adjacent public streets; and
- viii. The drive-up shall be limited to two vehicle drive-up lanes; and
- ix. The location of any drive-up shall be limited to the geographic area between Somerset/Kennebec Streets/ I-295/Franklin ~~Arterial~~ Street/Forest Avenue.

II. PUBLIC COMMENT

A notice of the City Council Hearing will be sent to the 43 property owners within 500 feet and interested citizens, and the legal advertisement will appear in *Portland Press-Herald* in accordance with the city's noticing requirements. A Neighborhood Meeting is not required for this project and the Planning Division has received two written comments of support, one from a local solar business, and one from the owner of nearby property (PC1&2).

III. BACKGROUND RE ZONING

Bank drive-throughs are the only type of drive-through allowed in the B-7 zone. They are only allowed in the northern portion of the B-7 zone between Somerset/Kennebec Streets and I-295 (red outline on aerial below) and must meet the seven conditions set out in §14-296(a)1(c).

The second condition currently states:

The drive-up is attached to or included within a building with a minimum floor area of twenty thousand (20,000) square feet; and

The applicant is able to meet all of the other conditions in this section but has requested a text amendment to the second condition in order to develop this small lot.



(Staff plan based on 2012 GIS data)

The applicant has stated that the lot size of 17,352 sq ft prevents the construction of a building of 20,000 sq ft and thus the proposal could not meet the second condition that limits a bank drive-through to being attached or included within a building with a minimum floor area of twenty thousand (20,000) square feet. For example, a 20,000 sq ft office would require 50 parking spaces, which would require a lot area of approximately 7,000 sq ft for the building footprint plus at least 15,000 square feet for parking if provided totally on-site, for a total of 22,000 square feet. The applicant has stated that their proposal would be able to meet the other six (6) standards for a conditional use.

The text amendment is proposed to allow bank drive-throughs in buildings with a smaller floor area than 20,000 sq ft. The trade-off proposed would enable redevelopment of the car wash site, a one-story grandfathered use, to construct a three story building facing on Marginal Way, which is more in keeping with the pattern of development envisioned in the Bayside Plan.

The Planning Board members considered the following issues on this project:

- Whether there is a need for bank drive-throughs given the increase in internet banking? Bangor Savings Bank clarified at the PB Hearing that customers expect this facility and it is an important component of the development;

- What levels of traffic generation would be associated with the bank drive-through? The applicant has submitted additional traffic information that supported the case that trip levels are relatively low (Attachment D) (discussed further below);
- To what extent should the text amendment be narrowed to an exception for existing small sites and buildings of less than 20,000 sq ft in order to limit the scope for additional bank drive-throughs? Staff recommended a narrow exception (just for small lots existing as of March 9, 2005) and the Planning Board supports this approach.
- The importance of supporting the Bayside Plan goals for building height and pedestrian oriented development as priorities. The amendment includes new provisions that reinforce these goals.

IV. PROJECT DATA

Existing Zoning	B-7 Bayside
Proposed Zoning	B-7 Text amendments only
Existing Use	Car wash (not considered a drive-through)
Proposed use	Bank (1500 sq ft), bank drive-through and offices (5784 sq ft)
Parcel Size	17,352 sq ft
Building footprint	2100 sq ft
Building Floor area	7284 sq ft
Proposed parking	24

V. SUMMARY OF APPLICANT'S ASSOCIATED DEVELOPMENT PROPOSAL

The applicant is proposing to build a three story bank building of approximately 7000 sq ft, with a two lane drive-through located at the rear of the building, on the site of the existing car wash building at 20 Marginal Way. The bank drive through use requires a conditional use permit to be approved by the Planning Board, so the project would go to the Planning Board at the Site Plan review stage.

The proposed bank building and its associated site layout (Concept Plan in Plan P1 and as superimposed on an aerial in Plan P2 and renderings in Plan P4) meets, or could be revised to meet, the applicable standards at the site plan review stage along with the other conditions of the zoning ordinance.

The proposed bank building is shown below:



(from applicant; also in Plan P2, Attached; Site Plan in P1)

The existing site is a busy car wash housed in a single-story building (approx. 2500 sq ft). The owner obtained traffic generation information in mid-2014 (second part of Attachment D) that indicated that this use generates up to 120 trips/hour during the peak hour. The existing site is shown below:



VI. PROPOSED TEXT AMENDMENT TO §14-296(a)1(c) [Conditional Uses; B-7 Zone]

During the review, the Planning Board sought to clarify the amended text language while maintaining the effect of a limited exception to condition ii. The Board supported allowing bank drive-throughs in buildings of less than 20,000 square feet on small lots, but sought to limit the subdividing of lots to obtain this exception. Thus, the Board recommended that the exception be limited to those smaller lots (less than 20,000 sq. ft.) that were in existence at the time the B-7 zone was first enacted, March 9, 2005. The Board also sought to strengthen the conditional use standards to be consistent with the goals of the Bayside Plan to achieve at least 3 stories of building height and to encourage pedestrian orientation for this conditional use.

The Planning Board recommends the additional conditional use standards that require all buildings that include a bank drive-through to meet the minimum height requirements of the zone, with no minimum height exemptions as contained in the ordinance for buildings, historic buildings and additions. Secondly, the Board recommends a condition to require greater pedestrian orientation for the bank buildings that incorporate a drive-through. The amendment of the last standard of the conditional use clarifies the description of the area where bank drive-throughs would be allowed. The proposed B-7 text amendments are as follows (the **TEXT AMENDMENTS** are in **red**):

Sec.14-296. Conditional uses.

- (a) The following uses shall be permitted as conditional uses in the B-7 zone as provided in section 14-474 (conditional uses), provided that, notwithstanding section 14-474 (a) or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority:
 2. *Commercial use:*
 - a. Meeting, convention and exhibition halls limited to a total of twenty-five thousand (25,000) gross square feet of interior floor area.
 - b. Wholesaling, providing that the wholesale operation is associated with an onsite retail establishment and that the wholesaling component of the facility occupies a building gross floor area of less than fifteen thousand (15,000) square feet.
 - c. Drive-up banking provided that:
 - i. The drive-up is accessory to a banking service occupying a minimum floor area of four thousand (4,000) square feet; and
 - ii. The drive-up is attached to or included within a building with a minimum floor area of twenty thousand (20,000) square feet, except that for lots of less than 20,000 square feet and in existence as of March 9, 2005, a drive-up may be included in a building of less than 20,000 sq ft.
 - iii. The drive-up facility is attached or included within a building and/or addition meeting the minimum height of four stores in the Bayside Height District A and three stories in the Bayside Height Districts B and C. For the purposes of this conditional use, the minimum height exceptions contained in Section 14-298 (h) 5, 7, and 8 shall not apply.
 - iv. The first floor of the building shall include banking or other retail storefront uses with storefront windows, entries, and interior public space oriented to and visible from the street, with front entry access facing the street and directly accessible from the public sidewalk; and

- v. All drive-up features, such as automated teller machines and service windows, shall not extend nearer than twenty-five (25) feet to the street right-of-way line; and
- vi. The site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular or pedestrian circulation or creating hazards to vehicular or pedestrian circulation on adjoining streets; and
- vii. Drive-up vehicle circulation shall not be located between the building and any adjacent public streets; and
- viii. The drive-up shall be limited to two vehicle drive-up lanes; and
- ix. The location of any drive-up shall be limited to the geographic area between Somerset/Kennebec Streets/ I-295/Franklin Arterial Street/Forest Avenue.

VII. REVIEW AND ANALYSIS

A. Limits on Drive-throughs

When the B-7 Zoning Ordinance was drafted, the aim was to limit drive-through uses to banking facilities only. The intent was to limit the overall number of drive-throughs in the area and to allow only bank facilities which have a low use levels. The drive-throughs for banks were allowed under very defined circumstances, as outlined in the conditions of the conditional use that included the requirement for the 20,000 sq ft building (also see COMPREHENSIVE PLAN ANALYSIS in Section VI below).

The text amendments create an exception to the requirement for the 20,000 sq ft building and the exception would only apply to the limited number of lots in existence as of March 9, 2005 as shown in yellow within the red boundary area on the plan above (and in the submitted map/table in Attachment Ca and Cb).



Red outline is the area where bank drive-throughs are allowed .

The proposed text amendments retain the minimum building-size of 20,000 sq ft, for a drive-through, with the proposed exception that for lots of less than 20,000 sq ft and in existence at the time of enactment of the B-7 zone (March 9, 2005) a bank drive-through could be included in a building of less than 20,000 square feet.

A new condition is proposed that requires the minimum building height to apply to all structures proposed for a bank drive-through and the minimum building height exceptions for additions under 14-298 (h) (see below: (#5), historic structures (#7) and buildings 50 feet from a street line (#8)) shall not be permitted. The Board finds that a multi-story building, even if less than 20,000 sq ft of floor area, is a desirable redevelopment of properties such as the applicant's, compared with allowable alternatives for reuse or expansion of the existing one-story nonconforming building.

The current exceptions contained in the ordinance (Sec. 14-298 (h)) are as follows. By restricting drive-throughs from utilizing provisions #5, #7, and #8 (highlighted below in bold type) the reuse is ensured to comply with the appropriate multi-story requirements.

- (h) *Minimum building height: Newly constructed buildings shall have the required minimum of floors as provided by the bayside height overlay map within fifty (50) feet of any street frontage. Such floors shall be occupiable or habitable and above the average grade of the abutting street.*

This minimum floor provision shall not apply to:

1. *Accessory building components such as truck loading docks, mechanical equipment enclosures and refrigeration units.*
2. *Information kiosks and ticketing booths.*
3. *Parking garages.*

4. *Public transportation facilities.*
5. *Additions to buildings existing as of (March 9, 2005) provided that the cumulative additions since (March 9, 2005) does not exceed fifty percent (50%) of the ground floor building footprint on (March 9, 2005) except that such restriction shall not apply to those portions of the building addition(s) that are constructed closer to the street line than the building footprint existing as of (March 9, 2005).*
6. *Utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures and other similar structures.*
7. *Additions to and/or relocation of designated historic structures or structures determined by the historic preservation committee to be eligible for such designation.*
8. *Portions of buildings more than fifty (50) feet from the street line.*

B. Adding text re pedestrian orientation:

The proposed text amendment adds in a new condition that addresses the Board's desire to strengthen the standard for better pedestrian orientation. This conditional use standard would apply regardless of the size of the building associated with the bank drive-through,

C. Traffic implications:

The Planning Board requested clarification as to how the proposed Bangor Savings Bank would fit in to this part of Bayside. The applicant's Traffic Engineer provided a Memo in Attachment D covering trip generation and other issues such as the closure of the curb cuts and the adequacy of the queuing area. Although this includes a peak hour trip generation of 140 trips for the bank and offices, it is understood that the bank and bank drive-through lanes account for approximately half of these trips, with the offices accounting for the remainder.

The submitted data regarding the existing car wash (Attachment D, second part- 2014 memo from Sebago Technics) suggest it generates up to 120 trips in the peak hour.

The 2014 Memo from Sebago Technics (second part of Attachment D) also includes data for peak hour trip generation for various drive through uses. Together with research by staff (with assistance from Tom Errico, the City's Traffic Engineering Reviewer) the following are indicative peak hour levels associated with various drive-throughs based on the ITE Trip Generation Manual/MDOT data:

Use	Range of likely peak hour trips
Dunkin Donuts with drive-through	204-276 (AM)
Generic coffee shop with drive-through	49-92
Bank with drive-through (based on sq ft floor area as 2500 sq ft*)	12-67
Bank with 2 drive-through lanes (based on a per drive-through lane data)	44-60
Bank without a drive-through ("walk-in" bank)	The national ITE data is based on 3 California samples ("walk in" banks are rare) with data that does not agree & not considered reliable as such a small sample. The lowest sample is about half of the above for banks, but in Maine climate there may be fewer walk-ins and more customers would drive.

*Note that the proposed Bangor Savings Bank is likely to be 2100 sq ft

D. Status of the current Bangor Savings Bank proposals

It should be noted that if the City Council adopts the proposed Zoning Text amendments, the Concept Plans (Plan P1 and Plan P2) and renderings (Plan P4) would be subject to Conditional Use and Site Plan review before the Planning Board. Also, these submitted graphics are not binding on the applicant and a different proposal could come forward.

Any proposed building would need to meet the Site Plan ordinance requirements and B-7 Design Standards in addition to the bank drive-through conditions.. A preliminary staff review of the applicant's specific proposals (in Plans P1, P2 and P4) indicates that the project is along the right lines and no major issues are anticipated to arise during the Site Plan review.

VIII. COMPREHENSIVE PLAN ANALYSIS

The Planning Board found the proposed text amendments to be consistent with the Comprehensive Plan. . The Comprehensive Plan includes two policy documents that are relevant:

- A. The COMMUNITY COMMERCIAL POLICIES AND LAND USE PLAN – September 1987-1988, which was adopted as part of the Comprehensive Plan and has the following goals:

Development Goals

- Accommodate the City's commercial activity within a range of functionally and physically defined commercial centers.
- Promote preservation and revitalization of its existing commercial centers and maintain a scale within them that is compatible and integrated with other land use.

- B. A NEW VISION FOR BAYSIDE (BAYSIDE PLAN) (December, 1999) which was adopted as part of the Comprehensive Plan. It is the underlying land use policy in Bayside and envisions Bayside as a dense urban mixed use district as an extension of the downtown. Several of the Development Principles of the Bayside Plan are listed below along with key words or phrases of the principle.

- **Urban Gateway:** "Bayside will be an attractive urban gateway and extension of the downtown business district"... "this district will create a new front face of the City, and present the character of Portland which will encourage people to stop, visit"... "compact blend of uses".
- **Economic and Employment Opportunities:** "significant economic and market opportunity to be planned and managed to create the best value for development and quality of life improvements"... "Bayside represents prime real estate development prospect to expand the central business district".
- **A Walkable District:** "Bayside will contain housing, work place, services, transportation, recreation, dining and shopping, all within comfortable distance of each other and the downtown"... "sidewalks, bicycle and pedestrian trail linkages will connect these uses, designed for full and maximum accessibility".
- **Transit-oriented Development:** "Mixed use, compact and intensive land development, and quick and convenient transit service combine to make Bayside a neighborhood that has genuine mobility choice. This model for the peninsula and beyond will be designed from the ground up, free from dependence upon the automobile".

B-7 Zone: Likewise the purpose section of the B-7 zone utilizes includes such phrases as "distinctly urban form through dense development"; "emphasizes a quality pedestrian experience" and "utilization of transportation, other than automobile is strongly encouraged".

IX. PLANNING BOARD RECOMMENDATION

The present treatment of regulating drive-up facilities in the B-7 zone is reflective of the underlying land use policies outlined above. The B-7 zoning language was structured to encourage a dense mixed use development pattern advocated in the Bayside Plan. To achieve the goal of a dense urban pattern, the B-7 zoning text includes a number of measures to encourage a certain threshold or scale of development such as minimum building height, placement of buildings near the street, emphasizing building mass over surface parking and no limit on building lot coverage or housing density.

During the initial drafting of the B-7 zoning text, all drive-ups were prohibited because it was felt such uses did not support an urban development pattern nor contribute toward a quality pedestrian experience. Prior to enactment the text was revised to allow drive-ups as a conditional use, but only for banks. This distinction was made because bank buildings are generally more substantial in building mass, floor area and height in contrast to other drive-through uses. The traffic volume generated by a drive-up bank teller is substantially less than a fast food restaurant.

It was felt bank buildings of sufficient size could make a positive contribution toward redeveloping vacant or underutilized properties in Bayside. As a safeguard, bank drive-ups were listed as a conditional use along with certain standards such as floor area to assure a minimum scale of development. The smaller lots do not have the capacity to support the current 20,000 square foot minimum building size, but a new three story building of less than 20,000 square feet will contribute more to the development of the district than would result from reuse and expansion of the one-story non-conforming structure, as might likely be the case without this amendment.

The Planning Board held a public hearing on April 14, 2015 and voted 5-0 (Boepple and O'Brien absent) that the proposed zoning text amendment to §14-296(a)1(c) (Conditional uses, B-7 zone) is consistent with Portland's Comprehensive Plan and recommends adoption of the following amendment to the City Council.

The specific motion read:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for the public hearing on April 14, 2015 for application #2015-015 (related to 20 Marginal Way proposals) and on the basis of the testimony presented at the public hearing, the Planning Board finds that the following zoning text amendment to §14-296(a)1(c). (Conditional uses. (B-7 zone) is consistent with Portland's Comprehensive Plan and recommends adoption of the following amendment to the City Council.

Sec.14-296. Conditional uses.

- (a) The following uses shall be permitted as conditional uses in the B-7 zone as provided in section 14-474 (conditional uses), provided that, notwithstanding section 14-474 (a) or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority:

3. Commercial use:

- a. Meeting, convention and exhibition halls limited to a total of twenty-five thousand (25,000) gross square feet of interior floor area.
- b. Wholesaling, providing that the wholesale operation is associated with an onsite retail establishment and that the wholesaling component of the facility occupies a building gross floor area of less than fifteen thousand (15,000) square feet.
- c. Drive-up banking provided that:
 - i. The drive-up is accessory to a banking service occupying a minimum floor area of four thousand (4,000) square feet; and
 - ii. The drive-up is attached to or included within a building with a minimum floor area of twenty thousand (20,000) square feet, except that for lots of less than 20,000 square feet and in existence as of March 9, 2005, a drive-up may be included in a building of less than 20,000 sq ft.
 - iii. The drive-up facility is attached or included within a building and/or addition meeting the minimum height of four stories in the Bayside Height District A and three stories in the Bayside Height Districts B and C. For the purposes of this conditional use, the minimum height exceptions contained in Section 14-298 (h) 5, 7, and 8 shall not apply.
 - iv. The first floor of the building shall include banking or other retail storefront uses with storefront windows, entries, and interior public space oriented to and visible from the street, with front entry access facing the street and directly accessible from the public sidewalk; and
 - v. All drive-up features, such as automated teller machines and service windows, shall not extend nearer than twenty-five (25) feet to the street right-of-way line; and
 - vi. The site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular or pedestrian circulation or creating hazards to vehicular or pedestrian circulation on adjoining streets; and
 - vii. Drive-up vehicle circulation shall not be located between the building and any adjacent public streets; and
 - viii. The drive-up shall be limited to two vehicle drive-up lanes; and
 - ix. The location of any drive-up shall be limited to the geographic area between Somerset/Kennebec Streets/ I-295/Franklin ~~Arterial~~ Street/Forest Avenue.

ATTACHMENTS:

Report Attachments

(None)

Public Comments

PC1. P Coupe
PC2 P Quesada

Applicant's Submittal

- A. Application
- B. Applicants original text amendment
- C. a. B-7 lots less than 20K (map); b. B-7 lots less than 20k (table)
- D. Traffic Memos from Gorrill Palmer and Sebago Technics

Plans

- P1. Concept Plan for Bangor Savings Bank proposal
- P2. Bank concept on aerial
- P3. Previous renderings
- P4. Revised renderings of development proposal

From: Phil Coupe <phil@revisionenergy.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 3/19/2015 4:19 PM
Subject: Letter in support of Bangor Savings Bank branch on Marginal Way

Stuart O'Brien, Chairman
City of Portland Planning Board
March 19, 2015

Dear Mr. O'Brien,

As a Portland businessman and local resident, I am writing in support of Bangor Savings Bank's application to build a new bank with a drive-through facility near the corner of Marginal Way and Forest Avenue.

If approved, this will be the first bank in Portland to be built with a solar electric system to generate clean, renewable power for the building. The solar electric system will reduce the need to burn fossil fuels to power the building, thereby reducing the bank's annual carbon pollution.

This highly visible investment in renewable energy will have many ancillary benefits beyond reducing fuel consumption and pollution; most importantly, it will send the message to other business owners, building owners and residents in the area that solar electric systems deliver a strong economic and environmental return on investment. Most people view banks as fairly conservative organizations averse to taking risks on unproven technologies. Thus, if they see one of Maine's leading financial institutions investing in solar, people will conclude that the time to invest in solar energy has finally arrived.

After 10 years in the solar energy industry, I know firsthand the incredibly powerful impact that a solar installation can have; a recent nationwide study of the solar industry found that the single most important factor driving consumers' decision to invest in solar is the proximity of an existing solar project.

I hope you will see the practical benefits of approving Bangor Savings' application, and the broad community benefits of reducing fossil fuel consumption, reducing carbon pollution and accelerating the necessary societal transition to sustainable, renewable sources of energy.

Thank you for your time and consideration.

Sincerely,

Phil Coupe
Co-founder
ReVision Energy
207-232-6595

Fore River Company 5 Milk Street P.O. Box 7525 Portland, ME 04112 (207) 772-6404

April 8, 2015

Ms. Jean Fraser
Portland Planning Staff
Portland City Hall
389 Congress Street
Portland, ME 04101

re: Bangor Savings /Car Wash on Marginal Way

Dear Ms. Fraser,

I understand that the Planning Board will be considering a re-do of the car wash site on Marginal Way into a 3 story bank office for Bangor Savings. I am writing on behalf of several nearby Marginal Way properties owned by us, as follows:

- 87 Marginal Way LLC (Trader Joe)
- Back Cove Company; 127 Marginal Way (Walgreens and others)
- Five Liver Company; 145 Marginal Way (Planet Fitness)
- 161 Marginal Way LLC (DHHS).

We think the proposed re-development is a good change for our neighborhood and is a clever design for what we have always thought of as a tiny, difficult lot. We think it nicely follows your design goals for the neighborhood –built on the front lot line, 3 stories (who would have thought it possible), durable materials, parking and drive in buried at the rear. We understand that the building volume is slightly less than your minimum threshold, because of the limitations of the site size, and we encourage you to give a variance in this case, in recognition that this is likely the best / biggest that this site will accommodate. And, the proposal does a nice job of presenting its long façade to the street, creating a sense of a building with more mass than is in fact the case—perceived mass in keeping with the pattern on Marginal Way.

We therefore respectfully suggest that the Planning Board allow this proposed project to proceed.

Sincerely,



Peter W. Quesada

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

To request a pre-application meeting please fill out the form below with as much detail as possible. Two 30 minute meetings will be scheduled each Wednesday from 12:00-1:00 p.m. in Room 209, 2nd Floor of City Hall. These meetings are by appointment only and will be scheduled upon receipt of this request.

CONTACT INFORMATION			
Name:	David Latulippe	Phone:	207-865-4323
E-Mail Address:	ddlatulip@aol.com		
PROPOSED PROJECT INFORMATION			
Chart, Block, Lot (s)	Map 113, Block A, Lot 25		
Need help? Go to Property Lookup			
Address	10 Marginal Way		
Is the project located in the Historic District?	No	Does the project involve food?	No
What is the Current Use of this property?	Car Wash		
What is the Proposed Use of this property?	Bank with Drive thru and offices		
Is a zone change being requested?	Yes	What is the Lot Size?	0.35
New Building or Addition Sq. Ft.	7,300	New impervious surface area	0
Please provide a brief description of the proposed project. (200 character limit) Replace the current car wash with a 3 story bank/office building and a ^{double} drive thru. The Bank shall include a walk-up ATM, solar panels on the roof and 2 electric vehicle charging stations.			

Submit this form and attach any additional electronic drawings or supporting documentation to your email.

[Submit Form Now](#)

If you have any questions e-mail Desiree Kelly at dmk@portlandmaine.gov.

FOR INTERNAL USE ONLY					
Meeting set for:					
Public Services		Historic Preservation		Planning	
Fire		Inspections		Traffic	
Health & Human Services		Parking		Zoning	
Internal Comments:					



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 rezoning. 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. APPLICATION 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.

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
Fourth Floor, City Hall
389 Congress Street
(207) 874-8721 or 874-8719

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

PROJECT ADDRESS: 10 Marginal Way

CHART/BLOCK/LOT: 113/A/25

DESCRIPTION OF PROPOSED ZONE CHANGE AND PROJECT:

3-story Bank/office building w/ a drive
throughs on a small parcel of land. The conditional
use requires a 20,000 s.f building which is not
physically possible
on this small parcel.

CONTACT INFORMATION:

Applicant's Contact for electronic plans			
Name: <u>David Latulippe</u>			
e-mail Address <u>ddl@tulip@aol.com</u>			
work # <u>207-865-4323</u>			
Applicant – must be owner, Lessee or Buyer	Applicant Contact Information		
Name: <u>Susan Snowden</u>	Work # <u>207-541-2715</u>		
Business Name, if applicable: <u>Bangor Savings</u>	Home#		
Address: <u>99 Franklin St Bangor</u>	Cell #	Fax#	
City/State: <u>Bangor ME</u> Zip Code: <u>04401</u>	e-mail: <u>susan.snowden@bangor.com</u>		
Owner – (if different from Applicant)	Owner Contact Information		
Name: <u>Northern Pride Auto Wash</u>	Work # <u>207-776-5565</u>		
Address: <u>PO Box 2147</u>	Home#		
City/State: <u>So. Portland ME</u> Zip Code: <u>04116</u>	Cell #		Fax#
	e-mail: <u>wdesena@maine.net.com</u>		
Agent/ Representative	Agent/Representative Contact information		
Name: <u>David Latulippe</u>	Work # <u>207-865-4323</u>		
Address: <u>35 Primrose Ln</u>	Cell # <u>207-246-1074</u>		
City/State: <u>Freeport, ME</u> Zip Code: <u>04072</u>	e-mail: <u>ddl@tulip@aol.com</u>		
Billing Information	Billing Information		
Name: <u>Wendy Dunnah</u>	Work #		
Business Name: <u>Bangor Savings Bank</u>	Cell #		Fax#
Address: <u>99 Franklin St</u>	e-mail: <u>wendy.dunnah@bangor.com</u>		
City/State: <u>Bangor ME</u> Zip Code: <u>04401</u>			
Engineer	Engineer Contact Information		
Name: <u>AL Palmer</u>	Work # <u>207-657-6910</u>		
Address: <u>Gonnill-Palmer</u>	Cell # <u>207-415-5903</u> Fax#		
City/State: <u>Knox, ME</u> Zip Code:	e-mail: <u>apalmer@gonnillpalmer.com</u>		

Surveyor Name: Address: City/State : Zip Code:	Surveyor Contact Information Work # Cell # Fax# e-mail:
Architect Name: Address: City/State : Zip Code:	Architect Contact Information Work # Cell # Fax# e-mail:
Attorney Name: Address: City/State : Zip Code:	Attorney Contact Information Work # Cell # Fax# e-mail:

Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Letter of intent to enter into a long term ground lease subject to a zoning text amendment and site plan approvals.

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.)

Existing Use: Describe the existing use of the subject property:

Car wash

Current Zoning Designation(s):

B7- Mixed Development District

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.

Replace the current car wash with a 3 story bank/office building and a ~~small~~ drive through lanes. The Bank shall include a walk-up ATM, solar panels on the roof and 2 electric vehicle charging stations.

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.

APPLICATION FEE:

Check the type of zoning review that applies. Payment may be made in cash or check payable to the City of Portland.

Zoning Map Amendment ___ \$2,000.00 (from ___ zone to ___ zone)	Fees Paid (office use) ___	The City invoices separately for the following: • Notices (\$.75 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) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) Third party review is assessed separately.
Zoning Text Amendment ☒ \$2,000.00 (to Section 14- <u>296</u>) (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 (example))	___	
Combination Zoning Text Amendment and Zoning Map Amendment ___ \$3,000.00	___	
Conditional or Contract Zone ___ \$3,000.00 (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.)	___	

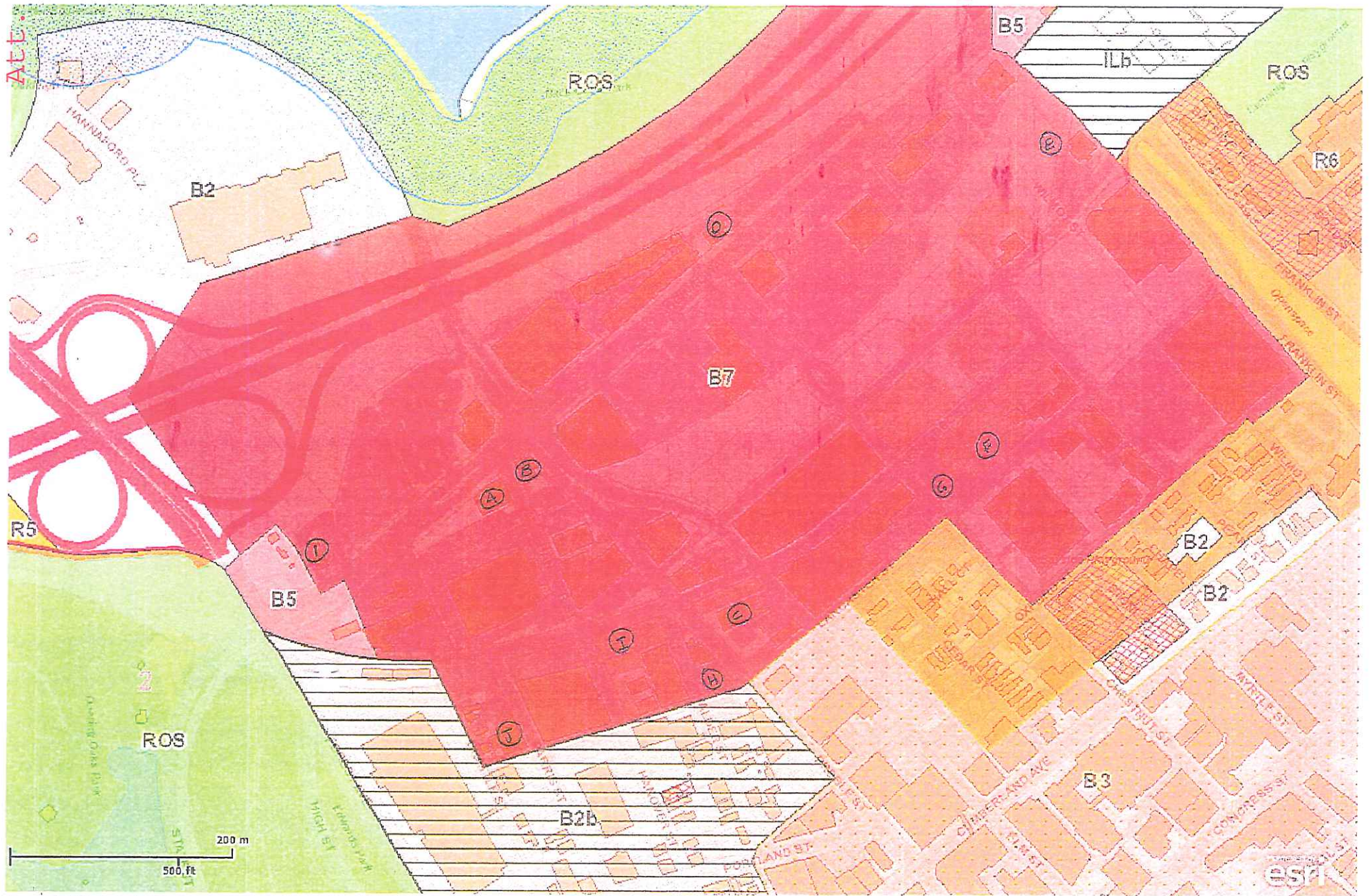
Signature of Applicant: 	Date: 1-28-15
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Further Information

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.

- a. Meeting, convention and exhibition halls limited to a total of twenty-five thousand (25,000) gross square feet of interior floor area.
- b. Wholesaling, providing that the wholesale operation is associated with an onsite retail establishment and that the wholesaling component of the facility occupies a building gross floor area of less than fifteen thousand (15,000) square feet.
- c. Drive-up banking provided that:
 - i. The drive-up is accessory to a banking service occupying a minimum floor area of four thousand (4,000) square feet; and
 - ii. *For parcels of 20,000 sq. ft. or greater in area,* The drive-up is attached to or included within a building with a minimum floor area of twenty thousand (20,000) square feet; and
 - iii. All drive-up features, such as automated teller machines and service windows, shall not extend nearer than twenty-five (25) feet to the street right-of-way line; and
 - iv. The site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular or pedestrian circulation or creating hazards to vehicular or pedestrian circulation on adjoining streets; and
 - v. Drive-up vehicle circulation shall not be located between the building and any adjacent public streets; and
 - vi. The drive-up shall be limited to two vehicle drive-up lanes; and
 - vii. The location of any drive-up shall be limited to the geographic area between Somerset Street/I-295/Franklin Arterial/Forest Avenue.
- d. The expansion of automotive repair facilities existing as of March 9, 2005, but in no case shall such expansion over the life of the building exceed

B7 Zoning Map



B7 Parcels Less Than 20,000 s.f.
Portland, Maine

Property	Map/Lot	Address	Owner	Size	Use	Business	Comments
1	113-A-25	20 Marginal Way	Northern Pride Auto Wash	15285.2	Car Wash	Northern Pride Car Wash	Subject Site
A	34-C-1	49 Marginal Way	Bayside Ventures, LLC	18,740	Office & Business	Turner Barker	Multi-Story building w/ an unused drive-thru
B	34-K-2-3	71 Marginal Way	71 Marginal Way, LLC	14,370	Retail & Personal serv	Gorham Savings Bank	Bank w/ a drive-thru
C	34-I-1-2	125 Kennebec St	Portland Architectural Salvag	15,590	Commercial Condos	Architectural Salvage	Multi-Story building
D	442-A-6	140 Marginal Way	Tomaks, LLC	6,011	Multi-Use Commercial	Miss Portlan Diner	Too Small
E	24-C-2 24-C-6 24-C-23	131 Wilmont St 135 Wilmont St 5 Somerset St	Carbo Company Somerset Development Somerset Development	14,732 Vacant Land 15,041 Vacant Land 12,140 Vacant Land		Vacant Land Vacant Land Vacant Land	Development Site
F	25-D-6 25-D-7 25-D-8	131 Lancaster St 137 Lancaster St 145 Lancaster St	Perry Iron & Metal Perry Iron & Metal Perry Iron & Metal	3,942 Perry Iron 16,501 Perry Iron 11,983 Perry Iron		Parking Lot Parking Lot Parking Lot	
G	25-D-10 25-D-9	149 Lancaster St 103 Chestnut St	Bayside IV, LLC Bayside IV, LLC	8,512 Apartments 6,730 Apartments		Parking Lot Parking Lot	Supporting Apartment Complex
H	33-O-1 33-O-4 33-O-2	114 Preble St 120 Preble St 106 Preble St	114 Preble Block, LLC 114 Preble Block, LLC 114 Preble Block, LLC	3,049 Retail & Personal serv 1,782 Retail & Personal serv 7,331 Retail & Personal serv		G.R Dimillos G.R Dimillos G.R Dimillos	Tri-angular Shape
I	34-H-1	138 Kennebec St	BOPO LLC	15,172	Multi-Use Commercial	Parking Lot	Supporting Commercial Use
J	34-F-8 34-F-4 34-F-3 34-F-5-7-9 34-F-6	41 Brattle St 51 Brattle St 53 Brattle St 78 Parris St 47 Brattle St	Roswell Furman Roswell Furman Roswell Furman New Systems Realty, LLC Virginia Doyle	2,274 Single Family 1,498 Single Family 1,220 Single Family 15,198 Retail & Personal serv 1,851 Single Family		Single Family Single Family Single Family Multi-Tenant Single Family	



Att. D

PO Box 1237, 15 Shaker Road
Gray, Maine 04039
207.657.6910

April 3, 2015

Mr. David Latulippe
CJ Developers, Inc.
35 Primrose Lane
Freeport, Maine 04032

Subject: Response to Planning Board comments
Proposed Bangor Savings Bank
Marginal Way, Portland, Maine

Dear David,

At the Portland planning board workshop meeting on Tuesday, March 24th, it was requested that GP provide our opinion on how the proposed Bangor Savings Bank fits into the area from a traffic point of view.

Project Background

The site is located adjacent to the northeast corner of the intersection of Marginal Way and Forest Avenue and is currently occupied by Northern Pride Car Wash and Detailing Center. The Car Wash is located approximately 250' from the above referenced intersection. The existing easterly driveway for the car wash is located at the beginning of a two way left turn lane within Marginal Way. The available stacking extending towards Forest Avenue, within the two way left turn lane at the existing easterly driveway, is approximately 50' or two vehicles. The existing westerly driveway (an exit) is approximately 160' from the intersection of Marginal Way and Forest Avenue.

Bangor Savings Bank intends to demolish the existing building and construct an approximately 2,100 sf branch with 2 drive-thru lanes. The structure would also include two additional stories of approximately 2,500 sf each for use as office space. Certain districts, including but not limited to Bayside, lie at the perimeter of the established downtown and contain significant redevelopment opportunities. The B-7 zone encourages these districts to acquire a distinctly urban form through dense development featuring a mix of uses such as housing, retail, offices, research and development, and artisan studios that emphasizes a quality pedestrian experience, promotes public transit, and demonstrates exemplary urban design. Office space is a permitted use and banks with drive-thrus are a conditional use within the B-7 Zone.

Consistency with Other Uses in the Area from a Traffic Point of View

GP has reviewed the proposed project and it is our opinion it is consistent and complimentary with the other uses in the area from a traffic point of view after considering the following factors.

Trip Generation

Our office has had the opportunity to work on many projects in the vicinity of the proposed site over the years including the Gorham Savings Bank retail branch at the corner of Preble and Marginal, the Gorham Savings Bank offices at the corner of Hanover and Marginal, and the AAA and Intermed buildings at the corner of Marginal Way and Preble Street Extension, and the student housing project on Marginal Way. With the exception of the



Mr. David Latulippe
March 30, 2014
Page 2 of 2

Gorham Savings Bank retail building, each of these buildings are multistory office buildings with uses similar to that proposed by Bangor Savings Bank. The proposed Bangor Savings Bank and offices are forecast to generate approximately 140 peak hour trip ends which is relatively consistent with the PM peak hour of the student housing project of 131 PM peak hour trip ends but below the 256 PM peak hour trips ends associated with the Intermed office building.

Drive Thru Traffic

There are two proposed drive-thru lanes in the rear of the building to serve the retail portion of Bangor Savings Bank. This is similar to the two drive-thru positions to the rear of the Gorham Savings Bank building (as viewed from Marginal Way). The trip generation is expected to be similar for both banks and significantly less than the existing car wash.

Pedestrian accommodations

A key to the projects we have been involved with in the vicinity of the proposed Bangor Savings site has been the emphasis on pedestrian circulation and safety. Those buildings have been brought to the front of the lot to facilitate pedestrian access to the front of the buildings and the number of curb cuts serving the sites limited to enhance pedestrian safety. The proposed Bangor Savings Bank building will also be close to the road, fronted by a sidewalk to facilitate convenient pedestrian access to the building, and the number of driveways reduced to one.

Furthermore, the existing car wash has two curb cuts on Marginal Way. The proposed Bangor Savings Bank project will eliminate one of the existing curb cuts which improves pedestrian safety.

In summary, it is our opinion that the proposed Bangor Savings Bank building will be consistent with the other uses in the area from a pedestrian and vehicular circulation point of view.

Please contact me with any questions you may have.

Sincerely,

Gorrill Palmer

Thomas L. Gorrill, PE, PTOE

Copy: Mr. Jason Donovan, Ms. Wendy Durrah (Bangor Savings Bank)

TLD/JN 2970/Corr out/Latulip 4-3-15.doc

Memorandum

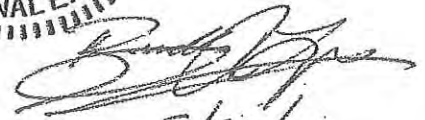
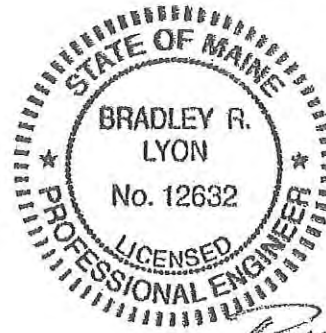
To: William DeSena

From: Bradley R. Lyon, P.E., PTOE,
Senior Transportation Engineer

Job #: 14313

Date: August 29, 2014

Subject: Trip Generation Calculations for
20 Marginal Way, Portland, Maine


8/29/14

The purpose of this memorandum is to calculate what the peak hour trip generation is on 20 Marginal Way in Portland, Maine for the existing 2,500 sf "Northern Pride" automated car wash and compare it to the following three proposed land uses:

- 2,500 sf Dunkin Donuts w/Drive Thru
- 2,500 sf Generic Coffee Shop w/Drive Thru
- 2,500 sf Drive-In Bank w/1 Drive Thru Lane

Existing 2,500 sf "Northern Pride" Automated Car Wash

The latest edition, 8th, of the Institute of Transportation Engineers (ITE) Trip Generation Manual was referenced using Land Use Code 948, Automated Car Wash in an attempt to estimate peak hour traffic. Analysis of the land use found that only 2 observations were available, therefore existing sales data was requested. Existing hourly sales data was provided to us for weekdays in January, April and December of 2013 and a Sunday in April of 2013. The results, as well as the calculated weekday average are as follows:

Table 1
"Northern Pride Auto Wash" Sales Data

Time Period	Wed., Dec. 11, 2013	Tues., Jan. 8, 2013	Thurs., Jan. 10, 2013	Tues., April 20, 2013	Sat., Feb. 23, 2013	Sun., April 7, 2013	Weekday Average
07:30 AM – 08:00 AM	18	22	20	20	24	19	20
08:00 AM – 09:00 AM	49	36	36	57	43	43	45
09:00 AM – 10:00 AM	71	37	46	56	54	42	53
10:00 AM – 11:00 AM	52	46	51	55	43	46	51
11:00 AM – 12:00 PM	48	51	57	51	42	52	52
12:00 PM – 1:00 PM	69	57	59	51	58	56	59
1:00 PM – 2:00 PM	60	51	54	46	43	56	53
2:00 PM – 3:00 PM	45	55	58	43	52	43	50
3:00 PM – 4:00 PM	61	58	64	44	47	53	57
4:00 PM – 5:00 PM	49	52	54	52	54	60	52
5:00 PM – 6:00 PM	34	60	45	44	47	45	46

Given this data, it was determined that the existing weekday AM Peak Hour was from 9:00 AM to 10:00 AM, generating **106 trips** (53 sales * 2 (entering and exiting vehicles)) and the existing weekday PM Peak Hour was from 12:00 PM to 1:00 PM, generating **118 trips** (weekday average of 59 sales * 2 (entering and exiting vehicles)). The Saturday Peak Hour occurred from 12:00 PM to 1:00 PM on February 23, 2013 with **116 trips** (58 sales * 2 (entering and exiting vehicles)). The Sunday Peak Hour occurred from 4:00 PM to 5:00 PM on April 7th, 2013 with **120 trips** (60 sales * 2 (entering and exiting vehicles)). A summary of this can be found in Table 2 below:

Table 2
Proposed Trip Generation based on Sales Data
“Northern Pride Auto Wash”

	Total Trips
Weekday AM Peak Hour of Generator	106
Weekday PM Peak Hour of Generator	118
Saturday Peak Hour of Generator	116
Sunday Peak Hour of Generator	120

Proposed 2,500 sf Dunkin Donuts w/Drive Thru

Dunkin Donuts stores are unique in their trip generating characteristics and as such a special study was conducted in 2005 by Gorrill - Palmer Engineers (G-P) to better define these relationships, since MaineDOT determined that standard ITE data did not seem to provide reasonable estimates. The G-P Study outlined three means of more accurately forecasting trip generation by these facilities based on their location and the traffic volumes in the vicinity of the sites. We used these methodologies to arrive at the following results, which have been averaged to determine the AM Peak Hour of the generator. It should be noted that the Annual Average Daily Traffic in front of the site was recorded by MaineDOT in 2010 to be 8,050 vehicles per day. In addition, the AM peak hour is generally considered to be 8% of the average daily traffic, which in this case would be 644 vehicles.

Trip Gen by Store Size	=	$0.0536 \times (2,500 \text{ S.F.}) + 142.75$	=	276.75 trips
Trip Gen by AADT	=	$0.0081 \times (8,050 \text{ AADT}) + 139.36$	=	204.57 trips
Trip Gen by AM Peak Hr=	=	$0.1061 \times (644 \text{ vehicles}) + 144.49$	=	212.82 trips
Average			=	231 trips

The above figure will place this Project in the “over 200” Traffic Movement Permit category. However, Dunkin Donuts stores have only a 15% Primary (or new) Trip production rate, (i.e. most patrons are already on the roadway network and stop in on their way by). Very few are new trips to the roadway. In this case the 231 Dunkin Donuts trips will only represent about 35 new trips or approximately 18 new trips in and 17 new trips out of the site. Given the presence of an existing shared left turn lane on Marginal Way, offsite improvements should be minimal but the extent of improvements wouldn’t be able to be determined until a “Scoping Meeting” is held with MaineDOT. The application fees to the state for permit of this level are \$2,000 plus our engineering costs to produce the application and perform a formal traffic study of the area.

Proposed 2,500 sf Generic Coffee Shop w/Drive Thru

Similar to the trip generation estimate for the existing "Northern Pride" automated car wash, the proposed 2,500 sf Generic Coffee Shop w/Drive Thru was estimated using the 8th Edition of the ITE Trip Generation Manual. Land Use Code 940 Bread/Donut/Bagel Shop with Drive-Through Window was used. Data was only available for the peak hour of adjacent street traffic, one hour between 7 and 9 AM and one hour between 4 and 6 PM. The results are as follows:

Table 3
Proposed Trip Generation by Square Feet
Land Use Code 940, Bread/Donut/Bagel Shop with Drive-Through Window

By Square Feet	Square Feet	Rate (Trips / 1,000 sf)	Total Trips
Weekday Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 AM	2,500	36.92	92
Weekday Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 PM	2,500	19.56	49

Given this information a Traffic Movement Permit would not be required from the MaineDOT due to the fact that the development would generate less than 100 peak hour trips.

Proposed 2,500 sf Drive-In Bank w/1 Drive Thru Lane

Similar to the trip generation estimate for the existing "Northern Pride" automated car wash and the Generic Coffee Shop, the proposed 2,500 sf Drive-In Bank w/1 Drive Thru Lane was estimated using the 8th Edition of the ITE Trip Generation Manual. Land Use Code 912 Drive-in Bank was used by using rates per 1,000 square feet of gross floor area averaged with rates by drive-in lanes. The results are as follows:

Table 4
Proposed Trip Generation by Square Feet
Land Use Code 912 Drive-in Bank

By Square Feet	Square Feet	Rate (Trips / 1,000 sf)	Total Trips
Weekday AM Peak Hour of Generator	2,500	17.31	43
Weekday PM Peak Hour of Generator	2,500	26.69	67
Saturday Peak Hour of Generator	2,500	26.53	66
Sunday Peak Hour of Generator	2,500	4.78	12

Table 5
Proposed Trip Generation by Drive-In Lane
Land Use Code 912 Drive-in Bank

By Drive-In Lane	Drive-In Lanes	Rate (Trips / Drive-In Lane)	Total Trips
Weekday AM Peak Hour of Generator	1	21.64	22
Weekday PM Peak Hour of Generator	1	29.05	29
Saturday Peak Hour of Generator	1	29.88	30
Sunday Peak Hour of Generator	1	N/A	N/A

Table 6
Proposed Trip Generation Total Average
Land Use Code 912 Drive-in Bank

By Drive-In Lane	Trips by Square Foot	Trips by Drive-In Lane	Average Trips
Weekday AM Peak Hour of Generator	43	22	33
Weekday PM Peak Hour of Generator	67	29	48
Saturday Peak Hour of Generator	66	30	48
Sunday Peak Hour of Generator	12	N/A	12

Given this information a Traffic Movement Permit would not be required from the MaineDOT due to the fact that the development would generate less than 100 peak hour trips.

Conclusion

In conclusion, the trip generation for each of the uses is as follows:

Table 7
Overall Trip Generation Comparison

	Existing 2,500 sf Automated Car Wash	2,500 sf Dunkin Donuts	2,500 sf Generic Coffee Shop	2,500 sf Drive- In Bank
AM Peak Hour of Generator	106	231	92	33
PM Peak Hour of Generator	118	N/A	49	48
Saturday Peak Hour of Generator	116	N/A	N/A	48
Sunday Peak Hour of Generator	120	N/A	N/A	12
Traffic Movement Permit Required?	N/A	Yes (200+ Trips)	No	No

Given the above information, it is our opinion that a Traffic Movement Permit would only be required for the Dunkin Donuts which would generate 231 AM Peak Hour trips, putting it into the 200+ Traffic Movement Permit category. The remaining two uses all generate below 100 peak hour trips and therefore would not require a Traffic Movement Permit.

From: David Latulippe <ddlatulip@aol.com>
To: <JF@portlandmaine.gov>
Date: 4/8/2015 4:26 PM
Subject: Fwd: Traffic Generation for 20 Marginal Way

Jean,

Below is an email from Tom Gorrill which basically says that there is little to no traffic data on banks without drive throughs. This kind of validates Bangor's position that a bank without an drive through is not currently a viable business option. Hopefully, sometime in future our society will become less car centric.

David

-----Original Message-----

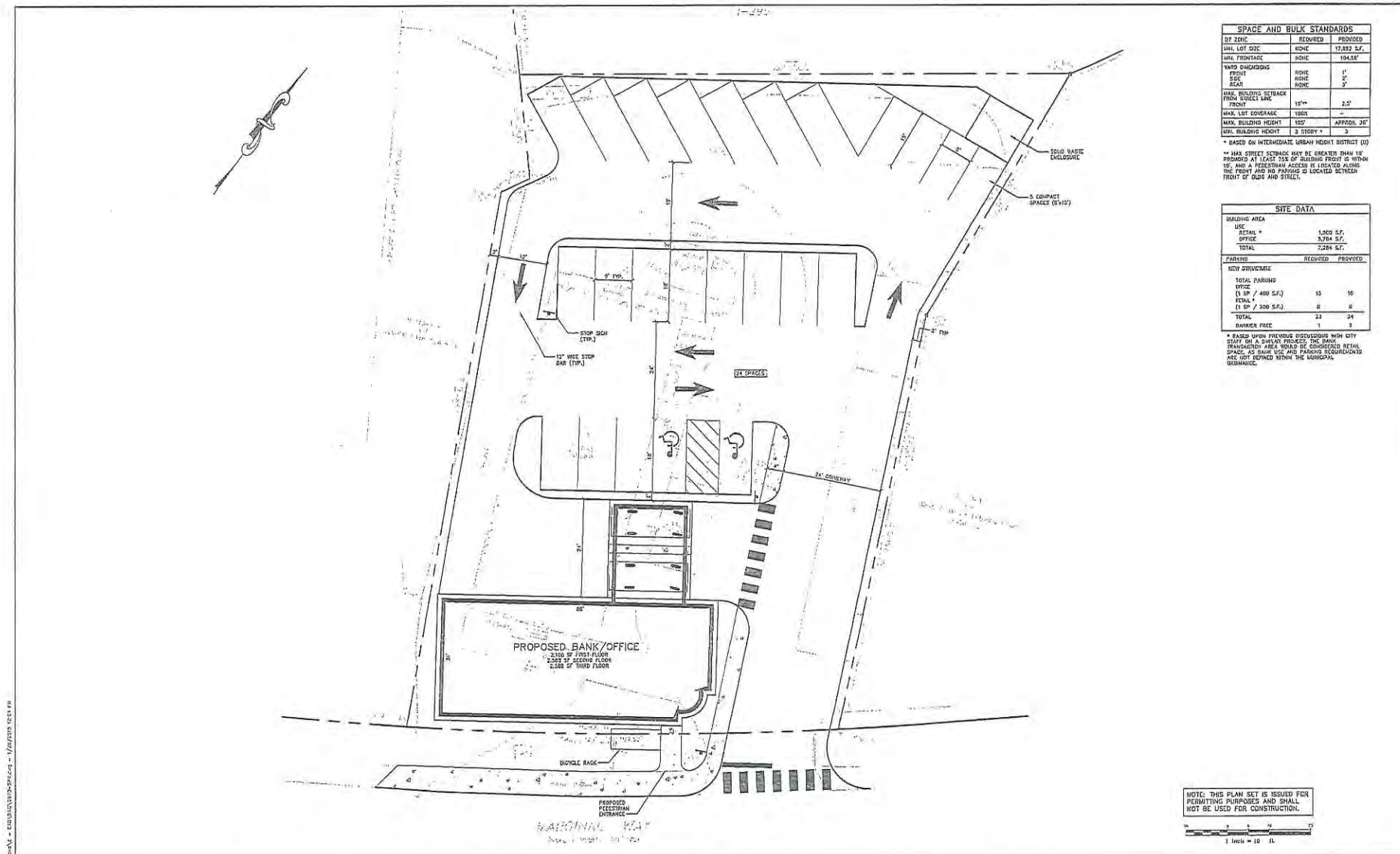
From: Thomas Gorrill <TGorrill@gorrillpalmer.com>
To: David Latulippe <ddlatulip@aol.com>
Sent: Wed, Apr 8, 2015 4:16 pm
Subject: RE: Traffic Generation for 20 Marginal Way

David:

There are only 3 studies for walk-in banks in the latest edition of the ITE Trip Generation Manual all of which were done in California. ITE has a disclaimer to use the limited data cautiously since it is a very small sample. ITE gets its data by compiling information sent in by traffic engineers across the country. Since banks without drive-thru lanes are fairly rare except within an downtown urban block, there is no reliable data available.

tom

Plan 1



SPACE AND BULK STANDARDS		
OF ZONE	REQUIRED	PROVIDED
MIN. LOT SIZE	NONE	17,032 S.F.
MIN. FRONTAGE	NONE	104.58'
YARD DIMENSIONS		
FRONT	NONE	11'
SIDE	NONE	5'
REAR	NONE	5'
MAX. BUILDING SETBACK FROM SIDE/REAR FRONT	10' **	2.0'
MAX. LOT COVERAGE	100%	=
MAX. BUILDING HEIGHT	100'	APPROX. 30'
MIN. BUILDING HEIGHT	5 STORY *	5

* BASED ON INTERMEDIATE URBAN HEIGHT DISTRICT (U)
 ** MAX STREET SETBACK MAY BE GREATER THAN 10' PROVIDED AT LEAST 10% OF BUILDING FRONT IS WITHIN 10' AND A PEDESTAL ACCESS IS LOCATED ALONG THE FRONT AND NO PARKING IS LOCATED BETWEEN FRONT OF CURB AND STREET.

SITE DATA		
BUILDING AREA		
USE		
RETAIL *	1,309 S.F.	
OFFICE	8,744 S.F.	
TOTAL	7,284 S.F.	
PARKING	REQUIRED	PROVIDED
NEW STRUCTURE		
TOTAL PARKING		
OFFICE	10	16
(1 SP / 400 S.F.)		
TOTAL *	8	8
(1 SP / 200 S.F.)		
TOTAL	23	24
BARRIER FREE	1	3

* BASED UPON PREVIOUS DISCUSSIONS WITH CITY STAFF ON A SHELTER PROJECT. THE BANK TRANSITION AREA WOULD BE CONSIDERED RETAIL SPACE AS BANK USE AND PARKING REQUIREMENTS ARE 10% DIFFERENT FROM THE URBAN DISTRICT.

NOTE: THIS PLAN SET IS ISSUED FOR PERMITTING PURPOSES AND SHALL NOT BE USED FOR CONSTRUCTION.



Rev.	Date	Revision

CLIENT REVIEW	12/15/14	AP
ISSUED FOR	Date	By

Design: APH	Draft: CO	Date: 010. 2014
Checked: APH	Scale: 1"=10'	Date: 10-2-2010
This plan shall not be modified without written permission from Gorrell-Palmer Consulting Engineers, Inc.(GPCE). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCE.		



Relationships, Responsiveness, Results.
 www.gorrellpalmer.com
 207.657.6910

Drawing Name:	Concept Plan
Project:	Bangor Savings Bank 20 Marginal Way, Portland, Maine
Client:	Bangor Savings Bank 99 Franklin Street, Bangor, Maine 04401

Drawing No.	C101
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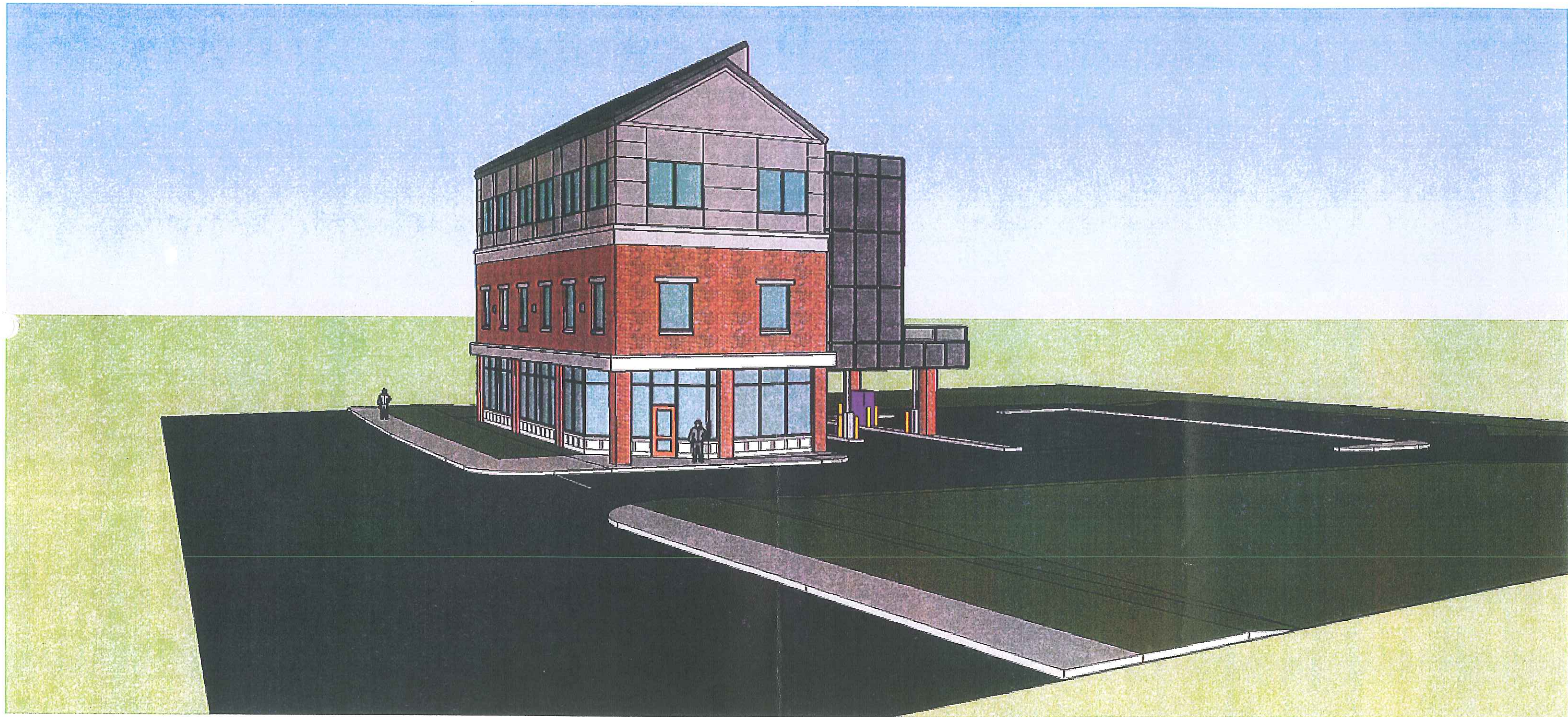


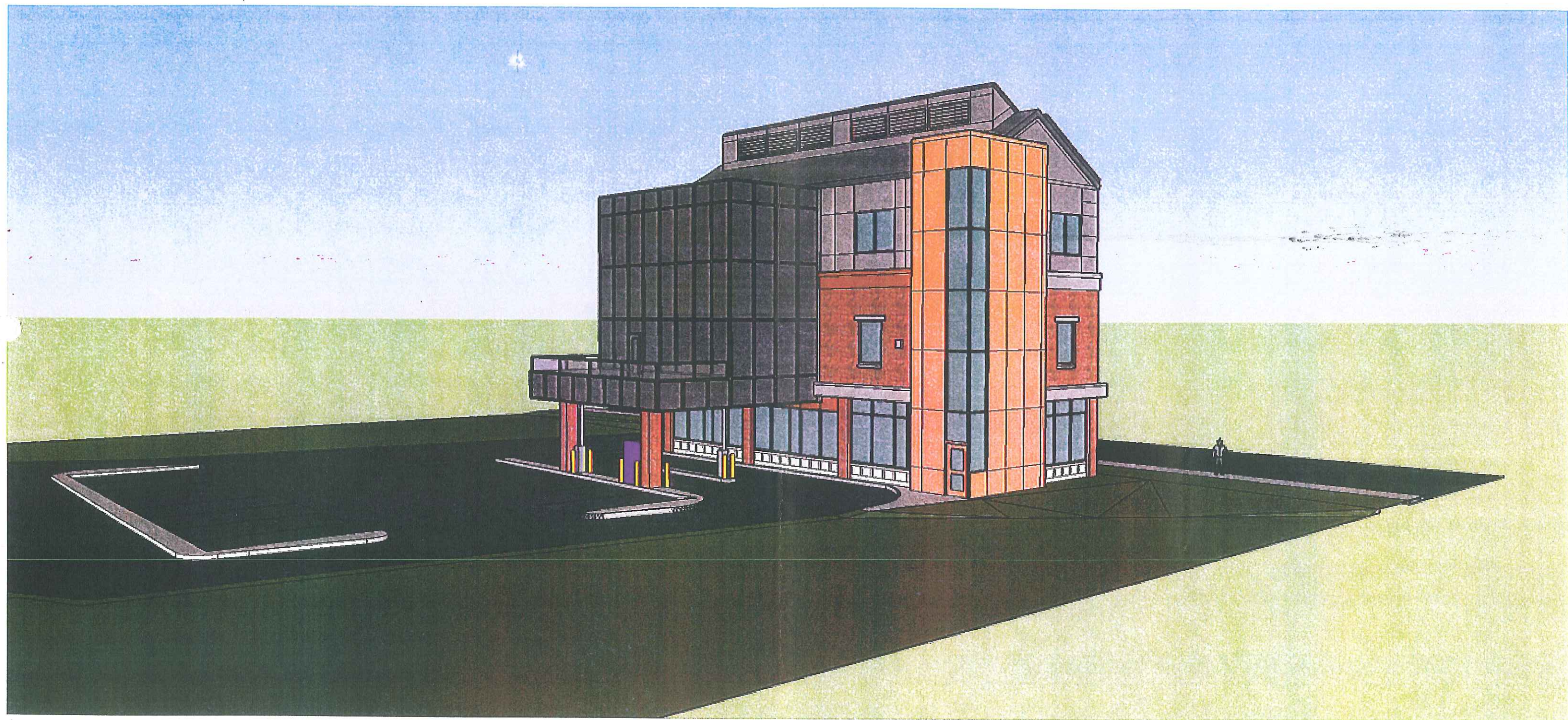
NOTE: THIS PLAN SET IS ISSUED FOR PERMITTING PURPOSES AND SHALL NOT BE USED FOR CONSTRUCTION.

1 inch = 30 ft.

Plan 3







Plan 4







Order 256-14/15
Tab 30 5-18-15

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 7 (CEMETERIES)
ARTICLES I. TO VII.
RE: UPDATES TO CEMETERY ORDINANCE**

1. That Articles I, II, III, IV, V and VII are hereby amended to read as follows:

ARTICLE I. IN GENERAL

...

Sec. 7-2. Hours.

~~Cemetery offices will be open from 7:00 a.m. to 3:30 p.m. Monday through Friday, except holidays. The cemeteries themselves will be open from 7:00 a.m. to 6:30 p.m. each day, except from November first to April first when they will be open from 7:00 a.m. to 4:30 p.m. The Cemetery Office will be open from 8:00 AM to 4:30 PM during Standard Time and will be open from 7:00 AM to 3:30 PM during Daylight Savings Time Monday-Friday except Holidays.~~

The cemetery grounds will be open from 7:00 AM to 6:30 PM during Standard Time and will be open from 7:00 AM to 4:30 PM during Daylight Savings Time 7 days a week.

...

Sec. 7-5. Use of Wilde Memorial Chapel.

Wilde Memorial Chapel located at Evergreen Cemetery is open to the public for a reasonable fee, as set from time to time by the Superintendent of Cemeteries. Any fee charged pursuant to this section shall be used to cover maintenance costs, the cost of utilities, and to provide necessary staff to facilitate the use of the Chapel. Wilde Memorial Chapel located at Evergreen Cemetery is open to the public without charge. Applications for use of the chapel must be made at least twelve (12) hours prior

to time desired. ~~The remains of any persons dying from any contagious disease cannot be brought into the chapel for funeral services.~~

...

ARTICLE II. LOT OWNERSHIP

Sec. 7-21. Prospective purchasers to visit cemeteries.

Persons desiring to purchase lots should visit the cemeteries where the ~~s~~Superintendent of ~~Ceemeteries~~ or authorized designee will aid them in making a selection. Special rules relating to such lots will be explained and a copy of this chapter will be made available to prospective purchasers.

...

Sec. 7-30. Lost or destroyed deeds.

A lost or destroyed deed will be replaced by a ~~new deed~~ a copy of the deed upon request upon payment of one dollar (\$1.00).

...

ARTICLE III. CARE OF LOTS*

~~Sec. 7-46. Perpetual care classification.~~ RESERVED.

~~There are the following four (4) types of perpetual care which may be obtained from the city for the permanent maintenance of lots in cemeteries: (Classes 2nd, 3rd and 4th apply only to Evergreen Cemetery)~~

~~(a) 1st class. 1st class perpetual care includes keeping the turf even and in good condition, the grass properly cut, and the trees and shrubs, as duly authorized, trimmed.~~

~~(b) 2nd class. 2nd class perpetual care embraces any or all divisions in first class care, as well as the proper care and cleaning of all granite, stone, marble, or bronze structures on the lot at the time care is assumed, as well as any future erections expressly specified, but does not include replacement of any such structures.~~

~~(c) 3rd class. 3rd class perpetual care assumes the same care as 2nd class care and, in addition, includes replacement of structures as described above when necessary.~~

~~4th class. 4th class perpetual care includes all divisions in 1st class care and the care of any tombs, vaults or mausoleums, such as the pointing of joints, keeping walls in place, and the structure as a whole in a suitable and sanitary condition.~~

Sec. 7-47. Perpetual care required; may be purchased.

All lots sold after August 19, 1970, must include perpetual care consisting of keeping the turf even and in good condition, the grass properly cut, and the trees and shrubs, as duly authorized, trimmed.~~1st class perpetual care, except in cases of Sections OO, MM and LL (a) in Forest City Cemetery and Section SG in Evergreen where such requirement is optional, and p~~Perpetual care may be purchased to cover any lots previously sold without care.

...

Sec. 7-49. Additional care may be purchased.

(a) *By agreement.* Lot owners desiring additional care of their lots may arrange for such care with the superintendent of cemeteries who shall give an estimate of the cost of the work desired. This care may be provided for ~~by annual payments made by the lot owner or~~ by the establishment of a trust fund under such agreement as may be determined between the superintendent and the lot owner. The limitations of this type of care may vary according to the capabilities of the individual cemeteries.

By bequest. In addition to the foregoing, the superintendent of cemeteries is authorized to accept testamentary bequests for additional lot care including, but not limited to, trust funds, upon his determination that the purpose of the bequest can be financially and lawfully implemented. In the event that it cannot be so implemented, the superintendent shall notify the estate's representative to that effect.

...

Sec. 7-52. Who may provide care for lots.

No person except a lot owner, ~~his or her authorized representative,~~ or an employee of the cemeteries, acting under

the direction of the superintendent of cemeteries, is permitted to enter the cemeteries for the purpose of caring for lots without special permission of the Superintendent of Cemeteries secured in advance. The Superintendent of Cemeteries reserves the right to give authorization to any workmen, other than employees of the cemetery, before they may do work in any cemetery. Burial Right holders may have certain work done in accordance with these Rules and Regulations at their own expense upon application to the Superintendent of Cemeteries; prices to be agreed upon and paid before said work is done.

All outside workers must submit a Certificate of Insurance to the satisfaction of the City for review before commencing any work in the cemetery.

...

ARTICLE IV. INTERMENTS*

Sec. 7-66. Funerals in charge of cemeteries.

All funerals entering the cemeteries ~~shall be under the direction of a funeral director who shall abide by the rules and regulations of the respective cemetery, and funeral directors upon arrival at a cemetery must present to the superintendent of cemeteries the necessary burial permit from the city clerk.~~

Sec. 7-67. Previous notices required for interments, etc.

The right is reserved by the cemeteries to insist upon at least ~~twenty-four~~ thirty-six (2436) hours' notice of any interment and at least one (1) week's notice of any disinterment or removal. The cemeteries reserve the right to postpone interment/disinterment time due to acts of nature, God, civil and national emergencies.

Sec. 7-68. Times for interments.

The cemeteries will be open for interments from 8:00 a.m. to ~~4:30~~ 2:00 p.m., Monday through Friday. Requests for openings ~~prior to 10:00 a.m.~~ on Mondays must reach the cemetery offices before noon on Friday. Any services extending beyond or scheduled after these hours, or Saturday interments, will require an additional charge above the regular interment fee. No interments will be made on Sundays or legal holidays, except on proclamation of an emergency.

Sec. 7-69. Interments to be authorized by lot owners.

All orders for interments in lots must be signed by the owner of the lot, or his or her authorized representative. When this is impossible because of absence from the city, ~~telegraphic~~ permission will be accepted by fax or scanned pdf in lieu of signed authorization.

Sec. 7-70. Number of interments in single grave.

No interment of two (2) or more bodies shall be made in one (1) grave, except in the case of mother and child, or two (2) infants, buried in one (1) casket. Further variation may be made in the case of cremations within family lots subject to the placing of markers and upon prior approval of the superintendent of cemeteries. One body and one cremains or two cremains will be allowed in a single full-size grave.

...

Sec. 7-73. Graves opened only when.

Once an interment has been made, graves will be opened only by officials and employees of the cemeteries in the sole and exclusive judgment of the superintendent of cemeteries that such opening is proper, necessary, and duly authorized or when the cemetery is directed to make a disinterment by an ~~older~~ order of a court of competent jurisdiction and a certified copy of such order has been filed with the superintendent of cemeteries. In all cases the responsibility of the cemetery shall be limited to opening of the grave only and the actual disinterment must be made by the person authorized to do so.

...

ARTICLE V. PLANTS, SHRUBS AND FLOWERS*

...

Sec. 7-89. Plantings on single lots, etc.

No shrubs or evergreens will be permitted on a single grave lot. No plantings of any shrubs or trees will be permitted at individual headstones or flush markers. Plantings on two (2) grave or larger plots must first be approved by the superintendent of cemeteries. Planting of annuals is allowed in certain sections of the cemetery as approved by the

Superintendent of Cemeteries. Please contact Office for details.

...

ARTICLE VII. RULES OF CONDUCT*

...

Sec. 7-136. Unauthorized items removed from lots.

The placing of boxes, shells, toys, ornaments, chairs, settees or similar unauthorized items upon lots will not be permitted, and the superintendent of cemeteries reserves the right to remove any such unauthorized items. The use of shells, stones, lawn ornaments, statues, glass containers, solar lights, shepherds crooks, tin cans and other similar items is strictly prohibited on the lots. No lawn ornament of any kind as defined by the Superintendent of Cemeteries or his or her authorized designee shall be allowed. The Superintendent reserves the right to remove without notice any planting or object that is in violation of these regulations, or that in the opinion of the Superintendent of Cemeteries is a hazard to cemetery employees or injurious to the general appearance of the cemetery.

...

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Michael Bobinsky, Director of Public Services

DATE: April 12, 2015

DISTRIBUTION: City Manager, Mayor, Sonia Bean, Danielle West-Chuhta,
Nancy English, Julie Sullivan

SUBJECT: Chapter 7 Revisions – Cemetery Operations

SPONSOR: City Manager

(If sponsored by a Council committee, list the date the committee met and the results of vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ April 27, 2015 _____ Final Action _____

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

PRESENTATION: None that is known of.

I. SUMMARY OF ISSUE (Agenda Description)

The Department of Public Services wishes to update language in Chapter 7 of the City Code to address to reflect current cemetery management practices.

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

It has been many years since Chapter 7 has been amended. Over the years operating procedures and funeral practices have evolved making some of the language in the ordinance archaic or obsolete. The proposed amendments are “housekeeping” to align the language with current practices. The proposed amendments also allows staff to charge a reasonable fee for the use of Wilde Chapel. Corporation Counsel has reviewed the records and can find no language prohibiting this. This amendment would provide clarity.

III. INTENDED RESULT

Please see above.

IV. COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

The language will ensure that all lots purchased pay for perpetual care so the City has the means to properly care for the lot in the future. It also allows the City to recover reasonable costs for outside use of Wilde Chapel.

VI. STAFF ANALYSIS

VII. RECOMMENDATION

Approval of the amendments

VIII. LIST ATTACHMENTS

- Chapter 7 Mark Up
- Memo to Transportation, Sustainability and Energy Committee
- Agenda Memo

Prepared by:

Troy Moon
Environmental Programs and Open Space Manager

Date: April 13, 2015

Portland, Maine



Yes. Life's good here.

Michael J. Bobinsky
Director of Public Services

To: Members of the Transportation, Sustainability and Energy Committee
From: Troy Moon, Environmental Programs and Open Space Manager
Subject: Communication -- Cemetery Ordinance Updates
Date: 3/12/2014

Last march the Department of Public Services presented you with a number of changes to Chapter 7 of the City Code that need to be updated based on changes in cemetery operations and management that have occurred over time. After discussion, your committee unanimously recommended that the changes be advanced to the City Council. Unfortunately, we did not move this item to a Council agenda. Before we do so, we want to re-familiarize you with the issues involved so you are not caught by surprise when it appears on the agenda.

Beginning in 1970 the city began requiring fifty percent of the purchase price of graves, to be placed into a perpetual care fund. The city stopped selling stone insurance at this time. We also want to strike the language referencing the different levels of stone insurance.

We would like to add language which would permit the City to charge a reasonable fee for use of the chapel for funerals in order to cover costs related to holding such events in the building. There has been some confusion about this over the years and administrations have treated this differently. Corporation Counsel has reviewed the records and can find no specific language indicating that we could not charge a fee, and want to clarify that in the ordinance.

Staff will be present to go over these changes and answer any questions, should you have any.

Portland, Maine



Yes. Life's good here.

Michael J. Bobinsky
Director of Public Services

To: Mayor Brennan and Members of the Portland City Council
From: Troy Moon, Environmental Programs and Open Space Manager
Subject: Cemetery Ordinance Updates
Date: 4/13/2015

It has been some time since language in Chapter 7 of the City Code has been reviewed and we have found a number of areas that need to be updated based on changes in cemetery operations and management that have occurred over time.

Beginning in 1970 the city began requiring fifty percent of the purchase price of graves, to be placed into a perpetual care fund. The city stopped selling stone insurance at this time. We also want to strike the language referencing the different levels of stone insurance.

We would like to add language which would permit the City to charge a reasonable fee for use of the chapel for funerals in order to cover costs related to holding such events in the building. There has been some confusion about this over the years and administrations have treated this differently. Corporation Counsel has reviewed the records and can find no specific language indicating that we could not charge a fee, and want to clarify that in the ordinance.

Staff will be present to go over these changes and answer any questions.

Chapter 7 CEMETERIES*

*Cross reference(s)--Streets, sidewalks and other public places, Ch. 25.

State law reference(s)--Cemetery corporations, 13 M.R.S.A. § 1031 et seq.

Art. I. In General, §§ 7-1--7-20

Art. II. Lot Ownership, §§ 7-21--7-45

Art. III. Care of Lots, §§ 7-46--7-65

Art. IV. Interments, §§ 7-66--7-85

Art. V. Plants, Shrubs and Flowers, §§ 7-86--7-105

Art. VI. Monuments, Tombs, Mausoleums and Other
Structures, §§ 7-106--7-122

Art. VII. Rules of Conduct, §§ 7-123--7-139

ARTICLE I. IN GENERAL

Sec. 7-1. Purpose and intent.

For the mutual protection of lot owners and the cemeteries as a whole, the rules and regulations in this chapter are hereby established for all municipal cemeteries. All lot owners and persons visiting the cemeteries shall abide by such rules and regulations as herein enacted and as hereafter amended, which are intended to assist in maintaining our cemeteries as peaceful and beautiful areas as well as reverent symbols of respect for the dead.

(Code 1968, § 502.1; Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-2. Hours.

~~Cemetery offices will be open from 7:00 a.m. to 3:30 p.m. Monday through Friday, except holidays. The cemeteries themselves will be open from 7:00 a.m. to 6:30 p.m. each day, except from November first to April first when they will be open from 7:00 a.m. to 4:30 p.m. The Cemetery Office will be open from 8:00 AM to 4:30 PM during Standard Time and will be open from 7:00 AM to 3:30 PM during Daylight Savings Time Monday-Friday except Holidays.~~

The Cemetery grounds will be open from 7:00 AM to 6:30 PM during Standard Time and will be open from 7:00 AM to 4:30 PM during Daylight Savings Time 7 days a week.

(Code 1968, § 502.2(a)(1); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-3. Employees.

(a) Cemetery employees shall not work on Saturdays, Sundays and holidays except that Saturday employment may be permitted by the superintendent of cemeteries for an additional charge as established by the city council or that employment may be required at times as determined by the department head.

(b) Cemetery employees are not permitted to do any work for lot owners or other persons except upon order of the superintendent of cemeteries but are required to be civil and courteous to all persons visiting the cemeteries.

(c) No gratuity shall be accepted by any cemetery employee.
(Code 1968, § 502.2(a)(2), (a)(3), (a)(5); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-4. Fees.

All fees or charges for services are payable at the cemetery offices, except that interment charges may be payable through any reputable funeral director and any foundation charges for monuments or marker emplacement may be payable through any reputable monument dealer.
(Code 1968, § 502.2(a)(4); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-5. Use of Wilde Memorial Chapel.

Wilde Memorial Chapel located at Evergreen Cemetery is open to the public for a reasonable fee, as set from time to time by the Superintendent of Cemeteries. Any fee charged pursuant to this section shall be used to cover maintenance costs, the cost of utilities, and to provide necessary staff to facilitate the use of the Chapel. ~~Wilde Memorial Chapel located at Evergreen Cemetery is open to the public without charge. Applications for use of the chapel must be made at least twelve (12) hours prior to time desired. The remains of any persons dying from any contagious disease cannot be brought into the chapel for funeral services.~~

(Code 1968, § 502.10)

Sec. 7-6. Correction of errors.

The cemeteries reserve the right to correct any errors that may be made by them in making interments, disinterments or removals, or in the description, transfer or conveyance of any lot. Errors of lot owners in failing to specify proper interment position, or of monument dealers in failing to clearly specify monument or marker foundation positions will be cause once work is in progress by the cemeteries for a fair additional charge in the event a change is requested.
(Code 1968, § 502.9)

Sec. 7-7. Enforcement.

The superintendent of cemeteries is hereby empowered to enforce the rules and regulations of this chapter and to exclude from the cemeteries any person deliberately violating such rules and regulations. The superintendent shall have charge of the grounds and buildings within city cemeteries and shall have supervision and control of employees and all persons visiting the cemeteries, whether lot owners or otherwise.
(Code 1968, § 502.11)

Sec. 7-8. Reserved.

Sec. 7-9. Reserved.

Sec. 7-10. Reserved.

Sec. 7-11. Reserved.

Sec. 7-12. Reserved.

Sec. 7-13. Reserved.

Sec. 7-14. Reserved.

Sec. 7-15. Reserved.

Sec. 7-16. Reserved.

Sec. 7-17. Reserved.

Sec. 7-18. Reserved.

Sec. 7-19. Reserved.

Sec. 7-20. Reserved.

ARTICLE II. LOT OWNERSHIP

Sec. 7-21. Prospective purchasers to visit cemeteries.

Persons desiring to purchase lots should visit the cemeteries where the superintendent of cemeteries or designee will aid them in making a selection. Special rules relating to such lots will be explained and a copy of this chapter will be made available to prospective purchasers.
(Code 1968, § 502.3(a))

Sec. 7-22. Details of purchase.

The purchase price must be paid in full at the time of purchase and receipt for such purchase price will be given to the purchaser at that time. Within ten (10) days thereafter a deed will be sent to the purchaser by the director of finance. A description of lots contained in such deeds shall be in accordance with cemetery plots which are kept on file in the cemetery offices. It shall be the duty of the lot owner to notify the respective cemetery office of any change in address after purchase.
(Code 1968, § 502.3(b))

Sec. 7-23. Lots not subdivided or sold jointly.

Lots of various sizes are available in the cemeteries and, therefore, no lots will be subdivided.
(Code 1968, § 502.3(c))

Sec. 7-24. Purchasers-rights in roads, drives or paths.

No easement or right of interment is granted to any lot owner in any road, drive or path within the cemeteries, but such road, drive or path may be used as a means of access to the cemetery or buildings so long as it shall be devoted to such purpose.

(Code 1968, § 502.3(d))

Sec. 7-25. Rights reserved to cemeteries.

The right to enlarge, reduce, replot or change the boundaries or grading of the cemeteries, or a section or sections thereof, from time to time, including the right to modify or change the location of, or remove or regrade roads, drives, or walks, or any part thereof, is hereby reserved. The right to lay, maintain and operate, or alter or change, pipe lines or gutters for sprinkler systems and drainage purposes is also expressly reserved, as well as is the right to use cemetery property, not sold to lot owners, for cemetery purposes, including interment of the dead, or for anything necessary, incidental, or convenient thereto. The cemeteries reserve to themselves, and to those lawfully entitled thereto, a perpetual right of ingress and egress over lots for the purpose of passing to and from other lots.

(Code 1968, § 502.3(e))

Sec. 7-26. Cemeteries not responsible for loss or damage.

All reasonable precautions will be taken to protect lot owners and the property rights of lot owners within the cemeteries from loss or damage, but the cemeteries will not be responsible for loss or damage from causes beyond their reasonable control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief-makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than is hereby provided.

(Code 1968, § 502.3(f))

Sec. 7-27. Terms of agreement with lot owners.

The deed, perpetual care bond and this chapter constitute the sole agreement between the cemeteries, the city and lot owners. The statement of any employee or agent, unless confirmed in writing by an authorized representative of the cemeteries or the city shall in no way bind the cemeteries or the city.

(Code 1968, § 502.3(g))

Sec. 7-28. Repurchase or exchange of lots by superintendent.

The superintendent of cemeteries shall have the authority to purchase outright, or by exchange for other lots on behalf of the city, any unoccupied lot at such price as may be agreed upon by the owner and the superintendent.
(Code 1968, § 502.3(h))

Sec. 7-29. Transfer of lots.

Transfer of lots will not be recognized without the consent of the superintendent of cemeteries, and transfer deeds may be obtained at the offices of the cemeteries.
(Code 1968, § 502.3(i))

Sec. 7-30. Lost or destroyed deeds.

A lost or destroyed deed will be replaced by a new deed a copy of the deed upon request upon payment of one dollar (\$1.00).
(Code 1968, § 502.3(j))

Sec. 7-31. Descent of title.

The laws of the state govern the descent of title to cemetery lots, as well as other matters relating to their ownership. It is important that, on the decease of an owner of a lot, the heirs or devisees of such person should file in the office of the respective cemetery full proof of ownership for the purpose of correcting the record. Notarized statements as to relationship and certified copies of wills are normally sufficient.
(Code 1968, § 502.8)

Sec. 7-32. Reserved.

Sec. 7-33. Reserved.

Sec. 7-34. Reserved.

Sec. 7-35. Reserved.

Sec. 7-36. Reserved.

Sec. 7-37. Reserved.

Sec. 7-38. Reserved.

Sec. 7-39. Reserved.

Sec. 7-40. Reserved.

Sec. 7-41. Reserved.

Sec. 7-42. Reserved.

Sec. 7-43. Reserved.

Sec. 7-44. Reserved.

Sec. 7-45. Reserved.

ARTICLE III. CARE OF LOTS*

*State law reference(s)--Care and maintenance of cemeteries, 13
M.R.S.A. § 1305.

Sec. 7-46. RESERVED

~~There are the following four (4) types of perpetual care which may be obtained from the city for the permanent maintenance of lots in cemeteries: (Classes 2nd, 3rd and 4th apply only to Evergreen Cemetery)~~

~~(a) 1st class. 1st class perpetual care includes keeping the turf even and in good condition, the grass properly cut, and the trees and shrubs, as duly authorized, trimmed.~~

~~(b) 2nd class. 2nd class perpetual care embraces any or all divisions in first class care, as well as the proper care and cleaning of all granite, stone, marble, or bronze structures on the lot at the time care is assumed, as well as any future erections expressly specified, but does not include replacement of any such structures.~~

~~(c) 3rd class. 3rd class perpetual care assumes the same care as 2nd class care and, in addition, includes replacement of structures as described above when necessary.~~

~~4th class. 4th class perpetual care includes all divisions in 1st class care and the care of any tombs, vaults or mausoleums, such as the pointing of joints, keeping walls in place, and the structure as a whole in a suitable and sanitary condition.~~

Sec. 7-47. Perpetual care required; may be purchased.

All lots sold after August 19, 1970, must include perpetual care consisting of keeping the turf even and in good condition, the grass properly cut, and the trees and shrubs, as duly authorized, trimmed. ~~except in cases of Sections OO, MM and LL (a) in Forest City Cemetery and Section SG in Evergreen where such requirement is optional,~~ Perpetual care may be purchased to cover any lots previously sold without care.

(Code 1968, § 502.4(b); Ord. No. 441-70, § 1, 7-20-70)

Sec. 7-48. Nature of care provided by cemeteries without cost.

The general care of the cemeteries is the responsibility of the city by and through its superintendent of cemeteries and includes reasonable and practical care of the unsold areas of the cemeteries, such as park and lawn areas, roads, shrubs and trees, which have been established by the cemeteries. In no case shall it mean the maintenance, repair or replacement of any memorial, tomb or mausoleum erected or placed upon a lot, nor the performing of any special or unusual work in the cemeteries.

(Code 1968, § 502.4(c))

Sec. 7-49. Additional care may be purchased.

(a) *By agreement.* Lot owners desiring additional care of their lots may arrange for such care with the superintendent of cemeteries who shall give an estimate of the cost of the work desired. This care may be provided for ~~by annual payments made by the lot owner or~~ by the establishment of a trust fund under such agreement as may be determined between the superintendent and the lot owner. The limitations of this type of care may vary according to the capabilities of the individual cemeteries.

By bequest. In addition to the foregoing, the superintendent of cemeteries is authorized to accept testamentary bequests for additional lot care including, but not limited to, trust funds, upon his determination that the purpose of the bequest can be financially and lawfully implemented. In the event that it

cannot be so implemented, the superintendent shall notify the estate's representative to that effect.
(Code 1968, § 502.4(d); Ord. No. 16-90, 6-18-90)

Sec. 7-50. Investment of trust and care funds.

All care funds held by the city, whether trust or perpetual care will be invested by the city as provided by law and will be expended only as provided by the trust or perpetual care agreement.
(Code 1968, § 502.4(e))

Sec. 7-51. Semi-active cemeteries.

Semi-active cemeteries of the city will be maintained as prescribed by the parks authority.
(Code 1968, § 502.4(f))

Sec. 7-52. Who may provide care for lots.

No person except a lot owner, ~~his or her~~ authorized representative, or an employee of the cemeteries, acting under the direction of the superintendent of cemeteries, is permitted to enter the cemeteries for the purpose of caring for lots without special permission of the superintendent of cemeteries secured in advance. The Management reserves the right to give authorization to any workmen, other than employees of the cemetery, before they may do work in any cemetery. Burial Right holders may have certain work done in accordance with these Rules and Regulations at their own expense upon application to the Management; prices to be agreed upon and paid before said work is done.

All outside workers must submit a Certificate of Insurance for review before commencing any work in the cemetery.

(Code 1968, § 502.4(g))

Sec. 7-53. Lot boundaries not to be defined.

No new lot or grave shall be defined by a fence, rail, curb, hedge, trees or shrubs for the purpose of describing its corners or boundaries.
(Code 1968, § 502.4(h))

Sec. 7-54. Reserved.
Sec. 7-55. Reserved.
Sec. 7-56. Reserved.
Sec. 7-57. Reserved.
Sec. 7-58. Reserved.
Sec. 7-59. Reserved.
Sec. 7-60. Reserved.
Sec. 7-61. Reserved.
Sec. 7-62. Reserved.
Sec. 7-63. Reserved.
Sec. 7-64. Reserved.
Sec. 7-65. Reserved.

ARTICLE IV. INTERMENTS*

*State law reference(s)--Disposal of bodies, 13 M.R.S.A. § 1032.

Sec. 7-66. Funerals in charge of cemeteries.

All funerals entering the cemeteries ~~shall be under the direction of a funeral director who~~ shall abide by the rules and regulations of the respective cemetery, and ~~funeral directors~~ upon arrival at a cemetery must present to the superintendent of cemeteries the necessary burial permit from the city clerk.
(Code 1968, § 502.5(b))

Sec. 7-67. Previous notices required for interments, etc.

The right is reserved by the cemeteries to insist upon at least ~~twenty-four~~ thirty-six (2436) hours' notice of any interment and at least one (1) week's notice of any disinterment or removal. The cemeteries reserve the right to postpone

interment/disinterment time due to acts of nature, God, civil and national emergencies.
(Code 1968, § 502.5(i))

Sec. 7-68. Times for interments.

The cemeteries will be open for interments from 8:00 a.m. to 4:30:00 p.m., Monday through Friday. Requests for openings ~~prior to 10:00 a.m.~~ on Mondays must reach the cemetery offices before noon on Friday. Any services extending beyond or scheduled after these hours, or Saturday interments, will require an additional charge above the regular interment fee. No interments will be made on Sundays or legal holidays, except on proclamation of an emergency.
(Code 1968, § 502.5(a))

Sec. 7-69. Interments to be authorized by lot owners.

All orders for interments in lots must be signed by the owner of the lot, or his or her authorized representative. When this is impossible because of absence from the city, telegraphic ? permission will be accepted in lieu of signed authorization.
(Code 1968, § 502.5(d))

Sec. 7-70. Number of interments in single grave.

No interment of two (2) or more bodies shall be made in one (1) grave, except in the case of mother and child, or two (2) infants, buried in one (1) casket. Further variation may be made in the case of cremations within family lots subject to the placing of markers and upon prior approval of the superintendent of cemeteries. One body and one cremains or 2 cremains will be allowed in a single full size grave.
(Code 1968, § 502.5(e))

Sec. 7-71. Location within lot to be designated by owner.

When an interment is to be made in a lot, the location of such interment shall be designated by the lot owner, or his or her authorized representative. Should he or she fail or neglect to make such designation, the cemeteries reserve the right to make the interment in a location designated by the superintendent of cemeteries. The cemeteries shall not be

responsible for errors from telephone information lacking precise and proper instructions as to the particular space, size of grave, and location in a lot, where interment is desired.
(Code 1968, § 502.5(f))

Sec. 7-72. Caskets opened only when.

Once a casket containing a body is within the confines of a cemetery, it shall not be opened except by a funeral director or his or her assistants or on an order signed by a court of competent jurisdiction.
(Code 1968, § 502.5(c))

Sec. 7-73. Graves opened only when.

Once an interment has been made, graves will be opened only by officials and employees of the cemeteries in the sole and exclusive judgment of the superintendent of cemeteries that such opening is proper, necessary, and duly authorized or when the cemetery is directed to make a disinterment by an order of a court of competent jurisdiction and a certified copy of such order has been filed with the superintendent of cemeteries. In all cases the responsibility of the cemetery shall be limited to opening of the grave only and the actual disinterment must be made by the person authorized to do so.
(Code 1968, § 502.5(g))

Sec. 7-74. Outside containers required.

In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes, all burials must be made in outside containers constructed of natural stone, or of metal, or of reinforced concrete, or approved synthetics. All such containers must be made and installed so as to meet the specifications established by the superintendent of cemeteries. Outside containers may be procured from any source provided they meet the established specifications. Cement liners may be purchased and installed through the cemeteries, if so desired.
(Code 1968, § 502.5(h))

Sec. 7-75. Reserved.

Sec. 7-76. Reserved.

Sec. 7-77. Reserved.

Sec. 7-78. Reserved.

Sec. 7-79. Reserved.

Sec. 7-80. Reserved.

Sec. 7-81. Reserved.

Sec. 7-82. Reserved.

Sec. 7-83. Reserved.

Sec. 7-84. Reserved.

Sec. 7-85. Reserved.

ARTICLE V. PLANTS, SHRUBS AND FLOWERS*

*Cross reference(s)--Vegetation generally, Ch. 29.

Sec. 7-86. Responsibility of cemeteries.

The cemeteries will undertake to maintain, to the extent practicable, the planting of trees and shrubs to preserve its landscape features, but will not undertake to maintain individual plantings, or urns of plants, except when so contracted to do so by special arrangement.
(Code 1968, § 502.6(a))

Sec. 7-87. Plantings; permission may be granted.

No individual beds of shrubbery or flowers shall be permitted on the grounds of the cemeteries, except by special permission of the superintendent of cemeteries, and request for such permission should be accompanied by a scaled sketch of the proposed planting, showing the location and name of the proposed plantings.

(Code 1968, § 502.6(b))

Sec. 7-88. Care of evergreens where authorized.

In the monumental sections of the cemeteries where certain areas allow the planting of evergreens, dwarf Alberta spruce and dwarf arborvitae are the only evergreens allowed. All evergreens and shrubs must be kept trimmed to within six (6) inches of the lot borders. The cemeteries will, to the extent practicable, trim all evergreens properly placed on lots. Any trees or shrubs exceeding the six (6) inch mark will be severely cut back or removed.

(Code 1968, § 502.6(c))

Sec. 7-89. Plantings on single lots, etc.

No shrubs or evergreens will be permitted on a single grave lot. No plantings of any shrubs or trees will be permitted at individual headstones or flush markers. Plantings on two (2) grave or larger plots must first be approved by the superintendent of cemeteries. Planting of annuals is allowed in certain sections of the cemetery. Please contact Office for details.

(Code 1968, § 502.6(d))

Sec. 7-90. Floral displays on graves.

Only one (1) floral display is permitted on a grave at any one (1) time. Exceptions to this rule will be permitted during one (1) week prior to and one (1) week following Memorial Day and at the time of interment. No glass jars, unsightly metal receptacles or breakable flower containers shall be placed on lots. True floral containers, recessed holders and rustic baskets are recommended.

(Code 1968, § 502.6(e))

Sec. 7-91. Regulations covering Memorial Park or nonmonumental areas.

In the Memorial Park or nonmonumental sections of the cemeteries, the primary aim is to create a beautiful expanse of park-like grounds, bordered by appropriate shrubs, trees and gardens. Within such areas all markers shall be flush with the surface. No individual plants within the burial areas will be

permitted. Only one (1) floral display shall be permitted on a grave at any one (1) time, with the exceptions as set forth under section 7-90. Except for recessed containers, all plant and flower holders shall be placed upon the individual marker. In the absence of a marker, permission may be granted for the placement of memorial flowers or plants above ground on the normal location of a marker space. Cooperation of lot owners in this area will permit better maintenance and opportunities to improve the appearance and quality of the turf within these areas.

(Code 1968, § 502.6(f))

Sec. 7-92. Right of cemeteries to remove flowers and plants.

The cemeteries shall have the right to remove all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind from the cemeteries as soon as, in their judgment, they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained in the cemeteries.

(Code 1968, § 502.6(g))

Sec. 7-93. Cemeteries not responsible for flowers and plantings.

The cemeteries shall not be responsible for floral pieces, baskets or frames in which or to which floral pieces are placed or attached beyond their acceptance for services held in the cemeteries, and shall not be responsible for frozen plants or herbage of any kind, or for plantings damaged by the elements, thieves, vandals or by other causes beyond their control. The cemeteries reserve the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants or herbage of any kind without prior approval.

(Code 1968, § 502.6(h))

Sec. 7-94. Removal of unsightly vases, urns.

The cemeteries reserve the right to remove from lots vases or urns not properly painted or otherwise cared for or not filled with plants by June thirtieth.

(Code 1968, § 502.6(i))

Sec. 7-95. Reserved.

Sec. 7-96. Reserved.
Sec. 7-97. Reserved.
Sec. 7-98. Reserved.
Sec. 7-99. Reserved.
Sec. 7-100. Reserved.
Sec. 7-101. Reserved.
Sec. 7-102. Reserved.
Sec. 7-103. Reserved.
Sec. 7-104. Reserved.
Sec. 7-105. Reserved.

ARTICLE VI. MONUMENTS, TOMBS, MAUSOLEUMS AND
OTHER STRUCTURES*

*State law reference(s)--Mausoleums and vaults, 13 M.R.S.A. § 1341 et
seq.

Sec. 7-106. One monument per lot permitted; one marker per grave
permitted.

The owner of any lot shall have the right to erect thereon
any proper stone or monument upon authorization by the
superintendent of cemeteries. Only one (1) monument shall be
permitted on a lot which must be located in the center or center
rear, unless special permission is granted by the superintendent
for placing it otherwise. Only one (1) individual marker per
grave is allowed in any of the cemeteries. In certain areas,
however, a monument and individual headstones are permitted.
(Code 1968, § 502.7(a))

Sec. 7-107. Site and plans of structures to be approved.

Tombs, vaults or mausoleums can be constructed only in such places and be of such design as shall be approved by the superintendent of cemeteries. Complete plans and specifications must be furnished when request for permission to build is made.
(Code 1968, § 502.7(b))

Sec. 7-108. Single apartments required.

No bodies shall be placed in tombs, vaults or mausoleums except in hermetically sealed, single apartments in a manner satisfactory to the superintendent of cemeteries.
(Code 1968, § 502.7(c))

Sec. 7-109. Materials, size and design of structures.

No monument or other structure on a lot above ground shall be constructed of any other material than cut marble, granite, natural stone, or real bronze. In general, no monument or marker shall exceed a base size from end to end of sixty (60) percent of the width of the lot. However, in certain areas of the cemeteries, the specific design of particular sections has been planned to accept a certain type or size marker. These sections are familiar to local monument dealers, and more detailed information may be had at the offices of the cemeteries concerning such requirements or specifications.
(Code 1968, § 502.7(d))

Sec. 7-110. Foundations required; by whom constructed.

No stone, monument, tomb, vault or other superstructure shall be erected until a suitable foundation is laid. All foundations for monuments shall be not less than four (4) feet in depth. Deeper foundations will be used when deemed advisable by the superintendent of cemeteries. As a guarantee of good work, for the general welfare of the cemeteries, and for protection to lot owners, the cemeteries reserve the right to construct all foundations for such structures. The superintendent of cemeteries may, however, if deemed advisable, authorize under his supervision the construction of such foundation by other qualified contractors.
(Code 1968, § 502.7(e))

Sec. 7-111. Perpetual care required.

All tombs, mausoleums or vaults constructed after August 19, 1970, shall have such provision made for perpetual care as is adequate in each case.

(Code 1968, § 502.7(f))

Sec. 7-112. Reserved.

Sec. 7-113. Reserved.

Sec. 7-114. Reserved.

Sec. 7-115. Reserved.

Sec. 7-116. Reserved.

Sec. 7-117. Reserved.

Sec. 7-118. Reserved.

Sec. 7-119. Reserved.

Sec. 7-120. Reserved.

Sec. 7-121. Reserved.

Sec. 7-122. Reserved.

ARTICLE VII. RULES OF CONDUCT*

*Cross reference(s)--Offenses and miscellaneous provisions, Ch. 17.

Sec. 7-123. Trespass.

No person other than a cemetery employee on authorized duties shall enter any cemetery after the hours or times specified in section 7-2 and any person so entering shall be guilty of trespass.

(Code 1968, § 502.2(b)(1); Ord. No. 591-7, § 1, 11-3-75)

Sec. 7-124. Malicious mischief.

No person shall destroy, mutilate, deface, injure or remove any tomb, monument, gravestone, marker or other structure placed within any cemetery, or any fence, railing, or other work for the protection or ornamentation of any tomb, monument, gravestone, marker or other structure aforesaid, or any cemetery lot within any cemetery.

(Code 1968, § 502.2(b)(3); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-125. Manner of travel by pedestrians.

Persons visiting the cemeteries shall use only the avenues, walks and alleys provided, and no person shall walk upon or across lots or lawns unless necessary and where such avenues, walks or alleys are not provided. The city expressly disclaims responsibility for any injury sustained by any person violating this section.

(Code 1968, § 502.2(b)(2); Ord. No. 59175, § 1, 11-3-75)

Sec. 7-126. Manner of travel by vehicles.

Motor cars and vehicles must be kept under complete control at all times. When meeting a funeral cortege, they must stop until the procession passes. They must not pass a funeral cortege, either stopped or in motion. Mufflers must not be opened, nor the horn sounded within the cemeteries, and all such vehicles shall comply with the following rules:

- (a) Maximum speed limit: Fifteen (15) miles per hour.
- (b) No vehicle may be driven or parked across or upon any grave, lot or lawn.
- (c) Parking or leaving any vehicle on any road or drive in such a way as to prevent any car or vehicle from passing is prohibited and a violation of this section will be cause for the removal of such vehicle by the superintendent of cemeteries at the owner's expense.

Making a complete or partial reverse turn of any vehicle on any road or drive is forbidden.

(Code 1968, § 502.2(b)(4); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-127. Commercial vehicles prohibited.

No commercial vehicle shall be permitted within the limits of any cemetery except those directly involved in the business of the cemetery. The words "commercial vehicle" as used in this particular subsection shall mean a motor vehicle which bears a "Com" license plate as issued by the state or motor vehicle bearing commercial plates issued by any other state.
(Code 1968, § 502.2(b)(5); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-128. Alcoholic beverages prohibited.

No person shall be in possession of or consume any alcoholic beverage within any cemetery.
(Code 1968, § 502.2(b)(6); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Alcoholic beverages generally, Ch. 3.

Sec. 7-129. Commercial enterprises prohibited.

No person shall sell or offer for sale, hire, lease or rent any object, merchandise, property, service or other thing in any cemetery nor shall any person engage in any commercial enterprise in any cemetery except such as is directly involved in the business of the cemetery.
(Code 1968, § 502.2(b)(7); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-130. Solicitations prohibited.

Solicitations, charitable, political or otherwise are prohibited in any cemetery.
(Code 1968, § 502.2(b)(8); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Peddlers and solicitors generally, Ch. 19.

Sec. 7-131. Litter.

No person shall deposit in any cemetery any garbage, sewage, refuse, waste, vegetables, foodstuffs, boxes, tin cans, paper, or other litter or waste material or obnoxious material, except in containers designed for such purposes.
(Code 1968, § 502.2(b)(9); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Garbage, wastes and junk generally, Ch. 12.

Sec. 7-132. Disorderly conduct prohibited.

No person shall behave in a loud, indecent or disorderly manner in any cemetery or except as provided by section 7-138, create any unnecessary disturbance therein.
(Code 1968, § 502.2(b)(10); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Offenses against public peace, § 17-16 et seq.

Sec. 7-133. Sports, games prohibited.

No person shall conduct or participate in any sport, game or contest in any cemetery, except ice skating.
(Code 1968, § 502.2(b)(11); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Parks, recreation and public buildings, Ch. 18.

Sec. 7-134. Minors prohibited in cemeteries; exception.

Children under fifteen (15) years of age are not permitted within the cemeteries, except when accompanied by their parents, guardian or other adult person or by a written note of permission signed by a parent or guardian, giving their telephone number or address.
(Code 1968, § 502.2(b)(12); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-135. Unleashed animals prohibited.

No person shall cause or permit any animal or dog owned by him or her, in his or her custody, or under his or her control, to go at large within any cemetery unless on the walkways and roadways only and held in leash by a responsible person, the leash not to exceed eight (8) feet in length, except as otherwise provided in section 5-15.1 of this Code for control of dogs in city-owned cemeteries.
(Ord. No. 176-96, § 8, 3-4-96)

Editor's note--Pursuant to the adoption of § 5-15.1 of this Code, § 7-135, which prohibited unleashed animals in cemeteries, has been deleted, treated as repealed by said § 5-15.1. Formerly, § 7-135 derived from § 502.2(b)(13) of the city's 1968 Code as amended by Ord. No. 591-75, § 1, adopted Nov. 3, 1975. Subsequently, Ord. No. 176-96, § 8, adopted Mar. 4, 1996, enacted similar new provisions as herein set out.

Sec. 7-136. Unauthorized items removed from lots.

~~The placing of boxes, shells, toys, ornaments, chairs, settees or similar unauthorized items upon lots will not be permitted, and the superintendent of cemeteries reserves the right to remove any such unauthorized items.~~ The use of shells, stones, lawn ornaments, statues, , glass containers, solar lights, shepherds crooks, tin cans and other similar items is strictly prohibited. No Lawn ornament of any kind as defined by the Superintendent of Cemeteries or his/her designee shall be allowed. The Superintendent reserves the right to remove without notice any planting or object that is in violation of these regulations, or in the opinion of the Management is a hazard to its employees or injurious to the general appearance of the cemetery.

(Code 1968, § 502.2(b)(14); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-137. Signs prohibited.

No sign, notice or advertisement of any kind except directional, identification signs placed by cemetery personnel shall be permitted in any cemetery and the superintendent of cemeteries shall remove same.

(Code 1968, § 502.2(b)(15); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Signs and billboards generally, § 14-366 et seq.

Sec. 7-138. Firearms, fireworks, weapons, etc., prohibited.

The bringing of firearms into any cemetery, except by a military escort, is prohibited. The discharging of, or carrying, offensive weapons of any type, or the hurling of rocks or pellets, or the discharging of fireworks therein is strictly prohibited. This is not to be construed as prohibiting ceremonial volleys with blank charges by properly supervised honor guards as a tribute to a deceased person if such ceremonial undertaking has been previously scheduled with the superintendent of cemeteries.

(Code 1968, § 502.2(b)(16); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Fire prevention and protection, Ch. 10; weapons generally, § 17-41 et seq.

Sec. 7-139. Fishing prohibited.

In cemeteries containing natural or artificial ponds, the act of fishing or carrying tackle is prohibited.
(Code 1968, § 502.2(b)(17); Ord. No. 591-75, § 1, 11-3-75)

Chapter 7 CEMETERIES*

*Cross reference(s)--Streets, sidewalks and other public places, Ch. 25.
State law reference(s)--Cemetery corporations, 13 M.R.S.A. § 1031 et seq.

Art. I. In General, §§ 7-1--7-20
Art. II. Lot Ownership, §§ 7-21--7-45
Art. III. Care of Lots, §§ 7-46--7-65
Art. IV. Interments, §§ 7-66--7-85
Art. V. Plants, Shrubs and Flowers, §§ 7-86--7-105
Art. VI. Monuments, Tombs, Mausoleums and Other
Structures, §§ 7-106--7-122
Art. VII. Rules of Conduct, §§ 7-123--7-139

ARTICLE I. IN GENERAL

Sec. 7-1. Purpose and intent.

For the mutual protection of lot owners and the cemeteries as a whole, the rules and regulations in this chapter are hereby established for all municipal cemeteries. All lot owners and persons visiting the cemeteries shall abide by such rules and regulations as herein enacted and as hereafter amended, which are intended to assist in maintaining our cemeteries as peaceful and beautiful areas as well as reverent symbols of respect for the dead.

(Code 1968, § 502.1; Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-2. Hours.

~~Cemetery offices will be open from 7:00 a.m. to 3:30 p.m. Monday through Friday, except holidays. The cemeteries themselves will be open from 7:00 a.m. to 6:30 p.m. each day, except from November first to April first when they will be open from 7:00 a.m. to 4:30 p.m. The Cemetery Office will be open from 8:00 AM to 4:30 PM during Standard Time and will be open from 7:00 AM to 3:30 PM during Daylight Savings Time Monday-Friday except Holidays.~~

The Cemetery grounds will be open from 7:00 AM to 6:30 PM during Standard Time and will be open from 7:00 AM to 4:30 PM during Daylight Savings Time 7 days a week.

(Code 1968, § 502.2(a)(1); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-3. Employees.

- (a) Cemetery employees shall not work on Saturdays, Sundays and holidays except that Saturday employment may be permitted by the superintendent of cemeteries for an additional charge as established by the city council or that employment may be required at times as determined by the department head.
- (b) Cemetery employees are not permitted to do any work for lot owners or other persons except upon order of the superintendent of cemeteries but are required to be civil and courteous to all persons visiting the cemeteries.
- (c) No gratuity shall be accepted by any cemetery employee.
(Code 1968, § 502.2(a)(2), (a)(3), (a)(5); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-4. Fees.

All fees or charges for services are payable at the cemetery offices, except that interment charges may be payable through any reputable funeral director and any foundation charges for monuments or marker emplacement may be payable through any reputable monument dealer.
(Code 1968, § 502.2(a)(4); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-5. Use of Wilde Memorial Chapel.

Wilde Memorial Chapel located at Evergreen Cemetery is open to the public for a reasonable fee, as set from time to time by the Superintendent of Cemeteries. Any fee charged pursuant to this section shall be used to cover maintenance costs, the cost of utilities, and to provide necessary staff to facilitate the use of the Chapel. ~~Wilde Memorial Chapel located at Evergreen Cemetery is open to the public without charge. Applications for use of the chapel must be made at least twelve (12) hours prior to time desired. The remains of any persons dying from any contagious disease cannot be brought into the chapel for funeral services.~~

(Code 1968, § 502.10)

Sec. 7-6. Correction of errors.

The cemeteries reserve the right to correct any errors that may be made by them in making interments, disinterments or removals, or in the description, transfer or conveyance of any lot. Errors of lot owners in failing to specify proper interment position, or of monument dealers in failing to clearly specify monument or marker foundation positions will be cause once work is in progress by the cemeteries for a fair additional charge in the event a change is requested.
(Code 1968, § 502.9)

Sec. 7-7. Enforcement.

The superintendent of cemeteries is hereby empowered to enforce the rules and regulations of this chapter and to exclude from the cemeteries any person deliberately violating such rules and regulations. The superintendent shall have charge of the grounds and buildings within city cemeteries and shall have supervision and control of employees and all persons visiting the cemeteries, whether lot owners or otherwise.
(Code 1968, § 502.11)

Sec. 7-8. Reserved.

Sec. 7-9. Reserved.

Sec. 7-10. Reserved.

Sec. 7-11. Reserved.

Sec. 7-12. Reserved.

Sec. 7-13. Reserved.

Sec. 7-14. Reserved.

Sec. 7-15. Reserved.

Sec. 7-16. Reserved.

Sec. 7-17. Reserved.

Sec. 7-18. Reserved.

Sec. 7-19. Reserved.

Sec. 7-20. Reserved.

ARTICLE II. LOT OWNERSHIP

Sec. 7-21. Prospective purchasers to visit cemeteries.

Persons desiring to purchase lots should visit the cemeteries where the superintendent of cemeteries or designee will aid them in making a selection. Special rules relating to such lots will be explained and a copy of this chapter will be made available to prospective purchasers.

(Code 1968, § 502.3(a))

Sec. 7-22. Details of purchase.

The purchase price must be paid in full at the time of purchase and receipt for such purchase price will be given to the purchaser at that time. Within ten (10) days thereafter a deed will be sent to the purchaser by the director of finance. A description of lots contained in such deeds shall be in accordance with cemetery plots which are kept on file in the cemetery offices. It shall be the duty of the lot owner to notify the respective cemetery office of any change in address after purchase.

(Code 1968, § 502.3(b))

Sec. 7-23. Lots not subdivided or sold jointly.

Lots of various sizes are available in the cemeteries and, therefore, no lots will be subdivided.

(Code 1968, § 502.3(c))

Sec. 7-24. Purchasers-rights in roads, drives or paths.

No easement or right of interment is granted to any lot owner in any road, drive or path within the cemeteries, but such road, drive or path may be used as a means of access to the cemetery or buildings so long as it shall be devoted to such purpose.

(Code 1968, § 502.3(d))

Sec. 7-25. Rights reserved to cemeteries.

The right to enlarge, reduce, replot or change the boundaries or grading of the cemeteries, or a section or sections thereof, from time to time, including the right to modify or change the location of, or remove or regrade roads, drives, or walks, or any part thereof, is hereby reserved. The right to lay, maintain and operate, or alter or change, pipe lines or gutters for sprinkler systems and drainage purposes is also expressly reserved, as well as is the right to use cemetery property, not sold to lot owners, for cemetery purposes, including interment of the dead, or for anything necessary, incidental, or convenient thereto. The cemeteries reserve to themselves, and to those lawfully entitled thereto, a perpetual right of ingress and egress over lots for the purpose of passing to and from other lots.

(Code 1968, § 502.3(e))

Sec. 7-26. Cemeteries not responsible for loss or damage.

All reasonable precautions will be taken to protect lot owners and the property rights of lot owners within the cemeteries from loss or damage, but the cemeteries will not be responsible for loss or damage from causes beyond their reasonable control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief-makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than is hereby provided.

(Code 1968, § 502.3(f))

Sec. 7-27. Terms of agreement with lot owners.

The deed, perpetual care bond and this chapter constitute the sole agreement between the cemeteries, the city and lot owners. The statement of any employee or agent, unless confirmed in writing by an authorized representative of the cemeteries or the city shall in no way bind the cemeteries or the city.

(Code 1968, § 502.3(g))

Sec. 7-28. Repurchase or exchange of lots by superintendent.

The superintendent of cemeteries shall have the authority to purchase outright, or by exchange for other lots on behalf of the city, any unoccupied lot at such price as may be agreed upon by the owner and the superintendent.
(Code 1968, § 502.3(h))

Sec. 7-29. Transfer of lots.

Transfer of lots will not be recognized without the consent of the superintendent of cemeteries, and transfer deeds may be obtained at the offices of the cemeteries.
(Code 1968, § 502.3(i))

Sec. 7-30. Lost or destroyed deeds.

A lost or destroyed deed will be replaced by a ~~new deed~~ a copy of the deed upon request upon payment of one dollar (\$1.00).
(Code 1968, § 502.3(j))

Sec. 7-31. Descent of title.

The laws of the state govern the descent of title to cemetery lots, as well as other matters relating to their ownership. It is important that, on the decease of an owner of a lot, the heirs or devisees of such person should file in the office of the respective cemetery full proof of ownership for the purpose of correcting the record. Notarized statements as to relationship and certified copies of wills are normally sufficient.
(Code 1968, § 502.8)

Sec. 7-32. Reserved.

Sec. 7-33. Reserved.

Sec. 7-34. Reserved.

Sec. 7-35. Reserved.

Sec. 7-36. Reserved.

Sec. 7-37. Reserved.

Sec. 7-38. Reserved.

Sec. 7-39. Reserved.

Sec. 7-40. Reserved.

Sec. 7-41. Reserved.

Sec. 7-42. Reserved.

Sec. 7-43. Reserved.

Sec. 7-44. Reserved.

Sec. 7-45. Reserved.

ARTICLE III. CARE OF LOTS*

*State law reference(s)--Care and maintenance of cemeteries, 13
M.R.S.A. § 1305.

Sec. 7-46. RESERVED

~~There are the following four (4) types of perpetual care which may be obtained from the city for the permanent maintenance of lots in cemeteries: (Classes 2nd, 3rd and 4th apply only to Evergreen Cemetery)~~

~~(a) 1st class. 1st class perpetual care includes keeping the turf even and in good condition, the grass properly cut, and the trees and shrubs, as duly authorized, trimmed.~~

~~(b) 2nd class. 2nd class perpetual care embraces any or all divisions in first class care, as well as the proper care and cleaning of all granite, stone, marble, or bronze structures on the lot at the time care is assumed, as well as any future erections expressly specified, but does not include replacement of any such structures.~~

~~(c) 3rd class. 3rd class perpetual care assumes the same care as 2nd class care and, in addition, includes replacement of structures as described above when necessary.~~

~~4th class. 4th class perpetual care includes all divisions in 1st class care and the care of any tombs, vaults or mausoleums, such as the pointing of joints, keeping walls in place, and the structure as a whole in a suitable and sanitary condition.~~

Sec. 7-47. Perpetual care required; may be purchased.

All lots sold after August 19, 1970, must include perpetual care consisting of keeping the turf even and in good condition, the grass properly cut, and the trees and shrubs, as duly authorized, trimmed. ~~except in cases of Sections OO, MM and LL (a) in Forest City Cemetery and Section SG in Evergreen where such requirement is optional,~~ Perpetual care may be purchased to cover any lots previously sold without care.
(Code 1968, § 502.4(b); Ord. No. 441-70, § 1, 7-20-70)

Sec. 7-48. Nature of care provided by cemeteries without cost.

The general care of the cemeteries is the responsibility of the city by and through its superintendent of cemeteries and includes reasonable and practical care of the unsold areas of the cemeteries, such as park and lawn areas, roads, shrubs and trees, which have been established by the cemeteries. In no case shall it mean the maintenance, repair or replacement of any memorial, tomb or mausoleum erected or placed upon a lot, nor the performing of any special or unusual work in the cemeteries.
(Code 1968, § 502.4(c))

Sec. 7-49. Additional care may be purchased.

(a) By agreement. Lot owners desiring additional care of their lots may arrange for such care with the superintendent of cemeteries who shall give an estimate of the cost of the work desired. This care may be provided for ~~by annual payments made by the lot owner or~~ by the establishment of a trust fund under such agreement as may be determined between the superintendent and the lot owner. The limitations of this type of care may vary according to the capabilities of the individual cemeteries.

By bequest. In addition to the foregoing, the superintendent of cemeteries is authorized to accept testamentary bequests for additional lot care including, but not limited to, trust funds, upon his determination that the purpose of the bequest can be financially and lawfully implemented. In the event that it

cannot be so implemented, the superintendent shall notify the estate's representative to that effect.

(Code 1968, § 502.4(d); Ord. No. 16-90, 6-18-90)

Sec. 7-50. Investment of trust and care funds.

All care funds held by the city, whether trust or perpetual care will be invested by the city as provided by law and will be expended only as provided by the trust or perpetual care agreement.

(Code 1968, § 502.4(e))

Sec. 7-51. Semi-active cemeteries.

Semi-active cemeteries of the city will be maintained as prescribed by the parks authority.

(Code 1968, § 502.4(f))

Sec. 7-52. Who may provide care for lots.

No person except a lot owner, ~~his or her~~ authorized representative, or an employee of the cemeteries, acting under the direction of the superintendent of cemeteries, is permitted to enter the cemeteries for the purpose of caring for lots without special permission of the superintendent of cemeteries secured in advance. The Management reserves the right to give authorization to any workmen, other than employees of the cemetery, before they may do work in any cemetery. Burial Right holders may have certain work done in accordance with these Rules and Regulations at their own expense upon application to the Management; prices to be agreed upon and paid before said work is done.

All outside workers must submit a Certificate of Insurance for review before commencing any work in the cemetery.

(Code 1968, § 502.4(g))

Sec. 7-53. Lot boundaries not to be defined.

No new lot or grave shall be defined by a fence, rail, curb, hedge, trees or shrubs for the purpose of describing its corners or boundaries.

(Code 1968, § 502.4(h))

Sec. 7-54. Reserved.

Sec. 7-55. Reserved.

Sec. 7-56. Reserved.

Sec. 7-57. Reserved.

Sec. 7-58. Reserved.

Sec. 7-59. Reserved.

Sec. 7-60. Reserved.

Sec. 7-61. Reserved.

Sec. 7-62. Reserved.

Sec. 7-63. Reserved.

Sec. 7-64. Reserved.

Sec. 7-65. Reserved.

ARTICLE IV. INTERMENTS*

*State law reference(s)--Disposal of bodies, 13 M.R.S.A. § 1032.

Sec. 7-66. Funerals in charge of cemeteries.

All funerals entering the cemeteries ~~shall be under the direction of a funeral director who~~ shall abide by the rules and regulations of the respective cemetery, and ~~funeral directors~~ upon arrival at a cemetery must present to the superintendent of cemeteries the necessary burial permit from the city clerk.

(Code 1968, § 502.5(b))

Sec. 7-67. Previous notices required for interments, etc.

The right is reserved by the cemeteries to insist upon at least ~~twenty-four~~ thirty-six (2436) hours' notice of any interment and at least one (1) week's notice of any disinterment or removal. The cemeteries reserve the right to postpone

interment/disinterment time due to acts of nature, God, civil and national emergencies.
(Code 1968, § 502.5(i))

Sec. 7-68. Times for interments.

The cemeteries will be open for interments from 8:00 a.m. to 4:30:00 p.m., Monday through Friday. Requests for openings ~~prior to 10:00 a.m.~~ on Mondays must reach the cemetery offices before noon on Friday. Any services extending beyond or scheduled after these hours, or Saturday interments, will require an additional charge above the regular interment fee. No interments will be made on Sundays or legal holidays, except on proclamation of an emergency.
(Code 1968, § 502.5(a))

Sec. 7-69. Interments to be authorized by lot owners.

All orders for interments in lots must be signed by the owner of the lot, or his or her authorized representative. When this is impossible because of absence from the city, telegraphic ? permission will be accepted in lieu of signed authorization.
(Code 1968, § 502.5(d))

Sec. 7-70. Number of interments in single grave.

No interment of two (2) or more bodies shall be made in one (1) grave, except in the case of mother and child, or two (2) infants, buried in one (1) casket. Further variation may be made in the case of cremations within family lots subject to the placing of markers and upon prior approval of the superintendent of cemeteries. One body and one cremains or 2 cremains will be allowed in a single full size grave.
(Code 1968, § 502.5(e))

Sec. 7-71. Location within lot to be designated by owner.

When an interment is to be made in a lot, the location of such interment shall be designated by the lot owner, or his or her authorized representative. Should he or she fail or neglect to make such designation, the cemeteries reserve the right to make the interment in a location designated by the superintendent of cemeteries. The cemeteries shall not be

responsible for errors from telephone information lacking precise and proper instructions as to the particular space, size of grave, and location in a lot, where interment is desired.
(Code 1968, § 502.5(f))

Sec. 7-72. Caskets opened only when.

Once a casket containing a body is within the confines of a cemetery, it shall not be opened except by a funeral director or his or her assistants or on an order signed by a court of competent jurisdiction.
(Code 1968, § 502.5(c))

Sec. 7-73. Graves opened only when.

Once an interment has been made, graves will be opened only by officials and employees of the cemeteries in the sole and exclusive judgment of the superintendent of cemeteries that such opening is proper, necessary, and duly authorized or when the cemetery is directed to make a disinterment by an ~~older~~ order of a court of competent jurisdiction and a certified copy of such order has been filed with the superintendent of cemeteries. In all cases the responsibility of the cemetery shall be limited to opening of the grave only and the actual disinterment must be made by the person authorized to do so.
(Code 1968, § 502.5(g))

Sec. 7-74. Outside containers required.

In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes, all burials must be made in outside containers constructed of natural stone, or of metal, or of reinforced concrete, or approved synthetics. All such containers must be made and installed so as to meet the specifications established by the superintendent of cemeteries. Outside containers may be procured from any source provided they meet the established specifications. Cement liners may be purchased and installed through the cemeteries, if so desired.
(Code 1968, § 502.5(h))

Sec. 7-75. Reserved.

Sec. 7-76. Reserved.

Sec. 7-77. Reserved.
Sec. 7-78. Reserved.
Sec. 7-79. Reserved.
Sec. 7-80. Reserved.
Sec. 7-81. Reserved.
Sec. 7-82. Reserved.
Sec. 7-83. Reserved.
Sec. 7-84. Reserved.
Sec. 7-85. Reserved.

ARTICLE V. PLANTS, SHRUBS AND FLOWERS*

*Cross reference(s)--Vegetation generally, Ch. 29.

Sec. 7-86. Responsibility of cemeteries.

The cemeteries will undertake to maintain, to the extent practicable, the planting of trees and shrubs to preserve its landscape features, but will not undertake to maintain individual plantings, or urns of plants, except when so contracted to do so by special arrangement.
(Code 1968, § 502.6(a))

Sec. 7-87. Plantings; permission may be granted.

No individual beds of shrubbery or flowers shall be permitted on the grounds of the cemeteries, except by special permission of the superintendent of cemeteries, and request for such permission should be accompanied by a scaled sketch of the proposed planting, showing the location and name of the proposed plantings.

(Code 1968, § 502.6(b))

Sec. 7-88. Care of evergreens where authorized.

In the monumental sections of the cemeteries where certain areas allow the planting of evergreens, dwarf Alberta spruce and dwarf arborvitae are the only evergreens allowed. All evergreens and shrubs must be kept trimmed to within six (6) inches of the lot borders. The cemeteries will, to the extent practicable, trim all evergreens properly placed on lots. Any trees or shrubs exceeding the six (6) inch mark will be severely cut back or removed.

(Code 1968, § 502.6(c))

Sec. 7-89. Plantings on single lots, etc.

No shrubs or evergreens will be permitted on a single grave lot. No plantings of any shrubs or trees will be permitted at individual headstones or flush markers. Plantings on two (2) grave or larger plots must first be approved by the superintendent of cemeteries. Planting of annuals is allowed in certain sections of the cemetery. Please contact Office for details.

(Code 1968, § 502.6(d))

Sec. 7-90. Floral displays on graves.

Only one (1) floral display is permitted on a grave at any one (1) time. Exceptions to this rule will be permitted during one (1) week prior to and one (1) week following Memorial Day and at the time of interment. No glass jars, unsightly metal receptacles or breakable flower containers shall be placed on lots. True floral containers, recessed holders and rustic baskets are recommended.

(Code 1968, § 502.6(e))

Sec. 7-91. Regulations covering Memorial Park or nonmonumental areas.

In the Memorial Park or nonmonumental sections of the cemeteries, the primary aim is to create a beautiful expanse of park-like grounds, bordered by appropriate shrubs, trees and gardens. Within such areas all markers shall be flush with the surface. No individual plants within the burial areas will be

permitted. Only one (1) floral display shall be permitted on a grave at any one (1) time, with the exceptions as set forth under section 7-90. Except for recessed containers, all plant and flower holders shall be placed upon the individual marker. In the absence of a marker, permission may be granted for the placement of memorial flowers or plants above ground on the normal location of a marker space. Cooperation of lot owners in this area will permit better maintenance and opportunities to improve the appearance and quality of the turf within these areas.

(Code 1968, § 502.6(f))

Sec. 7-92. Right of cemeteries to remove flowers and plants.

The cemeteries shall have the right to remove all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind from the cemeteries as soon as, in their judgment, they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained in the cemeteries.

(Code 1968, § 502.6(g))

Sec. 7-93. Cemeteries not responsible for flowers and plantings.

The cemeteries shall not be responsible for floral pieces, baskets or frames in which or to which floral pieces are placed or attached beyond their acceptance for services held in the cemeteries, and shall not be responsible for frozen plants or herbage of any kind, or for plantings damaged by the elements, thieves, vandals or by other causes beyond their control. The cemeteries reserve the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants or herbage of any kind without prior approval.

(Code 1968, § 502.6(h))

Sec. 7-94. Removal of unsightly vases, urns.

The cemeteries reserve the right to remove from lots vases or urns not properly painted or otherwise cared for or not filled with plants by June thirtieth.

(Code 1968, § 502.6(i))

Sec. 7-95. Reserved.

Sec. 7-96. Reserved.
Sec. 7-97. Reserved.
Sec. 7-98. Reserved.
Sec. 7-99. Reserved.
Sec. 7-100. Reserved.
Sec. 7-101. Reserved.
Sec. 7-102. Reserved.
Sec. 7-103. Reserved.
Sec. 7-104. Reserved.
Sec. 7-105. Reserved.

ARTICLE VI. MONUMENTS, TOMBS, MAUSOLEUMS AND
OTHER STRUCTURES*

*State law reference(s)--Mausoleums and vaults, 13 M.R.S.A. § 1341 et
seq.

Sec. 7-106. One monument per lot permitted; one marker per grave
permitted.

The owner of any lot shall have the right to erect thereon
any proper stone or monument upon authorization by the
superintendent of cemeteries. Only one (1) monument shall be
permitted on a lot which must be located in the center or center
rear, unless special permission is granted by the superintendent
for placing it otherwise. Only one (1) individual marker per
grave is allowed in any of the cemeteries. In certain areas,
however, a monument and individual headstones are permitted.
(Code 1968, § 502.7(a))

Sec. 7-107. Site and plans of structures to be approved.

Tombs, vaults or mausoleums can be constructed only in such places and be of such design as shall be approved by the superintendent of cemeteries. Complete plans and specifications must be furnished when request for permission to build is made.
(Code 1968, § 502.7(b))

Sec. 7-108. Single apartments required.

No bodies shall be placed in tombs, vaults or mausoleums except in hermetically sealed, single apartments in a manner satisfactory to the superintendent of cemeteries.
(Code 1968, § 502.7(c))

Sec. 7-109. Materials, size and design of structures.

No monument or other structure on a lot above ground shall be constructed of any other material than cut marble, granite, natural stone, or real bronze. In general, no monument or marker shall exceed a base size from end to end of sixty (60) percent of the width of the lot. However, in certain areas of the cemeteries, the specific design of particular sections has been planned to accept a certain type or size marker. These sections are familiar to local monument dealers, and more detailed information may be had at the offices of the cemeteries concerning such requirements or specifications.
(Code 1968, § 502.7(d))

Sec. 7-110. Foundations required; by whom constructed.

No stone, monument, tomb, vault or other superstructure shall be erected until a suitable foundation is laid. All foundations for monuments shall be not less than four (4) feet in depth. Deeper foundations will be used when deemed advisable by the superintendent of cemeteries. As a guarantee of good work, for the general welfare of the cemeteries, and for protection to lot owners, the cemeteries reserve the right to construct all foundations for such structures. The superintendent of cemeteries may, however, if deemed advisable, authorize under his supervision the construction of such foundation by other qualified contractors.
(Code 1968, § 502.7(e))

Sec. 7-111. Perpetual care required.

All tombs, mausoleums or vaults constructed after August 19, 1970, shall have such provision made for perpetual care as is adequate in each case.

(Code 1968, § 502.7(f))

Sec. 7-112. Reserved.

Sec. 7-113. Reserved.

Sec. 7-114. Reserved.

Sec. 7-115. Reserved.

Sec. 7-116. Reserved.

Sec. 7-117. Reserved.

Sec. 7-118. Reserved.

Sec. 7-119. Reserved.

Sec. 7-120. Reserved.

Sec. 7-121. Reserved.

Sec. 7-122. Reserved.

ARTICLE VII. RULES OF CONDUCT*

*Cross reference(s)--Offenses and miscellaneous provisions, Ch. 17.

Sec. 7-123. Trespass.

No person other than a cemetery employee on authorized duties shall enter any cemetery after the hours or times specified in section 7-2 and any person so entering shall be guilty of trespass.

(Code 1968, § 502.2(b)(1); Ord. No. 591-7, § 1, 11-3-75)

Sec. 7-124. Malicious mischief.

No person shall destroy, mutilate, deface, injure or remove any tomb, monument, gravestone, marker or other structure placed within any cemetery, or any fence, railing, or other work for the protection or ornamentation of any tomb, monument, gravestone, marker or other structure aforesaid, or any cemetery lot within any cemetery.

(Code 1968, § 502.2(b)(3); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-125. Manner of travel by pedestrians.

Persons visiting the cemeteries shall use only the avenues, walks and alleys provided, and no person shall walk upon or across lots or lawns unless necessary and where such avenues, walks or alleys are not provided. The city expressly disclaims responsibility for any injury sustained by any person violating this section.

(Code 1968, § 502.2(b)(2); Ord. No. 59175, § 1, 11-3-75)

Sec. 7-126. Manner of travel by vehicles.

Motor cars and vehicles must be kept under complete control at all times. When meeting a funeral cortege, they must stop until the procession passes. They must not pass a funeral cortege, either stopped or in motion. Mufflers must not be opened, nor the horn sounded within the cemeteries, and all such vehicles shall comply with the following rules:

- (a) Maximum speed limit: Fifteen (15) miles per hour.
- (b) No vehicle may be driven or parked across or upon any grave, lot or lawn.
- (c) Parking or leaving any vehicle on any road or drive in such a way as to prevent any car or vehicle from passing is prohibited and a violation of this section will be cause for the removal of such vehicle by the superintendent of cemeteries at the owner's expense.

Making a complete or partial reverse turn of any vehicle on any road or drive is forbidden.

(Code 1968, § 502.2(b)(4); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-127. Commercial vehicles prohibited.

No commercial vehicle shall be permitted within the limits of any cemetery except those directly involved in the business of the cemetery. The words "commercial vehicle" as used in this particular subsection shall mean a motor vehicle which bears a "Com" license plate as issued by the state or motor vehicle bearing commercial plates issued by any other state.
(Code 1968, § 502.2(b)(5); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-128. Alcoholic beverages prohibited.

No person shall be in possession of or consume any alcoholic beverage within any cemetery.
(Code 1968, § 502.2(b)(6); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Alcoholic beverages generally, Ch. 3.

Sec. 7-129. Commercial enterprises prohibited.

No person shall sell or offer for sale, hire, lease or rent any object, merchandise, property, service or other thing in any cemetery nor shall any person engage in any commercial enterprise in any cemetery except such as is directly involved in the business of the cemetery.
(Code 1968, § 502.2(b)(7); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-130. Solicitations prohibited.

Solicitations, charitable, political or otherwise are prohibited in any cemetery.
(Code 1968, § 502.2(b)(8); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Peddlers and solicitors generally, Ch. 19.

Sec. 7-131. Litter.

No person shall deposit in any cemetery any garbage, sewage, refuse, waste, vegetables, foodstuffs, boxes, tin cans, paper, or other litter or waste material or obnoxious material, except in containers designed for such purposes.
(Code 1968, § 502.2(b)(9); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Garbage, wastes and junk generally, Ch. 12.

Sec. 7-132. Disorderly conduct prohibited.

No person shall behave in a loud, indecent or disorderly manner in any cemetery or except as provided by section 7-138, create any unnecessary disturbance therein.
(Code 1968, § 502.2(b)(10); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Offenses against public peace, § 17-16 et seq.

Sec. 7-133. Sports, games prohibited.

No person shall conduct or participate in any sport, game or contest in any cemetery, except ice skating.
(Code 1968, § 502.2(b)(11); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Parks, recreation and public buildings, Ch. 18.

Sec. 7-134. Minors prohibited in cemeteries; exception.

Children under fifteen (15) years of age are not permitted within the cemeteries, except when accompanied by their parents, guardian or other adult person or by a written note of permission signed by a parent or guardian, giving their telephone number or address.
(Code 1968, § 502.2(b)(12); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-135. Unleashed animals prohibited.

No person shall cause or permit any animal or dog owned by him or her, in his or her custody, or under his or her control, to go at large within any cemetery unless on the walkways and roadways only and held in leash by a responsible person, the leash not to exceed eight (8) feet in length, except as otherwise provided in section 5-15.1 of this Code for control of dogs in city-owned cemeteries.
(Ord. No. 176-96, § 8, 3-4-96)

Editor's note--Pursuant to the adoption of § 5-15.1 of this Code, § 7-135, which prohibited unleashed animals in cemeteries, has been deleted, treated as repealed by said § 5-15.1. Formerly, § 7-135 derived from § 502.2(b)(13) of the city's 1968 Code as amended by Ord. No. 591-75, § 1, adopted Nov. 3, 1975. Subsequently, Ord. No. 176-96, § 8, adopted Mar. 4, 1996, enacted similar new provisions as herein set out.

Sec. 7-136. Unauthorized items removed from lots.

~~The placing of boxes, shells, toys, ornaments, chairs, settees or similar unauthorized items upon lots will not be permitted, and the superintendent of cemeteries reserves the right to remove any such unauthorized items.~~ The use of shells, stones, lawn ornaments, statues, , glass containers, solar lights, shepherds crooks, tin cans and other similar items is strictly prohibited. No Lawn ornament of any kind as defined by the Superintendent of Cemeteries or his/her designee shall be allowed. The Superintendent reserves the right to remove without notice any planting or object that is in violation of these regulations, or in the opinion of the Management is a hazard to its employees or injurious to the general appearance of the cemetery.

(Code 1968, § 502.2(b)(14); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-137. Signs prohibited.

No sign, notice or advertisement of any kind except directional, identification signs placed by cemetery personnel shall be permitted in any cemetery and the superintendent of cemeteries shall remove same.

(Code 1968, § 502.2(b)(15); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Signs and billboards generally, § 14-366 et seq.

Sec. 7-138. Firearms, fireworks, weapons, etc., prohibited.

The bringing of firearms into any cemetery, except by a military escort, is prohibited. The discharging of, or carrying, offensive weapons of any type, or the hurling of rocks or pellets, or the discharging of fireworks therein is strictly prohibited. This is not to be construed as prohibiting ceremonial volleys with blank charges by properly supervised honor guards as a tribute to a deceased person if such ceremonial undertaking has been previously scheduled with the superintendent of cemeteries.

(Code 1968, § 502.2(b)(16); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Fire prevention and protection, Ch. 10; weapons generally, § 17-41 et seq.

Sec. 7-139. Fishing prohibited.

In cemeteries containing natural or artificial ponds, the act of fishing or carrying tackle is prohibited.

(Code 1968, § 502.2(b)(17); Ord. No. 591-75, § 1, 11-3-75)