

**Special City Council Meeting
May 15, 2017**

1. Agenda Only

Documents:

[AGENDA ONLY 05-15-17.PDF](#)

2. Agenda And Packet

Documents:

[CITY COUNCIL AGENDA AND PACKET 2017-05-15.PDF](#)

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

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

AGENDA
SPECIAL CITY COUNCIL MEETING
MAY 15, 2017

The Portland City Council will hold a Special City Council Meeting at 5:00 p.m. in City Council Chambers, City Hall. The Honorable Ethan K. Strimling, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 1) May 1, 2017 Special City Council Meeting Minutes

PROCLAMATIONS:

Proc 30-16/17 Proclamation Recognizing Revive Civility Month 2017 – Sponsored
(Tab 2) by Councilors Pious Ali, Belinda S. Ray, Spencer Thibodeau, Brian E. Batson, Justin Costa, David Brenerman, Jill C. Duson, Nicholas M. Mavodones, Jr., and Mayor Ethan K. Strimling.

APPOINTMENTS:

Order 247-16/17 Order Appointing Constables for 2017 RE: Department of Public
(Tab 3) Safety and Department of Parks, Recreation and Facilities –
Sponsored by Jon P. Jennings, City Manager.

This order appoints Police Cadets Trenton Coleman-Bishop, Matthew O’Leary, Dakota Ferris, Orlando Simmonds, and Morgan Copp as constables for the Police Department and Park Rangers Cory Plante, Braeden T. Cummings, Michaela E. Morris, Patrick J. Mernier as constables for the Department of Parks, Recreation and Facilities.

This order shall be effective from the effective date of this order and until midnight on December 31, 2017.

These appointments are made pursuant to Portland City Code, Sections 20-19 and 20-19.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or make arrests or issue parking tickets.

In order for the Cadets to begin on May 21, 2017, staff is requesting emergency passage of this order.

Seven affirmative votes are required for emergency passage after public comment.

CONSENT ITEMS:

Order 248-16/17 (Tab 4) Order Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Amy Santiago – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Council to approve the transfer of \$939.00 forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Amy Santiago.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department. The money will be deposited into the Portland Police Department's drug investigation account. The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor. The money may also be used to support the department's Law Enforcement Addiction Advocacy Program.

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

LICENSES:

**Order 250-16/17
(Tab 6)**

**Order Approving and Adopting the Record and Written Decision
Re: Bonfire LLC Application for an Entertainment with Dancing and
After Hours Entertainment License – Sponsored by Danielle West-
Chuhta, Corporation Counsel.**

On April 5, 2017, the City Council held a public hearing on the application of Bonfire, LLC for an entertainment license at 37 Wharf Street. On that date, the Council voted not to grant the license. The Council is required to issue its decision in writing. The proposed findings and conclusions for the Council's consideration are included in the backup.

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COMMUNICATIONS:

RESOLUTIONS:

**Resolve 8-16/17
(Tab 7)**

**Resolution Amending Council Rules for 2016-2017 – Sponsored by
Danielle West-Chuhta, Corporation Council.**

At the April 24th meeting of the City Council, an amendment to City Council Rule 8 was requested.

This rule specifies when a roll call vote (i.e. the “yeas and nays”) must be taken on an item pending before the City Council. The proposed amendment would remove the requirement in the rule for a roll call vote on motions to adjourn.

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

UNFINISHED BUSINESS:

BUDGET ITEMS:

**Order 229-16/17
(Tab 8)**

**Order Approving State/Local EPS Funding Allocation for Public
Education from Kindergarten to Grade 12 for Portland Schools for
FY2018 – Sponsored by the Finance Committee, Councilor Nicholas
M. Mavodones, Chair.**

Order 229 to Order 237 are orders required by 20-A M.R.S.A. §15690 in order to comply with what is known as LD1, a set of state laws passed to control increases in property taxes.

This order provides \$81,456,771 as the amount determined by state law to be the minimum amount the city must appropriate in order to receive the full

amount of state funding under the Essential Programs and Services Funding Act.

This requires the city to raise \$64,261,317 as the city's contribution to the total cost of funding public education from K-12 as described in the EPS law. The City's Tax levy for the total for school budget programs of \$105,036,238 will be \$82,787,921.

This item must be read on two separate days. It was given a first reading on May 1st. Five affirmative votes are required for passage after public comment.

**Order 230-16/17
(Tab 9)**

Order Approving Non-State Funded School Construction Debt Service for Portland Schools for FY2018 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

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

This order appropriates \$496,746 for the annual payments on debt service previously approved by the voters or the City Council for non-state (local-only) funded school construction projects. The state no longer includes minor capital projects in this calculation.

The \$496,746 is in addition to the funds appropriated as the EPS required local share (amount of the city's contribution to the total cost of funding public education from kindergarten to grade 12).

This item must be read on two separate days. It was given a first reading on May 1st. Five affirmative votes are required for passage after public comment.

**Order 231-16/17
(Tab 10)**

Order Raising and Appropriating Additional Local Funds for Portland Schools for FY2018– Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order appropriates \$16,698,708 in additional city funds over and above regional EPS amount and the non-state funded debt service amount.

This exceeds the EPS funding model by \$14,915,041 and funds the cost of city schools, Kindergarten-12, which are not covered by the state funding model established by the Essential Programs and Services Funding Act.

This item must be read on two separate days. It was given a first reading on May 1st. Five affirmative votes are required for passage after public comment.

Order 232-16/17

Order Approving Total School Operating Budget for Portland Schools

(Tab 11)

for FY2018– Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair.

This order is required by 20-A M.R.S.A. §15690(4)(A). It sets the School Budget required by state law. The total amount recommended for that budget is \$99,569,444.

That is the amount in the budget that under state law will be sent to the voters for approval at a citywide Referendum Election on May 9, 2018. \$81,456,771 of the \$99,569,444 would come from property taxes, \$14,087,466 would come from state subsidy, and \$3,525,207 from other revenues.

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

This item must be read on two separate days. It was given a first reading on May 1st. Five affirmative votes are required for passage after public comment.

**Order 233-16/17
(Tab 12)**

Order Appropriating and Raising Funds for Adult Education for FY 2018 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 order raises \$1,297,914 to support the Adult Education program and appropriates a budget for that program of \$1,919,778.

The budgets for the Adult Education Program and for the Food Service Program in the next order are in addition to the \$99,569,444 proposed for the General Fund School Budget that must be submitted to the voters. Under the City Charter, the Council must act on this school funding order, which is not part of the General Fund budget.

When the amounts for the Adult Education Program and the Food Service Program are added to the proposed General Fund School Budget, it leads to a total for FY2018 school budget programs of \$105,036,238.

This item must be read on two separate days. It was given a first reading on May 1st. Five affirmative votes are required for passage after public comment.

**Order 234-16/17
(Tab 13)**

Order to Raise Local Funds for Food Service in the Portland Public Schools for FY 2018 – Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair.

This order raises \$33,236 to support the Food Service Budget. The total proposed Food Service Program is \$3,547,016, which is in addition to the General Fund School Budget.

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

This item must be read on two separate days. It was given a first reading on May 1st. Five affirmative votes are required for passage after public comment.

**Order 234A-16/17
(Tab 14)**

Order Authorizing the Disposition of Any Additional State Subsidy Received for Portland Schools in Fiscal Year 2018 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order approves the following school budget article for Fiscal Year 2017-2018:

Disposition of Any Additional State Subsidy Received: In the event that Portland Public Schools receives more state education subsidy than the amount included in its budget, that the City authorizes the Portland Board of Education to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the Portland Board of Education, subject only to approval by the City Council.

This item must be read on two separate days. It was given a first reading on May 1st. Five affirmative votes are required for passage after public comment.

**Order 235-16/17
(Tab 15)**

Order Approving Fiscal Year 2018 Administrative Fees in the Department of Public Works Re: Street Openings – Sponsored by Jon P. Jennings, City Manager.

This order authorizes certain administrative charges, specifically a new fee in Public Works: Street Openings Block Permit.

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 236-16/17
(Tab 16)**

Order Authorizing City Manager to Enter into Certain Agreements to Implement the Fiscal Year 2018 Human Resources and Certain Fringe Benefits Budgets – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Manager to enter into standard agreements and amendments to standard agreements with providers of services for the fiscal year 2018 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 1st. Five affirmative votes are required for passage after public comment.

**Order 237-16/17
(Tab 17)**

**Order Re: Fiscal Year 2018 Self-Insured Liability Program -
Sponsored by Jon P. Jennings, City Manager.**

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

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

**Order 238-16/17
(Tab 18)**

**Order Authorizing the Director of Parks, Recreation and Facilities
to Set Fees and Enter Rental Agreements for City Facilities –
Sponsored by Jon P. Jennings, City Manager.**

Staff has historically set fees and signed rental agreements for City facilities such as Merrill Auditorium, the Portland Exposition Building and Ocean Gateway. These facilities host 100s of events on an annual basis and while many events are similar in nature, all are also somewhat unique and require different staffing levels and services, and are therefore priced accordingly. The City's legal department has created a standard rental agreement. Any changes to the terms of standard agreement, other than pricing, are reviewed by legal prior to being changed.

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

Also, these venues and others, such as the Riverside Golf Course, Riverside Grill and Troubh Ice Arena, are run in a business-like manner and need the flexibility to be able to offer specials and adjust pricing based on market conditions. This order will further reaffirm the practice of these fees being set administratively.

Five affirmative votes are required for passage after public comment. 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 239-16/17
(Tab 19)**

**Order Authorizing City Manager to Enter into Certain Agreements to
Implement Fiscal Year 2018 Health and Human Services Budget
- Sponsored by Jon P. Jennings, City Manager.**

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 1st. Five affirmative votes are required for passage after public comment.

**Order 240-16/17
(Tab 20)**

Order Authorizing City Manager to Accept Scholarship Trust Donations and Enter into Trust Agreements - Sponsored by Jon P. Jennings, City Manager.

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.

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 241-16/17
(Tab 21)**

Order Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes – Sponsored by Jon P. Jennings, City Manager.

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

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

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

**Order 242-16/17
(Tab 22)**

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

The Finance Committee met on May 4, 2017 and voted 3-0 to forward this item to the City Council with a recommendation for passage.

This Order authorizes the City Manager to make a 2% pay adjustment for all non-union employees effective July 2, 2017.

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 1st. Five affirmative votes are required for passage after public comment.

**Order 243-16/17
(Tab 23)**

**Order Designating Fiscal Year 2018 Funds for Specific Island Services
- Sponsored by Jon P. Jennings, City Manager.**

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 FY18:

Ferry Tickets, Passes, Vouchers, Loading Control		
Item A:	Middle & High School Passes	\$5,937
Item B:	College Students	\$330
Item C:	Private School Tickets	\$413
Item D:	Needs-Based Tickets	\$3,834
Item E:	Bicycle Tickets	\$500
Item F:	Loretta Voyer Fund	\$50
Item G:	Cadet Funding	\$2,736
On-Island Transportation		
Item H:	ITS ("The Taxi")	\$18,000
Islanders in Need		
Item I:	PITEA (for PIC, Heating Assistance Only)	\$3,200
Item J:	Food Pantry	\$50
Parks, Recreation, Open Space		
Item J:	Skateboard Park	\$500
Item K:	PEAT Brochure	\$400
Island Services		
Item L:	Signage	\$50
Item M:	Website + App Development	\$1,500
Item N:	Administrative	\$2,500
TOTAL (02/25/17):		\$40,000

This item must be read on two separate days. It was given a first reading on May 1st. Five affirmative are required for passage after public comment.

**Order 244-16/17
(Tab 24)**

Order for Fiscal Year 2018 Appropriating \$185,000 from Excess Fund - Sponsored Jon P. Jennings, City Manager.

Appropriating \$185,000 from the Casco Bay Island Transit District (CBITD) Excess Fund. Pursuant to the lease agreement between the City

and CBITD, the Excess Fund, as defined in the agreement, is accumulated and held until such time as the Council may appropriate amounts for purposes outlined in the agreement. CBITD has requested \$185,000, to be used in providing a local match, for Phase 2 of the Casco Bay Island Transit District's (CBITD) ferry terminal renovations. This is permissible under the agreement as CBITD has first priority to request usage of available funds for their capital costs associated with public transportation in the City.

This item must be read on two separate days. It was given a first reading on May 1st. Five affirmative votes are required for passage after public comment.

RELATED ORDINANCE AMENDMENT:

Order 245-16/17 (Tab 25) Amendment to Portland City Code Re: Various Fee Increases for Fiscal Year 2018 - Sponsored by Jon P. Jennings, City Manager.

Part 1 amends the following fees in Chapter 14 in §14-530:

Chapter 14	Description	Current Fee	Proposed Fee
<i>Sec. 14-530</i>	<i>Development review fees and post approval requirements:</i>		
(a)	<i>Development Review Fees:</i>		
(a) (4)	<i>Site Plan Review Expenses:</i>		
(a) (4) (i)	<i>Fee for Development Review Services</i>		
(a) (4) (i) (i)	<i>Planning fee per hour</i>	\$50	\$52
(a) (4) (l)	<i>Inspection Fees, as required in Section 14-530 (b) (5)</i>		

(a) (4) (l) (i)	Level I: Site Alteration, Level II and Level III: 2% of the performance guarantee or as assessed by Planning or Public Works Engineer (...at \$) an hours with minimum inspection fee of \$300 Level I: Minor Residential Inspection Fee \$100 (flat fee).	\$50	\$52
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Part 2 amends the Sewer user charge in Chapter 24, in §24-72.

The proposed sewer rate for July 1, 2017 is \$9.65 per hundred cubic feet (hcf), up from the January 1, 2017 rate of \$9.35 hcf.

Part 3 adds the following new fees in Chapter 25, in §25-27.

Chapter 25 RE: §25-27	Description	Current Fee	Proposed Fee
Violations			
	Failure to Obtain a Street Occupancy Permit	NA	\$75/day
	Non-Compliance: Failure to Follow an Approved Management Plan for Vehicle Traffic and / or Pedestrian Detours	NA	\$50/day

Part 4 amends the following fee in Chapter 28, in §28-86:

Chapter 28	Description	Current Fee	Proposed Fee
Sec. 28-86	Parking Meter Rates	\$1.00/ hr	\$1.25/hr

All fee increases are effective July 1, 2017. This item must be read on two separate days. It was given a first reading on May 1st. Five affirmative votes are required for passage after public comment.

APPROPRIATION RESOLVE:

Order 246-16/17 (Tab 26) Fiscal Year 2017-2018 Appropriation Resolve - Sponsored by Jon P. Jennings City Manager.

This item brings forward the Appropriation Resolve for Fiscal Year (FY) 2018 for action by the City Council.

The Resolve contains the City Manager's recommended budget for FY2018 for general municipal purposes in the amount of \$240,430,005. In addition it contains the Portland Board of Education's recommended budget for FY2018 for school purposes in the amount of \$105,036,238.

The Portland Board of Education's recommended School Budget and the City Manager's budget recommendations for municipal purposes results in a combined tax levy of \$168,956,927 for Fiscal Year 2018.

The tax rate based on the combined levies would be \$21.66 per \$1,000 of assessed value, a 2.6% 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, 2017 and sets September 8, 2017, as the tax due date, which may be paid in two installments due on September 8, 2017, and March 9, 2018.

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 1st. Five affirmative are required for passage after public comment.

ORDERS:

Order 251-16/17 (Tab 27) Order Approving Purchase and sale Agreement with Developers Collaborative Predevelopment LLC for the Sale of Reed School at 19 Libby Street - Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Manager to execute any and all documents required to transfer the Reed School parcel for \$75,000.

The School Department declared the Reed School surplus in 2014. Planning & Urban Development began a reuse process with an advisory committee of residents and subject area experts shortly thereafter, resulting in the issuance of a report on the potential reuse of the property.

After an initial Request for Qualifications resulted in unsatisfactory responses, a Request for Proposals (RFP) was issued in 2016.

That RFP resulted in two responses, including one from Developers Collaborative that enjoyed broad support to reuse a portion of the school

building for a private educational use. The City Council voted on 8/1/16 to authorize negotiations with that respondent.

Following that vote, the respondent entered into discussions with neighbors to resolve any significant concerns and subsequently began discussions with City staff on the terms of a sale. Those terms are encapsulated in the draft Purchase and Sale agreement, which is included in the backup material, and include a \$75,000 sales price and a Payment in Lieu of Taxes (PILOT) agreement for any portion of the building that may become exempt from taxation. Due to the structure of the deal, it is expected that the entire building will be fully taxable for five years, after which it is expected that a portion of the building will be transferred to the educational use, subject to the PILOT agreement.

Five affirmative votes are required for passage after public comment.

AMENDMENTS:

**Order 252-16/17
(Tab 28) Amendment to Portland City Code Chapter 14 Re: Emergency Shelters as a Conditional Use – Sponsored by the Planning Board, Elizabeth Boepple, Chair.**

The Planning Board met on April 25, 2017 and voted 6-1 to forward this item to the City Council for a recommendation for passage.

The Health and Human Services Committee drafted and the Planning Board voted (6-1) to recommend to City Council the adoption of text amendments to add emergency shelters as a conditional use in the B-4, B-5, IL, ILb, IM and IH zones. Currently, emergency shelters are a conditional use in the B-3 zone and this would be retained. The proposed text amendments also include updated conditional use standards specific to emergency shelters to guide the development of new facilities.

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

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

5/12/2017 11:16 AM

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

DAVID BRENERMAN (5)
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This order shall be effective from the effective date of this order and until midnight on December 31, 2017.

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**Order 250-16/17
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(Tab 9)**

Order Approving Non-State Funded School Construction Debt Service for Portland Schools for FY2018 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

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

This order appropriates \$496,746 for the annual payments on debt service previously approved by the voters or the City Council for non-state (local-only) funded school construction projects. The state no longer includes minor capital projects in this calculation.

The \$496,746 is in addition to the funds appropriated as the EPS required local share (amount of the city's contribution to the total cost of funding public education from kindergarten to grade 12).

This item must be read on two separate days. It was given a first reading on May 1st. Five affirmative votes are required for passage after public comment.

**Order 231-16/17
(Tab 10)**

Order Raising and Appropriating Additional Local Funds for Portland Schools for FY2018– Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order appropriates \$16,698,708 in additional city funds over and above regional EPS amount and the non-state funded debt service amount.

This exceeds the EPS funding model by \$14,915,041 and funds the cost of city schools, Kindergarten-12, which are not covered by the state funding model established by the Essential Programs and Services Funding Act.

This item must be read on two separate days. It was given a first reading on May 1st. Five affirmative votes are required for passage after public comment.

Order 232-16/17

Order Approving Total School Operating Budget for Portland Schools

(Tab 11)

for FY2018– Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair.

This order is required by 20-A M.R.S.A. §15690(4)(A). It sets the School Budget required by state law. The total amount recommended for that budget is \$99,569,444.

That is the amount in the budget that under state law will be sent to the voters for approval at a citywide Referendum Election on May 9, 2018. \$81,456,771 of the \$99,569,444 would come from property taxes, \$14,087,466 would come from state subsidy, and \$3,525,207 from other revenues.

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

This item must be read on two separate days. It was given a first reading on May 1st. Five affirmative votes are required for passage after public comment.

**Order 233-16/17
(Tab 12)**

Order Appropriating and Raising Funds for Adult Education for FY 2018 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 order raises \$1,297,914 to support the Adult Education program and appropriates a budget for that program of \$1,919,778.

The budgets for the Adult Education Program and for the Food Service Program in the next order are in addition to the \$99,569,444 proposed for the General Fund School Budget that must be submitted to the voters. Under the City Charter, the Council must act on this school funding order, which is not part of the General Fund budget.

When the amounts for the Adult Education Program and the Food Service Program are added to the proposed General Fund School Budget, it leads to a total for FY2018 school budget programs of \$105,036,238.

This item must be read on two separate days. It was given a first reading on May 1st. Five affirmative votes are required for passage after public comment.

**Order 234-16/17
(Tab 13)**

Order to Raise Local Funds for Food Service in the Portland Public Schools for FY 2018 – Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair.

This order raises \$33,236 to support the Food Service Budget. The total proposed Food Service Program is \$3,547,016, which is in addition to the General Fund School Budget.

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

This item must be read on two separate days. It was given a first reading on May 1st. Five affirmative votes are required for passage after public comment.

**Order 234A-16/17
(Tab 14)**

Order Authorizing the Disposition of Any Additional State Subsidy Received for Portland Schools in Fiscal Year 2018 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order approves the following school budget article for Fiscal Year 2017-2018:

Disposition of Any Additional State Subsidy Received: In the event that Portland Public Schools receives more state education subsidy than the amount included in its budget, that the City authorizes the Portland Board of Education to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the Portland Board of Education, subject only to approval by the City Council.

This item must be read on two separate days. It was given a first reading on May 1st. Five affirmative votes are required for passage after public comment.

**Order 235-16/17
(Tab 15)**

Order Approving Fiscal Year 2018 Administrative Fees in the Department of Public Works Re: Street Openings – Sponsored by Jon P. Jennings, City Manager.

This order authorizes certain administrative charges, specifically a new fee in Public Works: Street Openings Block Permit.

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 236-16/17
(Tab 16)**

Order Authorizing City Manager to Enter into Certain Agreements to Implement the Fiscal Year 2018 Human Resources and Certain Fringe Benefits Budgets – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Manager to enter into standard agreements and amendments to standard agreements with providers of services for the fiscal year 2018 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 1st. Five affirmative votes are required for passage after public comment.

**Order 237-16/17
(Tab 17)**

**Order Re: Fiscal Year 2018 Self-Insured Liability Program -
Sponsored by Jon P. Jennings, City Manager.**

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

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

**Order 238-16/17
(Tab 18)**

**Order Authorizing the Director of Parks, Recreation and Facilities
to Set Fees and Enter Rental Agreements for City Facilities –
Sponsored by Jon P. Jennings, City Manager.**

Staff has historically set fees and signed rental agreements for City facilities such as Merrill Auditorium, the Portland Exposition Building and Ocean Gateway. These facilities host 100s of events on an annual basis and while many events are similar in nature, all are also somewhat unique and require different staffing levels and services, and are therefore priced accordingly. The City's legal department has created a standard rental agreement. Any changes to the terms of standard agreement, other than pricing, are reviewed by legal prior to being changed.

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

Also, these venues and others, such as the Riverside Golf Course, Riverside Grill and Troubh Ice Arena, are run in a business-like manner and need the flexibility to be able to offer specials and adjust pricing based on market conditions. This order will further reaffirm the practice of these fees being set administratively.

Five affirmative votes are required for passage after public comment. 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 239-16/17
(Tab 19)**

**Order Authorizing City Manager to Enter into Certain Agreements to
Implement Fiscal Year 2018 Health and Human Services Budget
- Sponsored by Jon P. Jennings, City Manager.**

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 1st. Five affirmative votes are required for passage after public comment.

**Order 240-16/17
(Tab 20)**

Order Authorizing City Manager to Accept Scholarship Trust Donations and Enter into Trust Agreements - Sponsored by Jon P. Jennings, City Manager.

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.

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 241-16/17
(Tab 21)**

Order Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes – Sponsored by Jon P. Jennings, City Manager.

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

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

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

**Order 242-16/17
(Tab 22)**

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

The Finance Committee met on May 4, 2017 and voted 3-0 to forward this item to the City Council with a recommendation for passage.

This Order authorizes the City Manager to make a 2% pay adjustment for all non-union employees effective July 2, 2017.

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 1st. Five affirmative votes are required for passage after public comment.

**Order 243-16/17
(Tab 23)**

**Order Designating Fiscal Year 2018 Funds for Specific Island Services
- Sponsored by Jon P. Jennings, City Manager.**

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 FY18:

Ferry Tickets, Passes, Vouchers, Loading Control		
Item A:	Middle & High School Passes	\$5,937
Item B:	College Students	\$330
Item C:	Private School Tickets	\$413
Item D:	Needs-Based Tickets	\$3,834
Item E:	Bicycle Tickets	\$500
Item F:	Loretta Voyer Fund	\$50
Item G:	Cadet Funding	\$2,736
On-Island Transportation		
Item H:	ITS ("The Taxi")	\$18,000
Islanders in Need		
Item I:	PITEA (for PIC, Heating Assistance Only)	\$3,200
Item J:	Food Pantry	\$50
Parks, Recreation, Open Space		
Item J:	Skateboard Park	\$500
Item K:	PEAT Brochure	\$400
Island Services		
Item L:	Signage	\$50
Item M:	Website + App Development	\$1,500
Item N:	Administrative	\$2,500
TOTAL (02/25/17):		\$40,000

This item must be read on two separate days. It was given a first reading on May 1st. Five affirmative are required for passage after public comment.

**Order 244-16/17
(Tab 24)**

Order for Fiscal Year 2018 Appropriating \$185,000 from Excess Fund - Sponsored Jon P. Jennings, City Manager.

Appropriating \$185,000 from the Casco Bay Island Transit District (CBITD) Excess Fund. Pursuant to the lease agreement between the City

and CBITD, the Excess Fund, as defined in the agreement, is accumulated and held until such time as the Council may appropriate amounts for purposes outlined in the agreement. CBITD has requested \$185,000, to be used in providing a local match, for Phase 2 of the Casco Bay Island Transit District's (CBITD) ferry terminal renovations. This is permissible under the agreement as CBITD has first priority to request usage of available funds for their capital costs associated with public transportation in the City.

This item must be read on two separate days. It was given a first reading on May 1st. Five affirmative votes are required for passage after public comment.

RELATED ORDINANCE AMENDMENT:

Order 245-16/17 (Tab 25) Amendment to Portland City Code Re: Various Fee Increases for Fiscal Year 2018 - Sponsored by Jon P. Jennings, City Manager.

Part 1 amends the following fees in Chapter 14 in §14-530:

Chapter 14	Description	Current Fee	Proposed Fee
<i>Sec. 14-530</i>	<i>Development review fees and post approval requirements:</i>		
(a)	<i>Development Review Fees:</i>		
(a) (4)	<i>Site Plan Review Expenses:</i>		
(a) (4) (i)	<i>Fee for Development Review Services</i>		
(a) (4) (i) (i)	<i>Planning fee per hour</i>	\$50	\$52
(a) (4) (l)	<i>Inspection Fees, as required in Section 14-530 (b) (5)</i>		

(a) (4) (l) (i)	Level I: Site Alteration, Level II and Level III: 2% of the performance guarantee or as assessed by Planning or Public Works Engineer (...at \$) an hours with minimum inspection fee of \$300 Level I: Minor Residential Inspection Fee \$100 (flat fee).	\$50	\$52
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Part 2 amends the Sewer user charge in Chapter 24, in §24-72.

The proposed sewer rate for July 1, 2017 is \$9.65 per hundred cubic feet (hcf), up from the January 1, 2017 rate of \$9.35 hcf.

Part 3 adds the following new fees in Chapter 25, in §25-27.

Chapter 25 RE: §25-27	Description	Current Fee	Proposed Fee
Violations			
	Failure to Obtain a Street Occupancy Permit	NA	\$75/day
	Non-Compliance: Failure to Follow an Approved Management Plan for Vehicle Traffic and / or Pedestrian Detours	NA	\$50/day

Part 4 amends the following fee in Chapter 28, in §28-86:

Chapter 28	Description	Current Fee	Proposed Fee
Sec. 28-86	Parking Meter Rates	\$1.00/ hr	\$1.25/hr

All fee increases are effective July 1, 2017. This item must be read on two separate days. It was given a first reading on May 1st. Five affirmative votes are required for passage after public comment.

APPROPRIATION RESOLVE:

Order 246-16/17 (Tab 26) Fiscal Year 2017-2018 Appropriation Resolve - Sponsored by Jon P. Jennings City Manager.

This item brings forward the Appropriation Resolve for Fiscal Year (FY) 2018 for action by the City Council.

The Resolve contains the City Manager's recommended budget for FY2018 for general municipal purposes in the amount of \$240,430,005. In addition it contains the Portland Board of Education's recommended budget for FY2018 for school purposes in the amount of \$105,036,238.

The Portland Board of Education's recommended School Budget and the City Manager's budget recommendations for municipal purposes results in a combined tax levy of \$168,956,927 for Fiscal Year 2018.

The tax rate based on the combined levies would be \$21.66 per \$1,000 of assessed value, a 2.6% 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, 2017 and sets September 8, 2017, as the tax due date, which may be paid in two installments due on September 8, 2017, and March 9, 2018.

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 1st. Five affirmative are required for passage after public comment.

ORDERS:

Order 251-16/17 (Tab 27) Order Approving Purchase and sale Agreement with Developers Collaborative Predevelopment LLC for the Sale of Reed School at 19 Libby Street - Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Manager to execute any and all documents required to transfer the Reed School parcel for \$75,000.

The School Department declared the Reed School surplus in 2014. Planning & Urban Development began a reuse process with an advisory committee of residents and subject area experts shortly thereafter, resulting in the issuance of a report on the potential reuse of the property.

After an initial Request for Qualifications resulted in unsatisfactory responses, a Request for Proposals (RFP) was issued in 2016.

That RFP resulted in two responses, including one from Developers Collaborative that enjoyed broad support to reuse a portion of the school

building for a private educational use. The City Council voted on 8/1/16 to authorize negotiations with that respondent.

Following that vote, the respondent entered into discussions with neighbors to resolve any significant concerns and subsequently began discussions with City staff on the terms of a sale. Those terms are encapsulated in the draft Purchase and Sale agreement, which is included in the backup material, and include a \$75,000 sales price and a Payment in Lieu of Taxes (PILOT) agreement for any portion of the building that may become exempt from taxation. Due to the structure of the deal, it is expected that the entire building will be fully taxable for five years, after which it is expected that a portion of the building will be transferred to the educational use, subject to the PILOT agreement.

Five affirmative votes are required for passage after public comment.

AMENDMENTS:

**Order 252-16/17
(Tab 28)**

Amendment to Portland City Code Chapter 14 Re: Emergency Shelters as a Conditional Use – Sponsored by the Planning Board, Elizabeth Boepple, Chair.

The Planning Board met on April 25, 2017 and voted 6-1 to forward this item to the City Council for a recommendation for passage.

The Health and Human Services Committee drafted and the Planning Board voted (6-1) to recommend to City Council the adoption of text amendments to add emergency shelters as a conditional use in the B-4, B-5, IL, ILb, IM and IH zones. Currently, emergency shelters are a conditional use in the B-3 zone and this would be retained. The proposed text amendments also include updated conditional use standards specific to emergency shelters to guide the development of new facilities.

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

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

5/12/2017 11:16 AM

Tab 1 5-15-17

ROLL CALL: Mayor Strimling called the meeting to order at 5:00 P.M. (Councilor Duson arrived during Arts in the Chamber, Councilor Ali, Councilor Batson arrived during Proclamation 28).

ANNOUNCEMENTS:

RECOGNITIONS:

“Arts in the Chamber”, Spencer Albee

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Brenerman and seconded by Councilor Costa for approval of the April 24, 2017 Special City Council Meeting.
Passage 7-0.

PROCLAMATIONS:

Proc 28-16/17 Proclamation Honoring Officer Brent Abbott as Police Officer of the Month for March 2017 – Sponsored by Mayor Ethan K. Strimling.

Proc 29-16/17 Proclamation Honoring Portland High School Boys Basketball Team – Sponsored by Mayor Ethan K. Strimling.

APPOINTMENTS:

Order 223-16/17 Order Appointing Wardens and Ward Clerks for the 2017 Election Year – Sponsored by Katherine L Jones, City Clerk.

This order appoints the following as Wardens and Ward Clerks for the 2017 election year.

Warden	Ward Clerk	Precinct
Denise Shames	Anne Rand	1-1
Carol Morrisette	Frank Spring	1-2
Fred O’Keefe	Reta Morrill	1-3
MaryAnn O’Malley	Richard Mercier	2-1
Susan Lichtman	Donna Katsificias	2-2
Elaine Spring	Cynthia Pebineto	3-1
Dale Kinney	Gail Hannon	3-2
Craig Posey	Constance Regan	4-1
Cynthia Frye-Macomber	Robert Hughes	4-2
Sherwood Merrill	Wealthy Merrill	5-1
George Smythe	Edmond Szalajaski	5-2

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

CONSENT ITEMS:

LICENSES:

Order 224-16/17 Order Granting Municipal Officers' Approval of Restaurante El Corazon dba Restaurante El Corazon. Application for a Class I FSE License with Outdoor Dining on public property at 190 State Street – Sponsored by Michael Russell, Director of Permitting and Inspections.

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

Order 225-16/17 Order Granting Municipal Officers' Approval of Shangri-la Si Chaun Cuisine LLC dba Si Chaun Kitchen. Application for Outdoor Dining on Public Property at 612 Congress Street – Sponsored by Michael Russell, Director of Permitting and Inspections.

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

Order 226-16/17 Order Granting Municipal Officers' Approval of Miss M dba Aurora Provisions at the Museum. Application for a Class I FSE License at 7 Congress Square – Sponsored by Michael Russell, Director of Permitting and Inspections.

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

Order 227-16/17 Order Granting Municipal Officers' Approval of Miss M dba Aurora Provisions. Application for a Class I FSE License at 64 Pine Street – Sponsored by Michael Russell, Director of Permitting and Inspections.

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

COMMUNICATIONS:

RESOLUTIONS:

Resolve 7-16/17 Resolution Supporting the Goal of 100 Percent Clean Energy for for the City of Portland in 2040 – Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair.

Mayor Strimling noted that the vote from the Sustainability and Transportation Committees vote was 3-0.

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

UNFINISHED BUSINESS:

Order 216-16/17 Order Appropriating \$125,000 in Urban Development Action Grant Revenue Re: Surface Parking Lot Bounded by Fore, Cotton, Middle, and Cross Streets – Sponsored by the Jon P. Jennings, City Manager.

This item was given first reading on April 24, 2017.

Councilor Thibodeau stated that he was absent from the vote at the Economic Development Committee meeting (order states that he abstained)but does not have a conflict with voting on the sale of the proceeds to fund an expansion at the Milestone Foundation and the Panhandling Pilot Program.

Motion was made by Councilor Brenerman and seconded by Councilor Ray.

Motion was made by Mayor Strimling and seconded by Councilor Ray to amend Order 216 by striking out Fore, Cotton and Middle street. Passage 9-0.

Motion was made by Councilor Brenerman and seconded by Councilor Ray for passage as amended. Passage 9-0.

Order 217-16/17 Order Approving Substantial Amendment to the 2016-2020 Housing and Urban Development Consolidated Plan and Fiscal Year 2018 Housing and Urban Development Annual Action Plan Re: Use of Proceeds from Sale of City-Owned Surface Parking Lot Bounded by Fore, Cotton, Middle and Cross Streets – Sponsored by Jon P. Jennings, City Manager.

This item was given a first reading on April 24, 2017

Motion was made by Councilor Costa and seconded by Councilor Thibodeau.

Motion was made by Mayor Strimling and seconded by Councilor Ray to amend Order 217 by striking out Fore, Cotton and Middle Street. Passage 9-0.

Motion was made by Councilor Costa and seconded by Councilor Thibodeau for passage. Passage as amended 9-0.

Order 218-16/17 Order Appropriating \$3,975,000 for Improvements to the Portland International Jetport Passenger Terminal – Sponsored by Jon P. Jennings, City Manager.

This item was given a first reading on April 24, 2017.

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

Order 219-16/17 Order Amending Order 153-16/17 (FY2018 CIP Projects) - Sponsored by Councilor Pious Ali and Mayor Ethan K. Strimling.

This item was given a first reading on April 24, 2017.

Motion was made by Councilor Costa and seconded by Councilor Batson for passage. Passage 7-2 (Mavodones, Brenerman).

Order 220-16/17 Order Amending Order 154-16/17 (FY2018 CIP Projects) – Sponsored by Councilor Pious Ali and Mayor Ethan K. Strimling.

This item was given a first reading on April 24, 2017.

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

Order 221-16/17 Amendment to Portland City Code Chapter 14 Re: Institutional Overlay Zone - Sponsored by the Planning Board, Elizabeth Boepple, Chair.

This item was given a first reading on April 24, 2017.

Councilor Batson disclosed that he is a registered nurse at Maine Medical Center.

Motion was made by Councilor Duson and seconded by Councilor Batson.

Motion was made by Councilor Duson and seconded by Councilor Ray to amend Order 221 by striking out in section 14-281. (g) Amendments: “Amendments brought forth by the City will require a supermajority of the City Council to take effect.” and to add “it will require 5 votes”. Passage as amended 9-0.

Motion was made by Councilor Duson and seconded by Councilor Batson for passage as amended. Passage 9-0.

- Order 222-16/17** **Amendment to Portland City Code Chapter 17. Re: Extension of Moratorium of Retail Marijuana Establishment and Social Clubs – Sponsored by Danielle West-Chuhta, Corporation Counsel.**

This item was given a first reading on April 24, 2017.

Motion was made by Councilor Duson and seconded by Councilor Batson for passage as an emergency. Passage 9-0.

ORDERS:

- Orders 228-16/17** **Order Appropriating Additional HOME Investment Partnerships Program Funds in the Amount of \$200,961 for the Motherhouse Project At 605 Stevens Avenue – Sponsored by the Housing Committee, Jill C. Duson, Chair.**

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

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

FY18 BUDGET ITEMS: PUBLIC HEARING

PUBLIC COMMENT WILL BE TAKEN AT THIS COUNCIL MEETING ON ALL SCHOOL AND MUNICIPAL ORDERS. COUNCIL ACTION ON THE SCHOOL AND MUNICIPAL BUDGETS WILL TAKE PLACE ON MAY 15, 2017, AT 6:00 P.M. THE PUBLIC REFERENDUM ON THE SCHOOL BUDGET WILL BE HELD ON TUESDAY, JUNE 13, 2017.

- Order 229-16/17** **Order Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Schools for FY2018 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.**

This is its first reading.

- Order 230-16/17** **Order Approving Non-State Funded School Construction Debt Service for Portland Schools for FY2018 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

This is its first reading.

- Order 231-16/17** **Order Raising and Appropriating Additional Local Funds for Portland Schools for FY2018– Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

This is its first reading.

Order 232-16/17 Order Approving Total School Operating Budget for Portland Schools for FY2018– Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair.

This is its first reading.

Order 233-16/17 Order Appropriating and Raising Funds for Adult Education for FY 2018 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 is its first reading.

Order 234-16/17 Order to Raise Local Funds for Food Service in the Portland Public Schools for FY 2018 – Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair.

This is its first reading.

Order 234A-16/17 Order Authorizing the Disposition of Any Additional State Subsidy Received for Portland Schools in Fiscal Year 2018 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is its first reading.

Order 235-16/17 Order Approving Fiscal Year 2018 Administrative Fees in the Department of Public Works Re: Street Openings – Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau to postpone Order 235 to the May 15th City Council meeting. Passage 9-0.

Order 236-16/17 Order Authorizing City Manager to Enter into Certain Agreements to Implement the Fiscal Year 2018 Human Resources and Certain Fringe Benefits Budgets – Sponsored by Jon P. Jennings, City Manager.

This is its first reading.

Order 237-16/17 Order Re: Fiscal Year 2018 Self-Insured Liability Program – Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Thibodeau and seconded by Councilor Ray to postpone Order 237 to May 15th City Council meeting. Passage 9-0.

Order 238-16/17 Order Authorizing the Director of Parks, Recreation and Facilities to Set Fees and Enter Rental Agreements for City Facilities – Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau to postpone Order 238 to May 15th City Council meeting. Passage 9-0.

- Order 239-16/17 Order Authorizing City Manager to Enter into Certain Agreements to Implement Fiscal Year 2018 Health and Human Services Budget – Sponsored by Jon P. Jennings, City Manager.**

This is its first reading.

- Order 240-16/17 Order Authorizing City Manager to Accept Scholarship Trust Donations and Enter into Trust Agreements - Sponsored by Jon P. Jennings, City Manager.**

Motion was made by Councilor Ray and seconded by Councilor Thibodeau to postpone Order 240 to May 15th City Council meeting. Passage 9-0.

- Order 241-16/17 Order Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes – Sponsored by Jon P. Jennings, City Manager.**

Motion was made by Councilor Batson and seconded by Councilor Ray to postpone Order 241 to May 15th City Council meeting. Passage 9-0.

- Order 242-16/17 Order Authorizing Non-Union Wage Adjustment - Sponsored by Jon Jennings, City Manager.**

This is its first reading.

- Order 243-16/17 Order Designating Fiscal Year 2018 Funds for Specific Island Services - Sponsored by Jon P. Jennings, City Manager.**

This is its first reading.

- Order 244-16/17 Order for Fiscal Year 2018 Appropriating \$185,000 from Excess Fund - Sponsored Jon P. Jennings, City Manager.**

This is its first reading.

RELATED ORDINANCE AMENDMENT:

- Order 245-16/17 Amendment to Portland City Code Re: Various Fee Increases for Fiscal Year 2018 - Sponsored by Jon P. Jennings, City Manager.**

This is its first reading.

IN COUNCIL SPECIAL MEETING MAY 1, 2017 VOL. 133 PAGE 100

APPROPRIATION RESOLVE:

Order 246-16/17 Fiscal Year 2017-2018 Appropriation Resolve - Sponsored by Jon P. Jennings City Manager.

This is its first reading.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau to adjourn. Passage 9-0.

A TRUE COPY.

Katherine L. Jones, City Clerk

Dec 30 - 16/17
Tab 2 5-15-17

PROCLAMATION
RECOGNIZING
REVIVE CIVILITY MONTH 2017

WHEREAS, the ethics of civility offers critical foundation for the open exchange of ideas; and

WHEREAS, civil discourse is the free respectful exchange of different ideas in a way that affirms all persons even while critiquing their argument; and

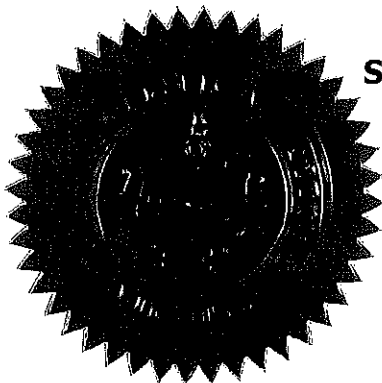
WHEREAS, heated rhetoric and dramatics shift away from collaboration and leave us unable to collaboratively solve the challenges confronting our community; and

WHEREAS, civility restores trust and encourages citizens to participate in building a healthy engagement culture in our community; and

WHEREAS, civility assists in the process of working together to create lasting solutions to our most pressing challenges, while fostering respect among opposing ideas; and

WHEREAS, the month of May is designated as Revive Civility Month by the National Institute For Civic Discourse for the purpose of reviving and restoring civility to achieve a higher level of public discourse.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Ethan K. Strimling, Mayor of the City of Portland, Maine and the members of the Portland City Council do hereby declare May as Revive Civility Month in Portland and recognize the significance of civility and the efforts of organizations like Seeds of Peace, League of Women Voters and many others working to foster the culture of civility in our community.



Signed and Sealed this 15th Day of May, 2017

Ethan K. Strimling, Mayor
City of Portland, Maine

*Order 247-16/17
Tab 3 5-15-17*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPOINTING CONSTABLES FOR 2017
RE: DEPARTMENT OF PUBLIC SAFETY AND DEPARTMENT OF PARKS,
RECREATION & FACILITIES**

ORDERED, that Trenton Coleman-Bishop, Matthew O'Leary, Dakota Farris, Orlando Simmonds and Morgan Copp, Police Cadets in the Department of Public Safety, and Cory Plante, Braeden T. Cummings, Michael E. Morris, Patrick J. Bernier, Park Rangers in the Department of Parks, Recreation and Facilities, are hereby appointed as constables for the remaining calendar year 2017; and

BE IT FURTHER ORDERED, that these appointments shall be effective from the effective date of this order until 12:00 midnight, December 31, 2017; and

BE IT FURTHER ORDERED, that these appointments are made pursuant to Sections 20-19 and 20-19.5, Portland City Code, and the appointed constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of 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 make them effective immediately and allow the constables to begin work.

MEMORANDUM
City Council Agenda Item

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

FROM: Joe Dumais

DATE: May 3, 2017

SUBJECT: Appointment of Constable

SPONSOR: Jon P. Jennings, City Manager

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ Final Action April 24, 2017

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

Constables need to be appointed for the beginning of the summer season.

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

I. ONE SENTENCE SUMMARY

Appointment of Constable for Department of Parks, Recreation & Facilities

II. AGENDA DESCRIPTION

The Department of Parks, Recreation, and Facilities is requesting that Cory Plante, Braeden T Cummings, Michaela E Morris, Patrick J Bernier, Park Rangers, be appointed as constable for the remaining calendar year 2017.

This appointment shall be effective from the effective date of this order until 12:00 midnight, December 31, 2017.

This appointment is made pursuant to Portland City Code, Sections 20-19 and 20-19.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests or issue parking tickets.

III. BACKGROUND

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

Prepared by:

Date:

Bean/agendarequestmemo/rev 1/23/2017

*Order 248-16/17
Tab 4 5-15-17*

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER APPROVING TRANSFER OF FUNDS UNDER
15 M.R.S. §§ 5824(3) and 5826(6)
RE: AMY SANTIAGO**

ORDERED, that the City Council hereby accepts the amount of \$939.00 in forfeited assets in the case of State of Maine vs. Amy Santiago from the State of Maine to the City of Portland, pursuant to 15 M.R.S. § 5824(3) and § 5826(6) and as provided in the attached "Approval of Transfer."

MEMORANDUM
City Council Agenda Item

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

FROM: Michael J. Sauschuck, Chief of Police

DATE: April 25, 2017

SUBJECT: Approval of Transfer

SPONSOR: Police Department

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading next available **Final Action** _____

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

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

- I. **ONE SENTENCE SUMMARY.** The State requires Council approval of the transfer of forfeited cash to the Portland Police Department. (See attached approval form)
- II. **AGENDA DESCRIPTION** State v. Amy Santiago, CR-17-198 (\$939.00)
- III. **BACKGROUND.** The State Forfeiture Statute, 15 M.R.S.A. § 5824 (3) and § 5826(6), requires that before any forfeitable item may be transferred to a State agency, County or municipality, the legislative body of that entity must publicly vote to accept the item.
- IV. **INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED.** Funds may be transferred to the Portland Police Department for deposit in the drug investigations account.
- V. **FINANCIAL IMPACT.** The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor. The money may also be used to support the department's Law Enforcement Addiction Advocacy Program.
- VI. **STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION**
- VII. **RECOMMENDATION**
- VIII. **LIST ATTACHMENTS**

Prepared by: Tiffany Bates

Date: April 25, 2017

Bean/agendarequestmemo/rev 1/23/2017



**OFFICE OF THE DISTRICT ATTORNEY
CUMBERLAND COUNTY**

Stephanie Anderson
District Attorney

142 Federal Street, Portland, Maine, 04101
101 Meadows Road, West Bath, Maine, 04530-9704

Portland
(207) 871-8384

Bath
(207) 443-5104

April 20, 2017

Chief Michael Sauschuck
Portland Police Department
109 Middle Street
Portland, ME 04101

RE: State v. Amy Santiago, CR-17-198
City of Portland Approval

Dear Chief:

Enclosed please find a City of Portland Approval form for the forfeiture of the money seized in this case. As you can see, the City/Town Council, or a representative thereof, needs to sign this form and return it to me so that I can provide you with a court order that will transfer the money that was seized to the City/Town. Please let me know if you have any questions for me.

Thank you.

Sincerely,

DEPARTMENT OF THE ATTORNEY GENERAL

State of Maine

By: *Lea Anne Sutton*
Lea-Anne Sutton

Assistant Attorney General

STATE OF MAINE
Cumberland, SS

State of Maine

v.

Amy Santiago,
Defendant

AND
\$939.00 US CURRENCY
DEFENDANT IN REM #1

UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-17-198

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}
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}
}

City/Town Of Portland
Approval Of Transfer
15 M.R.S.A. §5824(3)
and §5826(6)

NOW COMES the City/Town of Portland, Maine, by and through its legislative body, the City/Town Council, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes Annotated, to the transfer of the above captioned Defendant(s) *In Rem*, namely \$939.00 US Currency, on grounds that the City/Town of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the City/Town of Portland Town/City Council does hereby approve of the transfer of the Defendant(s) *In Rem* to the City/Town of Portland, Maine pursuant to 15 M.R.S.A. §5824(3) and §5826(6).

Dated: _____

Chairperson/Mayor/Selectman/Clerk

(Impress Legislative Body Seal Here)

*Order 249-16/17
Tab 5 5-15-17*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROVING TRANSFER OF FUNDS UNDER
15 M.R.S. §§ 5824(3) and 5826(6)
RE: KYLE BRAGA**

ORDERED, that the City Council hereby accepts the amount of \$1,836.00 and the amount of \$2,217.06 in forfeited assets in the case of State of Maine vs. Kyle Braga from the State of Maine to the City of Portland, pursuant to 15 M.R.S. § 5824(3) and § 5826(6) and as provided in the attached "Approval of Transfer."

MEMORANDUM
City Council Agenda Item

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

FROM: Michael J. Sauschuck, Chief of Police

DATE: May 3, 2017

SUBJECT: Approval of Transfer

SPONSOR: Police Department

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading next available Final Action

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

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

- I. **ONE SENTENCE SUMMARY.** The State requires Council approval of the transfer of forfeited cash to the Portland Police Department. (See attached approval form)
- II. **AGENDA DESCRIPTION** State v. Kyle Braga, CR-16-770 and one thousand eight hundred and thirty-six dollars (\$1,836.00 US Currency) and two thousand two hundred seventeen dollars and six cents (\$2,217.06 US Currency)
- III. **BACKGROUND.** The State Forfeiture Statute, 15 M.R.S.A. § 5824 (3) and § 5826(6), requires that before any forfeitable item may be transferred to a State agency, County or municipality, the legislative body of that entity must publicly vote to accept the item.
- IV. **INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED.** Funds may be transferred to the Portland Police Department for deposit in the drug investigations account.
- V. **FINANCIAL IMPACT.** The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor.
- VI. **STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION**
- VII. **RECOMMENDATION**
- VIII. **LIST ATTACHMENTS**

Prepared by: Michael J. Sauschuck

Dated: May 3, 2017



**OFFICE OF THE DISTRICT ATTORNEY
CUMBERLAND COUNTY**

Stephanie Anderson
District Attorney

142 Federal Street, Portland, Maine, 04101
101 Meadows Road, West Bath, Maine, 04530-9704

Portland
(207) 871-8384

May 1, 2017

Bath
(207) 443-5104

Chief Michael Sauschuck
Portland Police Department
109 Middle Street
Portland, ME 04101

RE: State v. Kyle Braga, CR-16-770
City of Portland Approval

Dear Chief:

Enclosed please find a City of Portland Approval form for the forfeiture of the money seized in this case. As you can see, the City/Town Council, or a representative thereof, needs to sign this form and return it to me so that I can provide you with a court order that will transfer the money that was seized to the City/Town. Please let me know if you have any questions for me.

Thank you.

Sincerely,

DEPARTMENT OF THE ATTORNEY GENERAL

State of Maine

By: 
Lea-Anne Sutton
Assistant Attorney General

#886

STATE OF MAINE
Cumberland, SS

State of Maine

v.

Kyle Braga,
Defendant

AND

\$1,836.00 US CURRENCY
DEFENDANT IN REM #1
\$2,217.06 US CURRENCY
DEFENDANT IN REM #2

UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-16-770

}
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}

City/Town Of Portland
Approval Of Transfer
15 M.R.S.A. §5824(3)
and §5826(6)

NOW COMES the City/Town of Portland, Maine, by and through its legislative body, the City/Town Council, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes Annotated, to the transfer of the above captioned Defendant(s) *In Rem*, namely \$1,836.00 US Currency and \$2,217.06 US Currency, on grounds that the City/Town of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the City/Town of Portland Town/City Council does hereby approve of the transfer of the Defendant(s) *In Rem* to the City/Town of Portland, Maine pursuant to 15 M.R.S.A. §5824(3) and §5826(6).

Dated: _____

Chairperson/Mayor/Selectman/Clerk

(Impress Legislative Body Seal Here)

*Order 258-16/17
Tab 6 5-15-17*

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROVING AND ADOPTING
THE RECORD AND WRITTEN DECISION RE: BONFIRE LLC APPLICATION
FOR AN ENTERTAINMENT WITH DANCING AND AFTER HOURS
ENTERTAINMENT LICENSE**

ORDERED, that the record compiled by Corporation Counsel of the April 5, 2017 hearing on the application by Bonfire, LLC at 37 Wharf Street for an Entertainment with Dancing and After Hours Entertainment License, with a final City Council decision on April 5, 2017, is hereby approved as the official record; and

BE IT FURTHER ORDERED, that the written decision attached hereto as Attachment A is approved as the final written decision of the City Council regarding the application by Bonfire, LLC at 37 Wharf Street for an Entertainment with Dancing and After Hours Entertainment License.

MEMORANDUM
City Council Agenda Item

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

FROM: ANNE TORREGROSSA

DATE: May 8, 2017

SUBJECT: Decision on Entertainment License for Bonfire, LLC

SPONSOR:

(If sponsored by a Council committee, include the date the committee met, the results of the vote, and the meeting minutes.

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ Final Action X

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

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

I. ONE SENTENCE SUMMARY

To adopt a written decision reflecting the City Council's denial of Bonfire, LLC's application for an entertainment license at 37 Wharf Street.

II. AGENDA DESCRIPTION

On April 5, 2017, the City Council held a public hearing on the application of Bonfire, LLC for an entertainment license at 37 Wharf Street. On that date, the Council voted not to grant the license. The Council is required to issue its decision in writing, and the proposed findings and conclusions are attached for the Council's consideration.

III. BACKGROUND

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

To adopt the attached proposed findings and conclusions.

V. FINANCIAL IMPACT

None.

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

None.

VII. RECOMMENDATION

That the Council adopt the proposed findings and conclusions.

VIII. LIST ATTACHMENTS

Decision of the Portland City Council Denying the Application for a Live Entertainment License

Prepared by:

Date:

Bean/agendarequestmemo/rev 11/2015

**DECISION OF THE PORTLAND CITY COUNCIL DENYING
THE APPLICATION FOR A LIVE ENTERTAINMENT LICENSE**

IN THE MATTER OF BONFIRE, LLC

On April 5, 2017, the City of Portland City Council held a public hearing on the application of Bonfire, LLC for an entertainment with dance license pursuant to the City of Portland Code of Ordinances § 4-51. The following are the Council's findings and conclusions.

THE RECORD

The written record submitted in this matter is as follows:

1. Written cover letter from Tanner Herget on behalf of Bonfire Country Bar, requesting to move the entertainment license previously held by 51 Wharf Street and Ultra Lounge;
2. Application and associated materials submitted by Bonfire Country Bar;
3. Memorandum by Anne Torregrossa, Associate Corporation Counsel, addressing the differences between the corporate structure of 51 Wharf Street and Ultra Lounge and Bonfire LLC;
4. Memorandum from Ann Machado, Zoning Administrator, addressing the restrictions contained in City of Portland Code of Ordinances § 14-330.13; and
5. Memorandum from Jessica Hanscombe, Business License Specialist, addressing the restrictions contained in City of Portland Code of Ordinances § 4-57.5, with attachments.

At the hearing, the City Council also heard the following testimony:

6. Joseph Goodman, Esq., attorney for the applicant, addressed the Council and explained that his client obtained its entertainment license in August of 2006, as a result of the previous business at that location, Salsa, having an entertainment license. The applicant is seeking to move the license one door down.

Citing to the preamble of the relevant ordinance, Attorney Goodman testified that allowing the applicant to move the license would comply with the spirit of the ordinance because it would not be increasing density in that area. Attorney Goodman took the position that the applicant met the exception in § [14-]330.13.

Mr. Goodman pointed out that the definition of ownership under the ordinance is broad and includes ownership interests.

7. Tanner Herget, representative for the applicant, also addressed the Council with a diagram of the area. He explained that 51 Wharf had been a 300-person nightclub, and he is seeking to move the entertainment license from that location

down the road to the much smaller Bonfire. He is currently operating Bonfire Country Bar as a bar without entertainment.

Mr. Herget explained that he has been a conscientious bar owner in the City for a number of years, even serving on committees to improve the safety of the City's nightlife.

8. In a statement, and in response to Council questions, Ms. Hanscombe explained that Bonfire is located within the B-3 Zone, which has a dispersal requirement of 100' between businesses with an entertainment license. Bonfire is located 35' from Oasis, which has an entertainment license.

Ms. Hanscombe further explained that Mr. Herget has closed 51 Wharf Street, and is seeking to transfer the license to 37 Wharf Street, which staff does not believe is allowed.

In response to questions, Ms. Hanscombe explained that the location at 51 Wharf Street remains grandfathered and that a new business with entertainment could go in, so long as it was within one year of 51 Wharf abandoning its license.

9. Attorney Torregrossa, in response to questions by the Council, explained that a business other than 51 Wharf had held an entertainment license at 51 Wharf Street, prior to the deadline to be "grandfathered" under § 14-330.13. When that business closed and 51 Wharf opened in the same location, 51 Wharf was able to take advantage of that grandfathered entertainment license.

In response to questions, Attorney Torregrossa explained that staff's interpretation is that the location at 51 Wharf is grandfathered under the terms of the ordinance and there is no way for the Council to terminate that right without changing the ordinance. Staff considers that the location is grandfathered.

She further explained the position in her memorandum that 51 Wharf Street and Ultra Lounge, Inc. and Bonfire LLC are separate corporate entities that cannot be disregarded and Maine law does not typically allow owners or others to disregard the corporate form.

10. Michael Sauschuck, Chief of Police, also spoke about the public safety concerns behind the dispersal requirement, particularly eliminating a single massive crowd being created at closing time with the bars in the Old Port. In Chief Sauschuck's experience, the issues they see at bar time increase when there are large masses.
11. No other members of the public spoke in favor of or against the application.

FINDINGS OF FACT

The City Council, therefore, finds as follows:

12. The applicant is Bonfire, LLC, which owns Bonfire Country Bar, located at 37 Wharf Street.

13. 37 Wharf Street is located within the Downtown Entertainment Overlay Zone.
14. It is also located within 100' of Oasis, which is another business that currently holds an entertainment license.
15. 51 Wharf Street and Ultra Lounge, Inc. previously operated a bar by that name at 51 Wharf Street.
16. 51 Wharf Street and Ultra Lounge, Inc. held an entertainment license at that location, which it obtained as a result of a prior business at that location being eligible for the exemption from the dispersal requirements in § 14-330.14.
17. 51 Wharf Street and Ultra Lounge, Inc. and Bonfire, LLC share a common owner, the Herget Group, LLC.
18. However, the entities are not the same; they are different corporate entities, and are even different types of corporate entities.

CONCLUSIONS OF LAW

19. The applicant is located within 100' of another business with an entertainment license and, therefore, does not meet the dispersal requirements of § 14-330-13.
20. The applicant does not meet the standards to be exempted from the dispersal requirements of § 14-330.14 because it is the location at 51 Wharf Street that is exempt, and not the business.
21. Even if it was the business that was exempt, Bonfire still does not qualify for the exemption because Bonfire, LLC and 51 Wharf Street and Ultra Lounge, Inc. are not the same corporate entity, and Maine law generally does not allow an owner to disregard the corporate structure when it is convenient.

ORDER

Therefore, the City Council denies the application of Bonfire, LLC for an entertainment license at 37 Wharf Street.

Dated: May 15, 2017

Ethan Strimling, Mayor

Belinda S. Ray, District 1

Spencer Thibodeau, District 2

Brian E. Batson, District 3

Justin Costa, District 4

David Brenerman, District 5

Pious Ali, At-Large

Jill C. Duson, At-Large

Nicholas M. Mavodones, Jr., At-Large

Bonfire, LLC
37-39 Wharf Street
Portland, Maine 04101

December 8, 2016

City of Portland
389 Congress Street
Portland, Maine 04101

Dear Mayor Strimling and Members of the City Council:

I, Tanner Herget, would like to move my entertainment license with dance and after-hours entertainment from 51 Wharf Restaurant & Ultra Lounge Inc located at 45-51 Wharf Street to Bonfire LLC located two doors down to 37-39 Wharf Street

51 Wharf Restaurant & Ultra Lounge Inc, owned by The Herget Group, LLC has been in business for 11 years providing a safe venue with live entertainment. I would like to move this entertainment license to provide country singers and bands to be able to provide enjoyment of both locals and visitors which will add to the culture and ambience of the City of Portland.

I thank you for your time and consideration.

Sincerely,

Tanner Herget

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
 Michael A. Russell, MS, Director
 389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Business Name (d/b/a):	Bonfire Country Bar	Phone:	877.653-7678
Location Address:	37 Wharf Street, Portland, ME	Zip:	04101
If new, what was formerly at this location:			
Mailing Address:	37 Wharf Street, Portland, ME	Zip:	04101
Contact Person:	Tanner Herget	Phone:	877-243-7438 x9
Contact Person Email:	Tanner@OldPortNightlife.com		
Manager of Establishment:	Tanner Herget	Date of Birth:	07/23/1982
		Phone:	877-243-7438 x9
Owner of Premises (Landlord):	428 Fore Street LLC		
Address of Premises Owner:	42 Chamberlain Ave, Portland, ME	Zip:	04101

Sole Proprietor/Partnership Information (If Corporation, leave blank)

Name of Owner(s)	Date of Birth	Residence Address

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name		Corporate Mailing Address	
Bonfire LLC		37 Wharf Street, Portland, ME	Zip: 04101
Contact Person:	Tanner Herget	Phone:	877.243.7438 x9
Principal Officers	Title	Date of Birth	Residence Address
The Herget Group, LLC	Sole-Member	04-11-2013	1712 Pioneer Ave, #120, Cheyenne, WY 82001

About Your Establishment

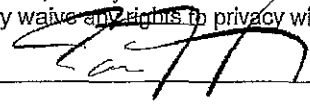
Class of Liquor License:	Class X	
Type of food served:	Appetizers, Burgers	
Please circle all that will be served:	Beer ☒ Wine ☒ Liquor ☒	
Projected percentage of sales:	Generated from Food: 200,000.00	Generated from Alcohol: 500,000.00
Hours & days of operation:	M-F 4pm-1am S-S 2pm-1am	

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	Y ☒ N
If No, please explain: <u>Full course meals will not be provide all hours of operation</u>	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	Y ☒ N
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	Y ☒ N
Will you permit dancing on the premises?	Y ☒ N
Will you permit dancing after 1:00 a.m.?	Y ☒ N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	Y ☒ N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	Y ☒ N
If yes, please list: # of pinball machines: _____ # of amusements: <u>1</u> # of pool tables: _____	
What is your targeted opening date?	
Does the issuance of this license directly or indirectly benefit any City employee(s)?	Y ☒ N
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	Y ☒ N
If Yes, please list business name(s) and location(s):	
Is any principal officer under the age of 21?	Y ☒ N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	Y ☒ N
If Yes, please explain:	

I, Tanner Herget do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature  Title _____ Manager _____ Date 12/08/2016

For more information about Liquor Licenses, see Portland City Code Chapter 15 at www.portlandmaine.gov and
M.R.S.A. Title 28-A at www.maine.gov.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557

www.portlandmaine.gov

Supplemental Application for Dancing and Entertainment License

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Alcohol license.

☐ Entertainment without Dancing: \$281 ☒ Entertainment with Dancing: \$504 ☒ After-Hours (1 a.m. to 3 a.m.): \$567

Business Information			
Business Name (d/b/a):	Bonfire Country Bar	Phone:	877.653.7678
Location Address:	37 Wharf Street, Portland, ME		Zip: 04101

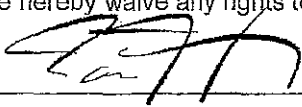
About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment: <i>Live bands and singers</i>	
Will music be electric, acoustical, or both? (Circle)	
Will amplification be used?	☒ Y ☒ N
If yes, where and at what level? <i>Inside and out at a level acceptable to city ordinances</i>	
Will music be played (Circle all that apply): ☒ Inside ☒ Outside	
Will you permit dancing on the premises?	☒ Y ☒ N
Will you permit dancing after 1:00 a.m.?	☒ Y ☒ N
What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? <i>10 feet</i>	
What is your targeted opening date? <i>Currently open</i>	
Does the issuance of this license directly or indirectly benefit any City employee(s)?	☒ Y ☒ N
If Yes, list name(s) of employee(s) and department(s):	

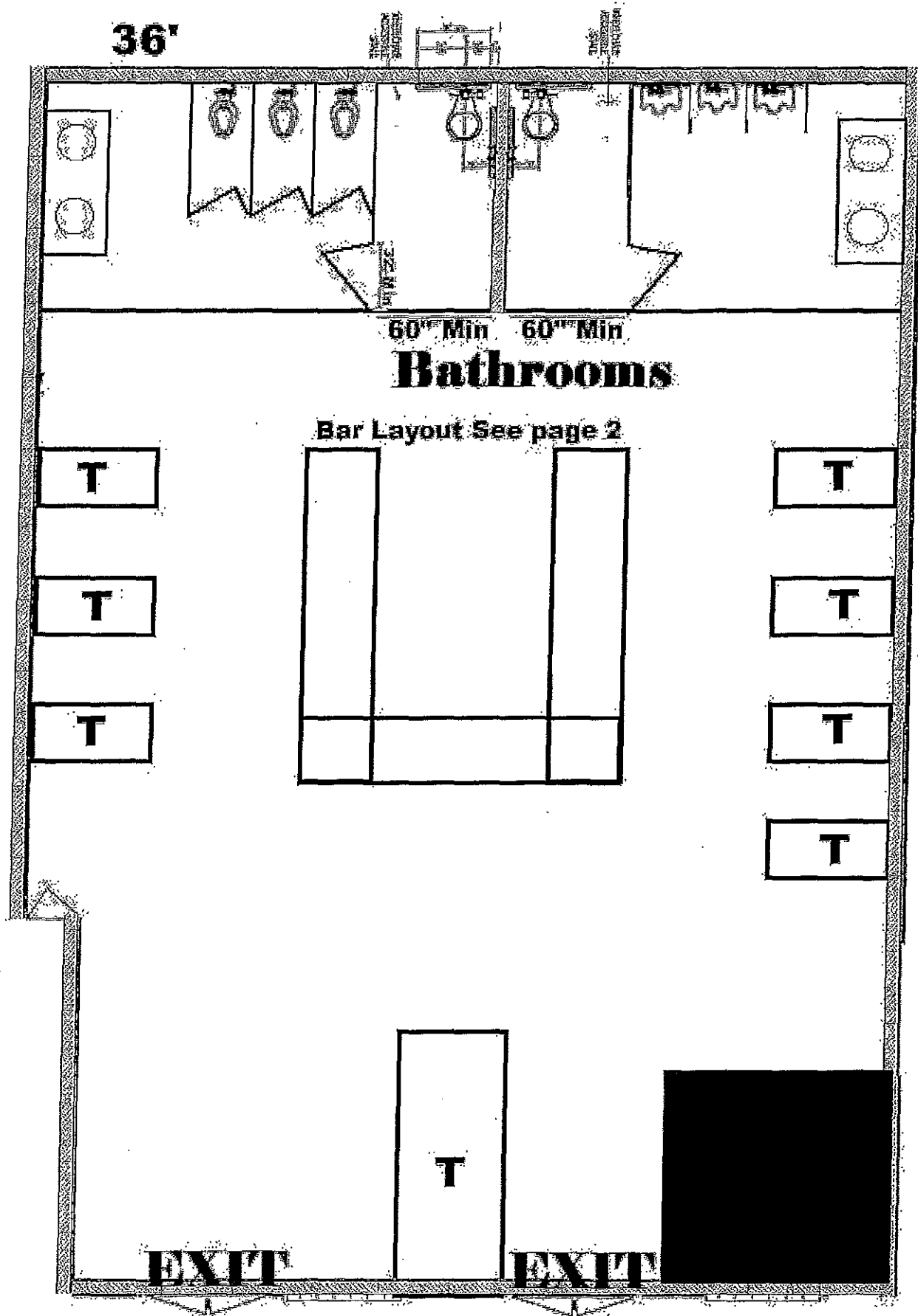
Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above license and further agrees that any misstatement of material fact may result in refusal of license or revocation, if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/ We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/ We hereby waive any rights to privacy with respect thereto.

Signature  Title Manager Date 12/08/2016

For more information, refer to the City Code of Ordinance: Chapter 4 Amusements, at www.portlandmaine.gov



■ = Stage Area for live entertainment

Bonfire^x



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MEMORANDUM

TO: City of Portland City Council; Mayor Strimling
FROM: Anne Torregrossa, Associate Corporation Counsel
DATE: March 6, 2017
RE: Bonfire, LLC Entertainment License

Bonfire, LLC ("Bonfire") has applied for an entertainment license for Bonfire Country Bar, which is located at 37 Wharf Street, which is in the Entertainment Overlay Zone. Under the City Code, the City Council must hold a public hearing on each application for an entertainment license before granting it, and may choose to grant it, deny it, or grant it with conditions.

Entertainment licenses are required where a business with a liquor license also wishes to play live music, allow dancing, or have any other sort of entertainment. However, as set forth in the memoranda from the Business Licensing Specialist and Zoning Administrator (hereinafter "City staff"), entertainment licenses are limited in the Downtown Entertainment Overlay Zone. Within this zone, a business with an entertainment license may not be located within 100' of another business with an entertainment license. There are certain exemptions for businesses that held an entertainment license prior to January 3, 2006.

Bonfire is located within 100' of another business with an entertainment license in the Downtown Entertainment Overlay Zone, and has not previously held an entertainment license in order to qualify for the above described ordinance exemption. However, Bonfire does share common owners with another entity, 51 Wharf and Ultra Lounge, Inc. ("51 Wharf"); the Herget Group, LLC is the sole member of Bonfire, and 51 Wharf is also owned by the Herget Group, LLC.

51 Wharf also did hold an entertainment license for its bar at 51 Wharf Street, until the time it closed in the fall of 2016. As a result, Bonfire is now taking the position that it is allowed to move the entertainment license that 51 Wharf previously held to Bonfire's location at 37 Wharf Street because the two entities are, essentially, one.

Bonfire and 51 Wharf are not the same corporate entity, even if they share common owners. Under Maine law, and as a matter of public policy, corporations are separate legal entities.¹ In fact, Bonfire and 51 Wharf are not only separate entities, but are also separate types of entities – one is a limited liability company ("LLC") and one is a corporation. Maine courts also will not allow an owner of a company to ignore the corporate entity, simply because an owner finds it is convenient to do so.² Therefore, Bonfire cannot take advantage of 51 Wharf's entertainment license, simply because they share common owners, and as City staff recommended that the entertainment license application be denied.

¹ *Johnson v. Exclusive Props. Unlimited*, 1998 ME 244, ¶ 5, 720 A.2d 568, 571 (citations omitted).

² What Bonfire now asks for is akin to "reverse piercing" of the corporate veil, which is where a shareholder seeks to disregard the corporate entity. However, reverse piercing has never been recognized in Maine. The only Law Court case to address it, specifically found that "the weight of authority is against reverse piercing." *Sturtevant v. Town of Winthrop*, 1999 ME 84, ¶ 21, 732 A.2d 264, 270. The case goes on to quote additional authority explaining that, "a person who has voluntarily adopted the corporate form to engage in business is precluded from asking courts to disregard that form merely because the person is disadvantaged by its use," and "a sole shareholder may not choose to ignore the corporate entity when it suits his or her convenience." *Id.* citing 1 FLETCHER CYCLOPEDIA OF THE LAW OF PRIVATE CORPORATIONS § 41.70, at 686, § 41.35, at 672-73.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

Ann Machado, Zoning Administrator

TO: City of Portland City Council: Mayor Strimling
FROM: Ann Machado, Zoning Administrator *AM*
SUBJECT: Bonfire LLC, 37 Wharf Street (428 Fore) - 032-R-001
DATE: March 7, 2017

Bonfire, LLC has applied for an entertainment license for their business located at 37 Wharf Street. 37 Wharf Street is located in the B-3 Downtown Business Zone and within the Downtown Entertainment Overlay Zone. Division 19.8 of Chapter 14 of the City of Portland Code of Ordinances outlines the requirements for the overlay zone. Section 14-330.13 addresses "dispersal requirements for facilities with entertainment license in downtown entertainment overlay zone". It states:

*A business with an entertainment license as required or authorized by section 4-51(a) of this code located within the downtown entertainment overlay zone may not be located within 100 feet of another business with an entertainment license, as measured along or across public ways from the main entrance or entrances of each.
(Ord. No. 164-06/07, 4-4-07)*

It is my understanding that Oasis located at 42 Wharf Street has an entertainment license. The door to Oasis is located thirty-five feet from the door to Bonfire, LLC.

Section 14-330.14 of Division 19.8 does discuss an exemption to section 14-330.13. It states:

(a) A business with an entertainment license located in the downtown entertainment overlay zone on or before January 3, 2006 shall not have to comply with the requirements of this section and if located within 100 feet of another licensee shall be considered a non-conforming use controlled by chapter 14, division 23 of this code. Such a business is considered an entertainment business for the purpose of calculating dispersion requirements under section 14.330.13 for a new or relocating entertainment business in the downtown entertainment overlay zone.

*(b) A business with an entertainment license that does not allow amplified entertainment shall not have to comply with the dispersal requirement of section 14-330.13.
(Ord. No. 164-06/07, 4-4-07; Ord. No. 68-09/10, 10-19-09)*

It is my understanding that Bonfire occupied the space at 37 Wharf Street in 2014. Since this is after January 3, 2006, this exemption does not apply.

Under the Land Use Ordinance, Bonfire, LLC located at 37 Wharf Street cannot be granted an entertainment license because it is located within one hundred feet of an existing business that has an entertainment license and it does not meet the exemption of having had an entertainment license since January 3, 2006.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

TO: Mayor Ethan K. Strimling
Members of the Portland City Council

FROM: Jessica Hanscombe, Business License Specialist *John*

SUBJECT: Bonfire, LLC, 37 Wharf Street

DATE: March 3, 2017

Any business that has live Entertainment and serves liquor is required to have a license per Maine State Law, Title 28-A 1054. The City of Portland also has an Ordinance in Chapter 4 Sec 4-51 to regulate Music, Dancing and Special Entertainment. Bonfire, LLC, 37 Wharf Street applied for an Entertainment with Dance License on March 3, 2017 as required. Bonfire, is located in the B-3c, which is a restricted location for Entertainment licenses pursuant to Sec 4-57.5.

Sec. 4-57.5. Restricted locations. Notwithstanding any other provision of this article, no new licenses shall be issued in the B-3c zone to drinking establishments and chemical-free night clubs, as defined in section 14-47. For purposes of this section, renewal of an existing license by the party holding the license on the date of enactment shall not be considered a new license. Any transfer of ownership shall be considered a new license. (Ord. No. 47-97, 8-4-97)

Our division is recommending that Bonfire is not issued an Entertainment License, as they are located within one hundred feet of an existing business with an Entertainment License. This is in direct violation of our ordinance. I have enclosed a document with the distance listed.

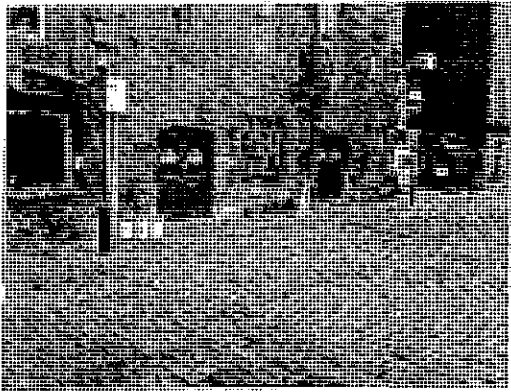
Enclosure

CC: Michael Russell, Director of Permitting and Inspections
Anne Torregrossa, Associate Corporation Counsel

Measured Distance from Bonfire (37 Wharf Street) to Oasis (42 Wharf Street) on March 3, 2017. Distance from one door is 35 Feet. From the second door is 48 feet. This includes any steps up into the businesses.



Looking down Wharf Street. The two entrances to Bonfire on the right. Oasis on the left.



Bonfire's 2 entrances.



Oasis main entrance (Green Doors)

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

March 3, 2017

Bonfire LLC
Tanner Herget
37 Wharf Street
Portland ME 04101

Re: Bonfire LLC dba Bonfire Country Bar. Application for Entertainment with Dancing and After Hours Entertainment at 37 Wharf Street.

Dear Tanner Herget,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Wednesday April 5, 2017 at 5:30 p.m.**, for the review of your application for Entertainment with Dancing and After Hours Entertainment at 37 Wharf Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the City Council has questions regarding the license application. If there is no representation and questions arise, the issue could be postponed.

Should you have any questions or concerns, please do not hesitate to contact our office directly at (207) 874-8557 or by email, jhanscombe@portlandmaine.gov

Sincerely,

A handwritten signature in black ink that reads "Jessica Hanscombe".

Jessica Hanscombe
Business License Specialist
207-874-8783
jhanscombe@portlandmaine.gov

**Legal Advertisement
Notice of Public Hearing
City of Portland**

A Public Hearing will be held on April 5th at 5:30 P.M., in City Council Chambers, 389 Congress St., Bonfire LLC dba Bonfire Country Bar. Application for Entertainment with Dancing and After Hours Entertainment at 37 Wharf Street. Sponsored by Michael Russell, Director of Permitting and Inspections.

*Resolved 8-16/17
Tab 7 5-15-17*

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

RESOLUTION AMENDING COUNCIL RULES FOR 2016-2017

BE IT RESOLVED, that the City Council of the City of Portland, Maine, in the City Council assembled, does hereby adopt the Rules and Orders of the City Council, as amended and attached hereto, as the Rules of Procedure of the City Council.

MEMORANDUM
City Council Agenda Item

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

FROM: Danielle P. West-Chuhta, Corporation Counsel

DATE: May 3, 2017

SUBJECT: Amendment to City Council Rules

SPONSOR: Danielle P. West-Chuhta, Corporation Counsel

COUNCIL MEETING DATE ACTION IS REQUESTED: May 15 (First Reading) and June 5, 2017 (Final Action)

1st reading X Final Action

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

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

I. ONE SENTENCE SUMMARY: This amendment would remove the language in the City Council Rule 8, which currently requires a roll call vote for a motion to adjourn.

II. AGENDA DESCRIPTION: At the April 24th meeting of the City Council, an amendment to City Council Rule 8 was requested. This rule specifies when a roll call vote (i.e. the "yeas and nays") must be taken on an item pending before the City Council. The proposed amendment would remove the requirement in the rule for a roll call vote on motions to adjourn.

III. BACKGROUND: See above.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED: Passage of this item would result in the removal of the requirement for a roll call vote on a motion to adjourn that currently exists in the City Council Rules. The amended Rule 8 would specifically read as follows:

"The yeas and nays shall be taken upon the passage of all ordinances and orders authorizing the expenditure of money in the amount of \$5,000.00 ~~or more and upon any motion to adjourn~~ and entered upon the record of the proceedings of the Council by the Clerk. The yeas and nays shall be taken on the passage of an order or resolve when called for any member."

V. FINANCIAL IMPACT: None.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION: None.

VII. RECOMMENDATION: None.

VIII. LIST ATTACHMENTS: Revised City Council Rules.

RULES OF PROCEDURE OF THE CITY COUNCIL

As Amended December 5, 2016

Rule 1. Regular Meetings and Council Workshop Sessions

- A. The regular meetings of the Council shall be held in the room known as the City Council Chamber or such other room as deemed appropriate in City Hall in one session at 5:30 p.m. on the first and third Mondays of each calendar month. When said Monday is a holiday, an election day, or the first Monday in December, the regular meeting shall be held on the following Wednesday, at the same time and place. The date or the time of any regular meeting may be changed by an order passed at a previous meeting of the Council or by warrant for a special meeting called in lieu of a regular meeting; provided however, that said change in date will still provide for two regular meetings in one month. Unless otherwise changed by an order passed at a preceding meeting or by the calling of a special meeting at a different time or place, for like purposes, the Council shall also regularly meet at 12:00 noon on the first Monday of December of each year for the purpose of the inauguration of Portland City Council, the swearing in of Councilors-elect, filling Council committees, adopting rules and orders, and transacting such other business as it may deem appropriate. The public hearing of any item shall not commence after 10:00 p.m. of the day of said regular meeting unless five (5) members consent to such consideration. The Council deliberation and action on any item shall not commence after 10:00 p.m. of the day of said regular meeting unless five (5) members consent to such consideration.
- B. With proper notice, workshop sessions of the City Council may be called by five (5) members of the City Council, the Mayor or the City Manager, as the case may be, for

obtaining legal, administrative or policy guidance or for the presentation of information by the City Manager, the City Clerk or Corporation Counsel or their staff. The City Council shall not take votes in workshop sessions; however, the Council may be polled at the workshop to obtain an unofficial sense of the position of the Council on an issue being discussed at the workshop. To the maximum extent possible, materials for such sessions shall be provided to the City Council at least two (2) days prior to the scheduled workshop. All such workshop sessions shall be open to the public, in accordance with 1 M.R.S. §400 et seq. ("FOAA").

Rule 2. Quorum; Adjourned Meetings

A majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four (24) hours' notice of the time and place of holding such adjourned meeting shall be given to all members who are not present at the meeting from which adjournment is taken.

Rule 3. Enactments

The Council shall act only by ordinance, order, or resolve. Final passage of any item shall require five (5) affirmative votes except where a greater number is required by Charter or Ordinance. All ordinances, orders, and resolves, except orders and resolves making an appropriation of money, shall be confined to one subject, which shall be clearly expressed in the title. The appropriation order or resolve shall be confined to the subject of appropriations only.

Rule 4. Ordinance; Style

All ordinances passed by the Council shall be termed "amendments to the Portland City Code" and the enacting style shall be: "Be it ordained by the City Council of the City of Portland, Maine, in City Council assembled."

Rule 5. Order and Resolve; Style

In all votes of command, the form of expression shall be "ordered"; and of opinions, principles, facts or purposes, the form shall be "resolved".

Rule 6. Readings

The reading of any ordinance, order, or resolve shall be by title of the ordinance, order or resolve only, if no member objects.

Rule 7. Reading on Two Separate Days; Waiver

No ordinance, no appropriation resolve, and no order authorizing the expenditure of \$5,000.00 or more shall be passed until it has been read on two separate days, except when the requirement of reading on two separate days has been dispensed with by a vote of seven (7) of the members.

Rule 8. Yeas and Nays Taken; When

The yeas and nays shall be taken upon the passage of all ordinances and orders authorizing the expenditure of money in the amount of \$5,000.00 or more ~~and upon any motion to adjourn~~ and entered upon the record of the proceedings of the Council by the Clerk. The yeas and nays shall be taken on the passage of an order or resolve when called for by any member.

Rule 9. Ordinances; Effective When

No ordinance shall take effect until thirty (30) days after its passage by the Council, except in the case of emergency ordinances.

Rule 10. Order, Resolve; Effective When

No order or resolve shall take effect until ten (10) days after its passage, except in the case of emergency orders and resolves.

Rule 11. Emergency Ordinances, Orders and Resolves

The Council may, by vote of seven (7) of its members, pass emergency ordinances, orders, or resolves to take effect at the

time indicated therein, but such emergency ordinances, orders or resolves shall contain a section in which the emergency is set forth and defined, provided, however, that the declaration of such emergency by the Council shall be conclusive.

Rule 12. Item for Meetings; Filed When

No ordinance, order, resolve, or other document shall be in order for action at any regular meeting of the Council unless such ordinance, order, resolve, or other document shall appear on the Council Agenda. Items for the Agenda shall be received in the office of the City Manager on or before close of the work day ten (10) days prior to the scheduled Council meeting.

Rule 13. Presiding Officer to Chair Meetings

The Presiding Officer shall take the chair at the time appointed for the meeting, call the members to order, cause the roll to be called, and, a quorum being present, cause the minutes of the preceding meeting to be read and proceed to business.

Rule 14. Preserve Order Decide All Questions of Order

The Presiding Officer shall preserve decorum and order, may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal to the Council by motion regularly seconded, and no other business shall be in order until the question on appeal is decided.

Rule 15. Declare Votes; Cause Return of Votes

The Presiding Officer shall declare all votes, but if any member doubts a vote, the Presiding Officer shall cause a return of the members voting in the affirmative and in the negative; without debate.

Rule 16. Debate; Rules of

When a question is under debate, the Presiding Officer shall receive no motion but to adjourn, or for the previous question, or to lay on the table, or to postpone to a day

certain or to refer to a committee or some administrative official, or to amend, or to postpone indefinitely; which several motions shall have precedence in the order in which they stand arranged.

Rule 17. Motion to Adjourn; Lay on Table

The Presiding Officer shall consider a motion to adjourn as always in order except on immediate repetition; and that motion and the motion to lay on the table, or to take from the table, shall be decided without debate.

Rule 18. Reconsideration

When a vote is passed, it shall be in order for any member who voted in the majority, or in the negative on a tie vote to move a reconsideration thereof, at the time, or the next stated meeting, but not afterwards, and when a motion of reconsideration is decided, that vote shall not be reconsidered. No motion to reconsider a vote passed at a previous meeting shall be in order for consideration at the next stated meeting unless an item to that effect is contained in the agenda for such next stated meeting or unless seven of the members consent to such reconsideration. A citizen petition, or zone change petition, once presented to and finally acted upon by the Council shall not again be received by the Council in the same or substantially the same form for a period of one year next succeeding the Council's final action on the original petition. A member voting with the majority on the original petition, shall be privileged to reintroduce such a petition.

A liquor license or special entertainment permit, or an amendment proposed by the licensee to an existing license or permit that has been denied by the Council shall not be received by the Council in the same or substantially the same form for one year from the date of such action unless a shorter period is required by state law.

Rule 19. Failure to Pass for Lack of Required Votes

When an item fails to finally pass for lack of the required five (5), or seven (7) affirmative votes, as applicable, and is not otherwise disposed of, the item shall appear on the Agenda as unfinished business at the next succeeding meeting.

Rule 20. Motion for Previous Question

Upon the motion for the previous question being made and seconded, the Presiding Officer shall put the question in the following form: "Shall the main question be now put?". And all debate upon the main question shall be suspended until the motion for the previous question shall be decided. After the adoption of said motion for the previous question by a majority vote, the sense of the Council shall be forthwith taken upon all pending amendments and then upon the main question. Neither is it susceptible of amendment. All questions of order arising incidentally thereon must be decided without discussion whether appeal be had from the Presiding Officer or not.

Rule 21. Manner of Speaking

When a member is about to speak, he or she shall rise in his or her place and respectfully address the Presiding Officer, confine himself or herself to the question under debate, and avoid personalities.

Rule 22. Length of Statements by Members

During the deliberation on any item, each member shall limit his or her remarks and/or questions, to a total of ten (10) minutes.

Rule 23. Not to Interrupt

No member speaking shall be interrupted by another, but by a call to order or to correct a mistake.

Rule 24. Breach of Rules and Orders

When any member shall be guilty of a breach of any of the rules or orders of the Council, that member may, on motion, be required to make satisfaction therefor, and shall not be allowed

to vote, or speak, except by way of excuse, until he or she has done so.

Rule 25. Member Excused From Voting; When

Every member present when a question is put shall vote unless the member is precluded from participation therein because of interest or the appearance of interest or unless she or he is otherwise prohibited by law from participation.

(a) Any member abstaining on grounds of interest or the appearance of interest must do so at the commencement of deliberations on the item under discussion and shall not participate in said deliberations or vote on such item.

(b) Any member abstaining as permitted hereunder shall clearly state such intent, the reason for such abstention and the legal or factual basis therefor prior to the commencement of deliberation on such item.

Rule 26. Motion to be Reduced to Writing; When

Any motion shall be reduced to writing if the Presiding Officer shall so direct.

Rule 27. Division of Question

Any member may require the division of a question when the sense will admit it.

Rule 28. Motion for Referral

A motion for referral to a Committee or administrative official, until it is decided, shall preclude all amendments of the main question.

Rule 29. Priority of Business

All questions relating to priority of business to be acted upon shall be decided without debate.

Rule 30. Suspension of Rules; Amendment or Repeal

The rules shall not be dispensed with or suspended unless two-thirds as of those present and voting consent thereto; provided, however, that when these rules expressly require a vote larger than said two-thirds such rules shall not be suspended except by an equal or greater vote. No rule of procedure shall be amended or repealed without notice, in writing, being given at the preceding meeting.

Rule 31. Procedure for Addressing Council

Any person wishing to address the Council will be given an opportunity to do so in accordance with the following procedure:

1. No public comment shall be permitted on the following agenda items: informational reports or communications from boards and commissions, staff or other organizations or entities; and administrative action implementing prior action of the Council where that prior action had permitted public comment.

2. On items other than those set forth in 1. above, public comment shall be permitted only once prior to final Council action. Except as specifically decided by the Council, such public comment shall occur at the advertised public hearing or at the second reading of such item by the Council, where the item requires a second reading on a separate date.

3. Persons wishing to address the Council on an item which appears on the agenda, and upon which public comment is permitted under 1. and 2. above, shall wait until the Clerk announces the consideration of such item, at which time they may address the Council on that particular item. However, once the Council has begun its deliberations on an item, no person shall be permitted to address the Council on such item.

4. Persons wishing to address the Council on an item not appearing on the agenda shall only do so at the 6:00 p.m. public comment period reserved on the City Council agenda for non-agenda items.

5. Any person wishing to address the Council shall signify such desire and, when recognized by the Presiding Officer, such person shall give his or her name and address and designate the subject matter on which he or she desires to address the Council.

6. When any person or entity is being honored or recognized by the Council, applause shall be permitted. In all other matters, persons present at Council meetings shall not interrupt, nor applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting.

7. Any and all signs shall not be permitted in the City Council Chambers.

8. Persons addressing the Council on an item prior to start of deliberation on such item by the Council shall be permitted to speak only once on an item, and shall limit their remarks on each item to three (3) minutes. Such persons shall confine their remarks to the merits of the pending item. No members of the public shall comment on more than three (3) items at any Council meeting unless the Rules of the Council are suspended to allow for comment on each such additional item.

9. The Presiding Officer may limit or cut off any commentary that is not germane or that is scurrilous, abusive, or not in accord with good order and decorum.

10. Any person who shall continue to violate these rules, after warning by the Presiding Officer, may be ejected for the remainder of the meeting then in progress.

Rule 32. Parliamentary Proceedings

In all cases where the parliamentary proceedings are not determined by the foregoing rules, "Robert's Rules" shall be taken as authority to decide the course of the proceedings.

Rule 33. Council Committees

At the commencement of the municipal year, or as soon thereafter as possible, members shall be appointed to the following standing Committees, each Committee to consist of three (3) members of the Council:

1. Economic Development Committee;
2. Finance Committee;
3. Health and Human Services Committee;
4. Housing Committee;
5. Legislative/Nominating Committee; and
6. Sustainability and Transportation Committee.

A majority of the members of the above standing Committees shall constitute a quorum for the transaction of business.

Rule 34. Council Committees; How Chosen

The members of the Council to serve on the above Committees shall be appointed by the Mayor. The Council may override one or more of such appointments by a vote of at least six (6) members.

Rule 35. Council Committees; Public Comment

The public will be given an opportunity to comment on any item under consideration by the below-named standing Council Committees prior to a final Committee action on that item. Any person addressing the Committee on an item shall be permitted to speak only once on an item, shall give his or her name and address, and shall limit their remarks on each item to three (3) minutes. This requirement for public comment shall apply to the following Committees:

1. Economic Development Committee;
2. Finance Committee;
3. Health and Human Services Committee;

4. Housing Committee;
5. Legislative/Nominating Committee; and
6. Sustainability and Transportation Committee.

Nothing herein shall prevent or prohibit any other Committee from accepting public comment if said Committee determines that it wishes to do so.

Notwithstanding the foregoing, no public comment shall be required on the following items: informational reports or communications from boards and commissions, staff or other organizations or entities; and administrative action implementing prior Committee action where that prior action had permitted public comment.

Rule 36. Smoking at Meetings

No person shall smoke in the Council Chamber or at any public meeting in the Portland City Hall. Any person continuing to smoke after warning by the Presiding Officer shall be ejected for the remainder of the meeting then in progress.

Rule 37. Confidentiality

No Councilor shall intentionally disclose or discuss information known to be confidential to or with any person not otherwise authorized or privileged to receive that information, including representatives of the media. For the purpose of this rule, "information known to be confidential" includes information in any form that has been designated, to the knowledge of the Councilor, as confidential by an employee or agent of the City of Portland, and that is within one or more of the exceptions to the definition of "public record" in the State's Freedom of Access law.

Confidential information includes statements made by individuals participating in executive sessions and includes any documents prepared specifically for an executive session, unless otherwise designated by the City Council in cases where the Council has the exclusive right to waive confidentiality.

Any Councilor who, following a due process hearing, is found to have violated this rule may be disciplined by reprimand.

Order 229-16/17
~~Tab 18~~ 5-1-17
Tab 8 5-15-17

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROVING STATE/LOCAL EPS FUNDING ALLOCATION
FOR PUBLIC EDUCATION FROM KINDERGARTEN TO GRADE 12
FOR PORTLAND PUBLIC SCHOOLS FOR FY2018**

ORDERED, that under and pursuant to the City's Fiscal Year 2017-2018 Appropriation Resolve Order 246-16/17 and applicable state law the City hereby approves the following school budget article for Fiscal Year 2017-2018:

Appropriation for State/Local EPS funding Allocation: That the City appropriates the amount of \$81,456,771 for the total cost of funding public education from kindergarten to grade 12, and raises the amount of \$64,261,317 as the City's contribution to the total cost of funding public education from kindergarten to grade 12, both as described in the Essential Programs and Services Funding Act, in accordance with Maine Revised Statutes, Title 20-A, section 15688.

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

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

CITY OF PORTLAND
IN THE CITY COUNCIL

Order 238-16/17
~~Tab 9 5-1-17~~
Tab 9 5-15-17

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

**ORDER APPROVING NON-STATE FUNDED SCHOOL CONSTRUCTION DEBT
SERVICE FOR PORTLAND SCHOOLS FOR FY2018**

ORDERED, that under and pursuant to the City's Fiscal Year 2017-2018 Appropriation Resolve Order 246-16/17 and applicable state law the City hereby approves the following school budget article for Fiscal Year 2017-2018.

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

That the City raise and appropriate \$496,746 for the annual payments on debt service previously approved by the legislative body for non-state funded school construction projects and non-state funded portions of school construction projects, in addition to the funds appropriated as the local share of the City's contribution to the total cost of funding public education from kindergarten to grade 12.

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

Order 231-16/17
Tab 20 5-1-17
Tab 10 5-15-17

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER RAISING AND APPROPRIATING ADDITIONAL LOCAL FUNDS FOR
PORTLAND SCHOOLS FOR FY2018**

ORDERED, that under and pursuant to the City's Fiscal Year 2017-2018 Appropriation Resolve Order 246-16/17 and applicable state law the City hereby approves the following school budget article for Fiscal Year 2017-2018.

Authorization to Exceed the Portland School Department's Maximum State and Local Spending Target Established Pursuant to Maine Revised Statutes, Title 20-A § 15671-A(4) and Appropriating Additional Local Funds: That the City raises and appropriates \$16,698,708 in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$14,915,041 as required to fund the budget recommended by the Portland Board of Public Education.

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

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

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

Order 232 -16/17
~~Tab 21~~ 5-1-17
Tab 11 5-15-17

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROVING TOTAL SCHOOL OPERATING BUDGET
FOR PORTLAND SCHOOLS FOR FY2018**

ORDERED, that under and pursuant to the City's Fiscal Year 2017-2018 Appropriation Resolve Order 246-16/17 and applicable state law the City hereby approves the following school budget article for Fiscal Year 2017-2018.

Total School Budget Summary (20-A M.R.S.A. §15690(4)(A)): That the City authorizes the School Committee to expend \$ 99,569,444 for the Fiscal Year beginning July 1, 2017 and ending June 30, 2018 from the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

Order 233-16/17
Feb 22 5-1-17
Feb 12 5-15-17

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROPRIATING AND RAISING FUNDS
FOR ADULT EDUCATION FOR FY 2018 AS REQUIRED
BY THE MAINE REVISED STATUTES, TITLE 20-A M.R.S.A. §8603-A(1)**

ORDERED, that the sum of \$1,919,778 is hereby appropriated for Adult Education for Fiscal Year 2017-2018 and that the sum of \$1,297,914 is hereby raised as the local share with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

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

Order 234-16/17
Tab 23-5-1-17
Tab 13 5-15-17

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER TO RAISE LOCAL FUNDS
FOR FOOD SERVICE IN THE PORTLAND PUBLIC SCHOOLS FOR FY2018

ORDERED, that the sum of \$33,236 is hereby raised for the Food Service Program for Fiscal Year 2017-2018; and that the Portland School Department is authorized to expend any unexpended balances, and additional, incidental, or miscellaneous receipts in the interest and for the well-being of the food service program.

***Explanation:** This order raises local tax revenues for the food service program.*

Order 2344 -16/17
~~Sub 23~~ 5-1-17
Sub 14 5-15-17

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER AUTHORIZING THE DISPOSITION OF
ANY ADDITIONAL STATE SUBSIDY RECEIVED
FOR PORTLAND SCHOOLS IN FISCAL YEAR 2018**

ORDERED, that under and pursuant to the City's Fiscal Year 2017-2018 Appropriation Resolve Order 246-16/17 and applicable state law the City hereby approves the following school budget article for Fiscal Year 2017-2018.

Disposition of Any Additional State Subsidy Received: In the event that Portland Public Schools receives more state education subsidy than the amount included in its budget, that the City authorizes the Portland Board of Education to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the Portland Board of Education, subject only to approval by the City Council.

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

CITY OF PORTLAND
IN THE CITY COUNCIL

Order 235-16/17
~~*Tab 24 5-1-17*~~
Tab 15 5-15-17

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

**ORDER APPROVING FISCAL YEAR 2018 ADMINISTRATIVE FEES
IN THE DEPARTMENT OF PUBLIC WORKS
RE: STREET OPENINGS**

ORDERED, that the administrative fee in the Department of Public Works for a Block Permit for Street Openings, as shown in the schedule attached hereto, is hereby approved; and

BE IT FURTHER ORDERED, that all other administrative fees currently in effect that are not otherwise changed herein shall remain in effect for Fiscal Year 2018.

Portland, Maine



Yes. Life's good here.

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

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

From: Christopher Branch, Director DPW CCB

Date: March 3, 2017

RE: Fee change/new fee

The department of public works is proposing a change in street opening permit fees with the creation of a new block permit fee. The fee amount is being proposed at \$1,000 per block with a block being defined as no more than 250LF.

The block permit fee will take the place of regular permit fees currently at \$360 per hole for permits needing a number of consecutive holes. We are estimating issuing approximately 25 block permits for a total of \$25,000, however this reduces the estimated number of regular permits at \$360 to 400 resulting in a net loss to street opening revenue of \$191,000. The primary recipient of this arrangement will be Unutil.

FY18 REVENUE FEE SCHEDULE CHANGE

Administrative Fees

Department Public Works/Street Openings

<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	\$360.00	\$ 360.00
	2. Combo permit	\$360.00	\$ 360.00
	3. Sidewalk opening permit	\$252.00	\$ 252.00
	4. Esplanade/other permit	\$180.00	\$ 180.00
	5. Block Permit		\$1,000.00
247-3100-321-06-00	Permanent Pavement Restoration	\$ 55.00	\$ 55.00

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

Order 236-16/17
~~*Tab 25-5-17*~~
Tab 16 5-15-17

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

**ORDER AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN
AGREEMENTS TO IMPLEMENT THE FISCAL YEAR 2018 HUMAN RESOURCES
AND CERTAIN FRINGE BENEFITS BUDGETS**

ORDERED, that the City Manager is authorized to enter into standard agreements and amendments to standard agreements with providers of services for Fiscal Year 2018 as needed in order to implement the Human Resources, Medical, Worker's Compensation and Liability budgets.

Portland, Maine



Yes. Life's good here.

Human Resources Department
Gina M. Tapp, SPHR
Director

CITY OF PORTLAND, MAINE

Memorandum

TO: Jon P. Jennings, City Manager

FROM: Gina Tapp,  Director of Human Resources

DATE: April 12, 2017

RE: FY18 Budget Order Re: Implementing Human Resources and Fringe Benefit Budgets

Please have the attached Council Order accompany the FY18 budget. This item should be given a first reading on May 1, 2017 and postponed to the May 15, 2017 meeting along with other budget related items.

STATEMENT OF FACT:

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

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

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

The Medical budget contains contracted services for claims administration.

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

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

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

GT: jlr

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

Order 237-16/17
~~*Tab 26 5-1-17*~~
Tab 17 5-15-17

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

ORDER RE: FISCAL YEAR 2018 SELF-INSURED LIABILITY PROGRAM

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

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

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

CITY OF PORTLAND, MAINE

Memorandum

TO: Jon P. Jennings, City Manager
FROM: Danielle West-Chuhta, Corporate Counsel *DWC*
DATE: April 10, 2017
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 1, 2017 and then postponed to the May 15, 2017 meeting along with other budget related items.

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

Order 238-16/17
~~Tab 24~~ 5-1-17
Tab 18 5-15-17

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

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

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



MEMORANDUM
City Council Agenda Item

TO: Mayor and Members of the City Council

FROM: Anita LaChance, Deputy City Manager

DATE: April 26, 2017

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

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

Staff has historically set fees and signed rental agreements for City facilities such as Merrill Auditorium, the Portland Exposition Building and Ocean Gateway. These facilities host hundreds of events on an annual basis and while many events are similar in nature, all are also somewhat unique and require different staffing levels and services, and are therefore priced accordingly. The City's legal department has created a standard rental agreement. Any changes to the terms of standard agreement, other than pricing are reviewed by legal prior to being changed. This order would authorize the Director or her/his designee to continue to sign such agreements and reaffirm this long-standing practice.

Also, these venues and others, for such as the Riverside Golf Course, Riverside Grill and Troubh Ice Arena, are run in a business-like manner and need the flexibility to be able to offer specials and adjust pricing based on market conditions. This order will further reaffirm the practice of these fees being set administratively.

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

Order 239-16/17
~~*Tab 28 5-1-17*~~
Tab 19 5-15-17

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

**ORDER AUTHORIZING THE CITY MANAGER
TO ENTER INTO CERTAIN AGREEMENTS TO IMPLEMENT
FISCAL YEAR 2018 HEALTH & HUMAN SERVICES BUDGET**

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

1. Standard agreements and amendments to standard agreements with other governmental agencies for Fiscal Year 2018 to implement the Health & Human Services operating budget; and
2. Agreements with providers of services and lessors of property to provide services for Health & Human Services programs.

City of Portland, Maine

Memorandum

To: Jon P. Jennings, Acting City Manager
From: ⁸⁷⁰ Brendan O'Connell, Finance Director
Date: 04/10/17
Re: FY18 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 1st agenda.

Order 240-16/17
~~Tab 29 5-1-17~~
Tab 20 5-15-17

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

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

ORDERED, that the City Manager is authorized to accept donations for existing and new scholarship trusts in Fiscal Year 2018; and

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

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

Order 241-16/17
~~Tab 30 5-1-17~~
Tab 21 5-15-17

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

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

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

City of Portland

Memo

To: Jon P. Jennings, City Manager
From: BTO
Brendan O'Connell, Finance Director
Date: April 10, 2017
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 1st and second reading and passage on May 15, 2017. 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 1st agenda.

Order 242 -16/17
~~Tab 31 - 5-1-17~~
Tab 22 5-15-17

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER AUTHORIZING NON-UNION WAGE ADJUSTMENT

ORDERED, that a two percent (2%) wage increase effective July 2, 2017 is hereby approved for non-union employees and the non-union pay plan adjusted accordingly.



Human Resources Department
Gina M. Tapp, SPHR
Director

MEMORANDUM

TO: Jon P. Jennings, City Manager
FROM: Gina Tapp, Director of Human Resources
DATE: April 21, 2017
RE: FY18 Budget Order Re: Implementing Non-Union Wage Adjustment

Please have the attached Council Order accompany the FY18 budget. This item should be given a first reading on May 1, 2017 and a second reading on the May 15, 2017 meeting along with other budget related items.

ORDER APPROVING SALARY INCREASE FOR NON-UNION PERSONNEL

This Order authorizes the City Manager to make a 2% pay adjustment for all non-union employees effective July 2, 2017.

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

Order 243-16/17
~~Tab 32 5-1-17~~
Tab 23 5-15-17

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER DESIGNATING FISCAL YEAR 2018 FUNDS FOR
SPECIFIC ISLAND SERVICES**

ORDERED, that \$40,000 from the Fiscal Year 2018 municipal budget is hereby designated to pay for the Peaks Island services specified in list attached hereto.

FY 2018 Proposed Peaks Island Council Budget

02/25-LP

Ferry tickets, passes, vouchers, loading control

A. Middle & High school passes	*	5,937	70 + 2 summer extensions @ \$82.45
B. College students	*	330	\$82.45 per semester
C. Private school tickets		413	5 students
D. Needs-based tickets	*	3,834	
E. Bicycle tickets		500	
F. Loretta Voyer fund		50	
G. Cadet funding	*	2,736	

On-Island transportation

H. ITS ("The Taxi")	18,000
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Islanders in need

I. PITEA (for PIC, heating assistance only)	3,200
J. Food Pantry	50

Parks, recreation, open space

J. Skateboard park	500
K. PEAT brochure	400

Island services

L. Signage	50
M. Website + App development	1,500

PIC Administrative

N. Administrative	2,500
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Total	40,000
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ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

Order 244-16/17
Tab 33-5-17
Tab 24 5-15-17
DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER FOR FISCAL YEAR 2018 APPROPRIATING \$185,000
FROM THE CASCO BAY ISLAND TRANSIT DISTRICT EXCESS FUND

ORDERED, that the City Council hereby authorizes and appropriates \$185,000 from the Casco Bay Island Transit District Excess Fund pursuant to the lease agreement between the City of Portland and the Casco Bay Island Transit District, of which \$185,000 is hereby appropriated to provide support of a portion of the local match need for the construction of a replacement vessel for one of oldest vessels in Casco Bay Island Transit District's fleet.

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

*Order 245-16/17
Tab 34-5-17
Tab 25-5-15-17*

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

**AMENDMENT TO PORTLAND CITY CODE
Re: VARIOUS FEE INCREASES FOR FISCAL YEAR 2018
IN CHAPTERS 14, 24, 25 AND 28**

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

1. *That Section 14-530 is hereby amended to read as follows:*

**Sec. 14-530. Development review fees and post approval
requirements.**

(a) *Development Review Fees.*

1. Payment of fees and costs: Prior to the issuance of permits of any kind or the release of a signed subdivision plat for recording for any project whose permit fee is governed by this ordinance, all current charges due under this ordinance shall be paid and the developer must otherwise be in compliance with the provisions of the City Code.

...

4. **Site Plan Review Expenses.**

- | | | |
|----|----------------------------|-----------------|
| a. | Level I: Minor Residential | \$300(flat fee) |
| b. | Level I: Site Alteration | \$200 |
| c. | Level II: Site Plan | \$400 |
| d. | Level III: Site Plan | |
| | i. Under 50,000 sf | \$750 |
| | ii. 50,000-100,000 sf | \$1,000 |

- iii. 100,000-200,00 sf \$2,000
 - iv. 200,000-300,000 sf \$3,000
 - v. Over 300,000 sf \$5,000
 - vi. Parking lots over 100 spaces \$1,000
- e. Master Development Plan \$1,000
- f. After the Fact Review \$1,000 plus application fee
- g. Amendment to Site Plans
 - i. Planning Board Review \$500
 - ii. Administrative Review \$250
- h. Other Site Plan Reviews
 - i. Administrative Authorization \$50
 - ii. Special Exception Sign Review \$75
 - iii. Section 14-403 Street Extensions \$400 plus \$25 per lot
- i. Fee for Development Review Services
 - i. Planning fee per hour \$5052
 - ii. Legal fee per hour \$75
 - iii. Third-party Review Fees assessed by the Third Party Professional
- j. State Delegated Review Fees
 - i. Site Location of Development \$3,500, except for residential projects which will be \$200 per lot.
 - ii. Traffic Movement Permit \$1,500
 - iii. Stormwater Quality Permit \$250

k. Performance Guarantee

1. As required in Section 14-530 (b) (4).

1. Inspection Fees, as required in Section 14-530 (b) (5)

i. Level I: Site Alteration, Level II and Level III: 2% of the performance guarantee or as assessed by Planning or Public Works Engineer at \$50 52 an hour with minimum inspection fee of \$300 Level I: Minor Residential Inspection Fee \$100 (flat fee).

m. Street vacation \$2,000

2. *That Section 24-72 is hereby amended to read as follows:*

Sec. 24-72. Sanitary sewer user charges.

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

(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 sanitary 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. From 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. Beginning January 1, 2017, user charges under this section for both dwelling units and commercial units shall be nine dollars and thirty-five cents (\$9.35) per hundred cubic feet of volume for connected parcels of land. Beginning July 1, 2017, user charges under this section for both dwelling units and commercial units shall be nine dollars and sixty-five cents (\$9.65) 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 sanitary sewer user charges according to the same terms and procedures used to disconnect water users with unpaid water user charges.

3. That Section 25-27 is hereby amended to read 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-eight dollars (\$88.00) for one (1) fiscal year or any portion thereof;
- (2) Portable signs, twenty-five dollars (\$25.00) plus twenty cents (\$0.20) per square foot of signage. Square footage is calculated pursuant to section 14-369(b) of the land use ordinance. Permits remain valid until there is a change:
 - a. In the sign dimensions; or
 - b. In the use, lessee or ownership of the business causing a change in the business name, design or dimensions.
- (3) Vehicles, equipment, or construction materials, fifteen dollars (\$15.00) per day or any portion thereof;
- (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-six dollars (\$36.00) per day or any portion thereof;

...

(c) The following violation fines are hereby established for the failure to obtain a street occupancy permit or follow an approved management plan for vehicle traffic and/or pedestrian detours:

- (1) \$75.00 per day for failure to obtain a revocable street and sidewalk occupancy permit; and
- (2) \$50.00 a day for failure to follow an approved management plan for vehicle traffic and/or pedestrian

detours

4. That Section 25-86 is hereby amended to read as follows:

Sec. 28-86. Parking meter rates.

The rate for parking at a meter in the city shall be one dollar and twenty-five cents (\$1.25) per hour as follows: three (3) minutes for the first nickel five cents (\$0.05), two (2) for three (3) minutes for the second nickel; five (5) minutes for a dime ten cents (\$0.10) for six (6) minutes; and twelve (12) minutes for a quarter twenty-five cents (\$0.25) for fifteen (15) minutes, and one dollar (\$1.00) for one hour.

BE IT FURTHER ORDERED, that this amendment shall be effective on July 1, 2017.



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

From: Jeff Levine, Planning & Urban Development Director *JML*

Date: December 15, 2016 (Revised 4-10-17)

RE: Fee Changes for Chapter 14- Land Use Ordinance

The Planning & Urban Development is proposing to increase the billable hourly rate for staff review time. The increase in fees in Chapter 14 will help cover the annual COLA increase along with salary and fringe benefit costs associated with the charge to the city for staff reviews on development projects. We are proposing to increase fees annually based on the annual salaries including step increases and COLA %.

<i>Fee Type</i>	<i>Current Fee</i>	<i>Proposed Fee</i>	<i>Est. Additional Revenue</i>
Staff Time (Planners) (Based on 1,200 hrs per yr) Chapt. 14-530(A)(4)(i)(i)	\$50	\$52	\$2,400
DRC Billing (Based on 350 hrs per yr) Chapt 14-530(A)(4)(i)(i)	\$50	\$52	\$700

*City Code clarified in the revision of 4-10-17

FY18 REVENUE FEE SCHEDULE CHANGE

Department: Planning & Urban Development

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	FY18
			<u>Proposed Fee</u>
100-2404-342-12-00	Charges for Services/Public Safety/Dvlpmnt Review (Planners)	\$50/hr	\$52/hr
100-2404-342-13-00	Charges for Services/Public Saftey/Inspection/Review (DRC)	\$50/hr	\$52/hr



To: Members of the City Council

From: Jon Jennings, City Manager

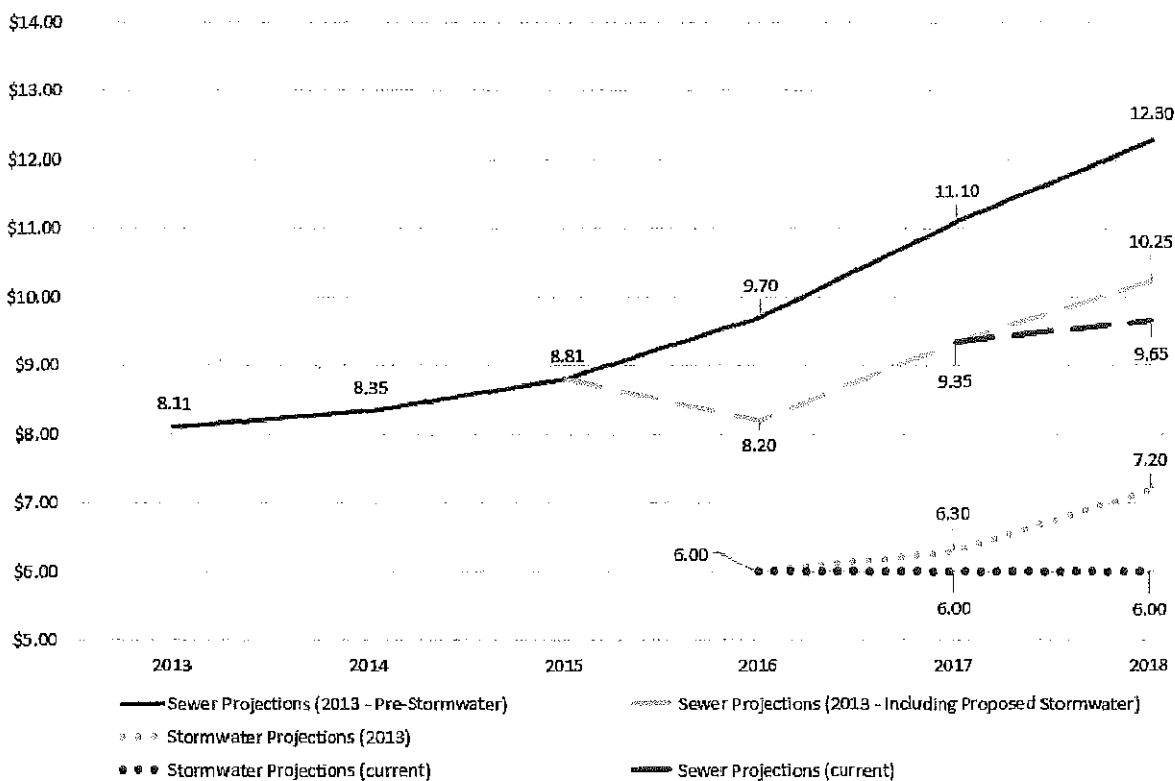
Date: April 11, 2017

Subject: Sewer Rate and Stormwater Service Charge Rates for FY2018

The City continues to fund projects related to the Department of Environmental Protection ("DEP") mandated Combined Sewer Overflow ("CSO") requirements through first the Tier II and now the Tier III approved projects. This includes financing several hundred million in capital costs over an approximate 20 year time period, paid for through the Sewer user fees, and beginning in 2016 also by Stormwater Service Charges. As illustrated below the rate increases currently being proposed for FY18 are significantly lower than the rates projected by Sustainable Storm Water Funding Task Force when the Stormwater Service Charge was originally being contemplated several years ago. The lower rates are a result of lower than anticipated borrowings for CSO in 2015, 2016 and 2017.

I'm pleased to note that for the second consecutive year there will be no increase in the Stormwater Service Charge. It will remain at \$6.00 per month for every 1,200 square feet of impervious area. The existing Sewer Rate of \$9.35 will need to be increased to \$9.65 per hcf from July 1, 2017 through June 30, 2018 due to increasing debt service repayments resulting from DEP mandated projects. This is approximately a 3.2% increase. The rate is still lower than the rate which was in place in FY16 (\$9.70). As illustrated by the chart below, the current rate is significantly lower than projected Sewer Rates if no Stormwater Service Charge had been implemented.

Projected Sewer Rates and Stormwater Service Charges



FY18 REVENUE FEE SCHEDULE CHANGE

Sewer Fund (570)

Ordinance Chapter 24 § 72

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	FY18
			<u>Proposed Fee</u>
570-3100-344-xxxx	Sewer User Fees:	\$9.35 hcf	\$9.65 hcf

***Effective July 1, 2017**

Portland, Maine



Yes. Life's good here.

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

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

From: Christopher Branch, Director DPW *CGR*

Date: March 3, 2017

RE: New Fee

The department of public works is proposing a new fee for violations related to street occupancy permits. Two new fees are being proposed: \$75.00 per day for failure to obtain a street occupancy permit and \$50.00 per day for failure to follow an approved management plan for vehicle traffic and/or pedestrian detours.

We are estimating 20 violations @ \$75.00 and 10 @ \$50.00 for a total revenue of \$2,000 to the general fund. The purpose of the fee is to establish a fine for violation of street occupancy ordinances as currently there is no detriment for doing so.

FY18 REVENUE FEE SCHEDULE CHANGE

Administrative Fees

Department Public Works/Street Occupancy

<u>Account #</u>	<u>Revenue Description</u>	<u>current fee</u>	<u>proposed fee</u>
100-3135-321-00-00	Licenses and Permits/Street Occupancy		
	1. Parking Space Permit	\$15.00	\$15.00
	2. Sidewalk Permit	\$15.00	\$15.00
100-3135-351-00-00	Fines Forfeits Penalties/Code Violations		
	1. Failure to acquire permit (daily fee)		\$75.00
	2. Non-compliance (daily fee)		\$50.00

**CITY OF PORTLAND
MEMORANDUM**

TO: Jon Jennings, City Manager
FROM: John Peverada, Parking Manager 
DATE: April 6, 2017
RE: Proposed FY18 Parking Meter Increases

Parking METERS 100-1801-364-100-00 Ordinance Ch.28-86

Propose increase from \$1.00 per hour to \$1.25 per hour, an increase of \$600,000.
The last parking meter rate increase was July, 1, 2009 (FY10).

100-1801-364-10-0 Parking Meters Ord. 28-86

Currently

The rate for parking at a meter in the city is One dollar (\$1.00) per hour as follows: five cents (\$0.05) for three (3) minutes; ten cents (\$0.10) for six (6) minutes; and twenty-five cents (\$0.25) for fifteen (15) minutes.

Propose

The rate for parking at a meter in the city shall be One Dollar and Twenty-Five Cents (\$1.25) per hour as follows: three (3) minutes for the first nickel (\$0.05), two (2) minutes for the second nickel; five (5) minutes for a dime (\$0.10) and twelve (12) minutes for a quarter (\$0.25).

Cc Brendan O'Connell, Finance Director
Danielle West-Chuhta, Corporation Counsel
Jennifer lodge, Budget Analyst
Nancy English, Paralegal
Carol Clowes, Parking Office Assistant

FY18 REVENUE FEE SCHEDULE CHANGE

Department: Parking Division

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY18 Proposed Fee</u>
100-1801-364-10-00	Parking Meters	\$1.00 per Hour	\$1.25 per Hour

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

The rate for parking at a meter in the city shall be One Dollar and Twenty-Five Cents (\$1.25) per hour as follows: three (3) minutes for the first nickel (\$0.05), two (2) minutes for the second nickel; five (5) minutes for a dime (\$0.10) and twelve (12) minutes for a quarter (\$0.25).

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

Order 246 - 16/17
Tab 35 - 5-1-17
Tab 26 5-15-17

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

FISCAL YEAR 2017-2018 APPROPRIATION RESOLVE

RESOLVED, that the sum of **\$240,430,005** is hereby appropriated for Fiscal Year 2018 for General Municipal purposes; and

BE IT FURTHER RESOLVED, that the sum of **\$105,036,238** is hereby appropriated for Fiscal Year 2018 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, 2017 and not exempt from taxation, to the aggregate amount of **\$86,169,006** for municipal purposes and **\$82,787,921** for school purposes for a total tax levy of **\$168,956,927** resulting in a tax rate of **\$21.66** per \$1,000 of valuation (a **2.6%** 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 8, 2017, and payable in two equal installments, the first due on the 8th day of September, 2017, and the second installment due on the 9th day of March, 2018. 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 (3.0%) per annum.

**AMENDMENT TO ORDER 246-16/17
FISCAL YEAR 2017-2018 APPROPRIATION RESOLVE
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR RAY
RE: MAYOR'S ASSISTANT POSITION SALARY AND
\$660 CELL PHONE REIMBURSEMENT**

RESOLVED, that the sum of **\$240,430,005 (- \$69,676)** is hereby appropriated for Fiscal Year 2018 for General Municipal purposes; and

BE IT FURTHER RESOLVED, that the sum of **\$105,036,238** is hereby appropriated for Fiscal Year 2018 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, 2017 and not exempt from taxation, to the aggregate amount of **\$86,169,006 (- \$69,676)** for municipal purposes and **\$82,787,921** for school purposes for a total tax levy of **\$168,956,927 (- \$69,676)** resulting in a tax rate of **\$21.66** per \$1,000 of valuation (a **2.6%** 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 8, 2017, and payable in two equal installments, the first due on the 8th day of September, 2017, and the second installment due on the 9th day of March, 2018. 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 (3.0%) per annum.

**AMENDMENT TO ORDER 246-16/17
FISCAL YEAR 2017-2018 APPROPRIATION RESOLVE
FOR THE LEGISLATIVE COMMITTEE
RE: MAYOR'S COALITION FUNDING**

RESOLVED, that the sum of **\$240,430,005** **(+\$4,667)** is hereby appropriated for Fiscal Year 2018 for General Municipal purposes; and

BE IT FURTHER RESOLVED, that the sum of **\$105,036,238** is hereby appropriated for Fiscal Year 2018 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, 2017 and not exempt from taxation, to the aggregate amount of **\$86,169,006** **(+\$4,667)** for municipal purposes and **\$82,787,921** for school purposes for a total tax levy of **\$168,956,927** **(+\$4,667)** resulting in a tax rate of **\$21.66** per \$1,000 of valuation (a **2.6%** 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 8, 2017, and payable in two equal installments, the first due on the 8th day of September, 2017, and the second installment due on the 9th day of March, 2018. 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 (3.0%) per annum.

**AMENDMENT TO ORDER 246-16/17
FISCAL YEAR 2017-2018 APPROPRIATION RESOLVE
FOR THE FINANCE COMMITTEE
RE: SUBTRACT COUNCILOR CELL PHONE AND CONSTITUENT
OUTREACH EXPENDITURES**

RESOLVED, that the sum of **\$240,430,005 (-8,800)** is hereby appropriated for Fiscal Year 2018 for General Municipal purposes; and

BE IT FURTHER RESOLVED, that the sum of **\$105,036,238** is hereby appropriated for Fiscal Year 2018 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, 2017 and not exempt from taxation, to the aggregate amount of **\$86,169,006 (-8,800)** for municipal purposes and **\$82,787,921** for school purposes for a total tax levy of **\$168,956,927 (-8,800)** resulting in a tax rate of **\$21.66** per \$1,000 of valuation (a **2.6%** 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 8, 2017, and payable in two equal installments, the first due on the 8th day of September, 2017, and the second installment due on the 9th day of March, 2018. 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 (3.0%) per annum.

**AMENDMENT TO ORDER 246-16/17
FISCAL YEAR 2017-2018 APPROPRIATION RESOLVE
FOR COUNCILOR BRENERMAN
RE: WATERFRONT MANAGER**

RESOLVED, that the sum of **\$240,430,005 (+ 68,600)** is hereby appropriated for Fiscal Year 2018 for General Municipal purposes; and

BE IT FURTHER RESOLVED, that the sum of **\$105,036,238** is hereby appropriated for Fiscal Year 2018 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, 2017 and not exempt from taxation, to the aggregate amount of **\$86,169,006 (+ 68,600)** for municipal purposes and **\$82,787,921** for school purposes for a total tax levy of **\$168,956,927 (+ 68,600)** resulting in a tax rate of **\$21.66** per \$1,000 of valuation (a **2.6%** 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 8, 2017, and payable in two equal installments, the first due on the 8th day of September, 2017, and the second installment due on the 9th day of March, 2018. 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 (3.0%) per annum.

TAX RATE COMPUTATION--FY2018
Finance Committee's Recommendation

	General Fund	Enterprise Funds	County Tax	TOTAL CITY	School Dept	GRAND TOTAL
Total Expenditures	\$183,463,634	\$51,049,828	\$5,907,743	\$240,421,205	\$105,036,238	\$345,457,443
Less: Revenues	(103,211,171)	(55,270,346)	0	(158,481,517)	(21,498,317)	(179,979,834)
Surplus	0	4,220,518	0	4,220,518	(750,000)	3,470,518
Tax Levy	\$80,252,463	\$0	\$5,907,743	\$86,160,206	\$82,787,921	\$168,948,127
				51.0%	49.0%	100.0%
Valuation	7,800,000,000					
Tax Rate:						
FY18	\$10.29	\$0.00	\$0.76	\$11.05	\$10.61	\$21.66
FY17	\$10.08	\$0.00	\$0.70	\$10.78	\$10.33	\$21.11
\$ Increase	0.21	0.00	0.06	0.27	0.28	0.55
% of Total Increase	1.9%	0.0%	0.6%	2.5%	2.7%	2.6%

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2018
July 1, 2016 - June 30, 2017
July 1, 2017 - June 30, 2018
Finance Committee's Recommendation

	FY 17	FY 18	\$ +/-	%
CITY GENERAL FUND REVENUES				
31 Property Taxes	\$ 83,862,689	\$ 86,160,206	\$ 2,297,517	2.7%
31 Other Local Taxes	9,509,832	9,860,925	351,093	3.7%
32 Licenses & Permits	4,697,826	5,422,322	724,496	15.4%
33 Intergovernmental Revenue	10,048,308	9,860,357	(187,951)	-1.9%
34 Charges for Services	36,128,810	36,661,015	532,205	1.5%
35 Fines, Forfeits and Penalties	2,294,100	2,090,250	(203,850)	-8.9%
36 Use of Money and Property	8,797,326	10,070,840	1,273,514	14.5%
39 Other Sources	30,932,994	29,245,462	(1,687,532)	-5.5%
Fund Balance Use (Restoration)	0	0	-	#DIV/0!
Total General Fund Revenues	186,271,885	189,371,377	3,099,492	1.7%
GENERAL FUND EXPENDITURES				
100-1100 City Council	376,820	387,241	10,421	2.8%
100-1200 City Clerk	492,149	555,291	63,142	12.8%
100-1300 City Manager	924,881	940,556	15,675	1.7%
Office of Economic Opportunity	0	208,166	208,166	#DIV/0!
Total Executive	924,881	1,148,722	223,841	24.2%
100-1400 Assessor	453,089	479,633	26,544	5.9%
100-1500 Finance Administration	1,089,681	1,124,070	34,389	3.2%
Treasury	646,956	705,331	58,375	9.0%
Total Finance	1,736,637	1,829,401	92,764	5.3%
100-1600 Legal	567,152	620,971	53,819	9.5%
100-1700 Human Resources Admin	989,173	1,035,380	46,207	4.7%
100-1800 Parking	1,329,957	1,383,858	53,901	4.1%
Crossing Guides	131,200	0	(131,200)	-100.0%
Elm Street Garage	300,899	305,525	4,626	1.5%
Spring Street Garage	460,534	461,961	1,427	0.3%
Temple Street Garage	123,800	124,300	500	0.4%
Total Parking/Garages	2,346,390	2,275,644	(70,746)	-3.0%
100-1900 Economic Development	457,910	491,047	33,137	7.2%
100-2100 Police Administration	1,028,807	1,075,847	47,040	4.6%
Jetport Security	530,628	558,351	27,723	5.2%
Uniformed Operations Group	9,284,173	9,925,829	641,656	6.9%
Bureau Investigative Services	1,757,081	1,845,493	88,412	5.0%
Operations Support Services	800,969	849,498	48,529	6.1%
Dispatch Services	2,260,899	2,233,291	(27,608)	-1.2%
Total Police	15,662,557	16,488,309	825,752	5.3%

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2018
July 1, 2016 - June 30, 2017
July 1, 2017 - June 30, 2018
Finance Committee's Recommendation

		FY 17	FY 18	\$ +/-	%
100-2200	Fire Administration	622,966	604,786	(18,180)	-2.9%
	Code Enforcement & Comm Svcs	245,110	247,879	2,769	1.1%
	Field Operations	14,129,247	14,657,948	528,701	3.7%
	Air Rescue	885,878	963,251	77,373	8.7%
	Operations Support Services	979,778	772,032	(207,746)	-21.2%
	Total Fire	16,862,979	17,245,896	382,917	2.3%
100-2400	Planning & Urban Dev. Admin	507,377	463,028	(44,349)	-8.7%
	Planning	803,174	1,290,368	487,194	60.7%
	Housing & Comm Dev	136,983	190,928	53,945	39.4%
	Historic Preservation	139,582	0	(139,582)	-100.0%
	Total Planning & Urban Development	1,587,116	1,944,324	357,208	22.5%
100-2500	Permitting & Inspections Administration	151,553	169,020	17,467	11.5%
	Inspections	783,868	985,252	201,384	25.7%
	Housing Safety	301,454	251,388	(50,066)	-16.6%
	Business Licensing	248,810	238,492	(10,318)	-4.1%
	Total Permitting & Licensing	1,485,685	1,644,152	158,467	10.7%
100-2900	Information Technology	2,335,463	2,432,904	97,441	4.2%
00-3100	Public Works Administration	692,123	697,315	5,192	0.8%
	Districting	1,544,513	1,616,370	71,857	4.7%
	Solid Waste	2,590,851	1,689,277	(901,574)	-34.8%
	Communications	121,002	124,588	3,586	3.0%
	Portland Downtown District	351,210	358,761	7,551	2.1%
	Transportation Opr	2,645,471	3,027,720	382,249	14.4%
	Engineering	1,123,224	1,200,715	77,491	6.9%
	Winter Operations	1,165,512	1,370,058	204,546	17.5%
	Fleet Services	3,431,093	3,713,605	282,512	8.2%
	Island Services	597,050	658,567	61,517	10.3%
	Total Public Works	14,262,049	14,456,976	194,927	1.4%
100-3300	Parks Rec & Facilities Admin	315,322	435,157	119,835	38.0%
	Trades	974,016	1,127,867	153,851	15.8%
	Public Safety Bldg.	376,470	408,039	31,569	8.4%
	City Hall Maint.	433,845	448,512	14,667	3.4%
	Merrill Auditorium Maint.	478,968	482,953	3,985	0.8%
	Hadlock Stadium Maint.	270,650	300,681	30,031	11.1%
	Other Buildings Maint.	551,968	514,049	(37,919)	-6.9%
	Ice Arena	575,516	570,448	(5,068)	-0.9%
	Expo Building	441,286	439,140	(2,146)	-0.5%
	Waterfront Maint.	877,825	1,166,489	288,664	32.9%
	Public Assembly Facilities	957,379	1,001,715	44,336	4.6%
	Concessions	355,416	382,943	27,527	7.7%
	School HVAC	482,844	521,703	38,859	8.0%
	Athletic Facilities	770,907	764,638	(6,269)	-0.8%
	Recreation	1,848,741	1,916,155	67,414	3.6%
	Aquatics	595,341	623,895	28,554	4.8%
	School Maintenance	1,096,257	0	(1,096,257)	-100.0%

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2018
July 1, 2016 - June 30, 2017
July 1, 2017 - June 30, 2018
Finance Committee's Recommendation

		FY 17	FY 18	\$ +/- ()	%
100-3300	Golf Course	879,248	1,031,925	152,677	17.4%
	Golf Course Restaurant	392,590	419,116	26,526	6.8%
	Canco Road Buildings	250,763	331,383	80,620	32.1%
	Cemeteries	661,502	842,811	181,309	27.4%
	Forestry	628,335	713,171	84,836	13.5%
	Parks	836,814	952,576	115,762	13.8%
	Total Parks Rec & Facilities Management	15,052,003	15,395,366	343,363	2.3%
100-4001	HHS - Administration	378,372	401,930	23,558	6.2%
100-4100	Public Health	2,776,297	1,732,674	(1,043,623)	-37.6%
100-4200	Social Services	12,067,094	11,204,716	(862,378)	-7.1%
107-4300	Barron Center	16,429,366	16,977,542	548,176	3.3%
100-4700	Debt Service	37,323,569	37,522,031	198,462	0.5%
100-4800	Public Library	3,825,000	3,936,725	111,725	2.9%
100-5100	Pension	6,988,107	7,401,409	413,302	5.9%
100-5200	Health Insurance	18,002,890	18,056,340	53,450	0.3%
	Workers' Comp	1,662,250	1,850,774	188,524	11.3%
	Group Life	192,214	202,854	10,640	5.5%
	Unemployment	150,000	100,000	(50,000)	-33.3%
	FICA	1,005,270	1,091,100	85,830	8.5%
	Total Employee Benefits	21,012,624	21,301,068	288,444	1.4%
100-6100	Contingent	325,750	275,820	(49,930)	-15.3%
100-6200	Liability Insurance	778,596	782,418	3,822	0.5%
100-6500	Regional Transportation Program	32,134	72,380	40,246	125.2%
	Contributions	363,060	364,194	1,134	0.3%
	Total Memberships/Contributions	395,194	436,574	41,380	10.5%
100-6700	Wage Adjustment	0	419,835	419,835	#DIV/0!
100-7000	Capital Equipment	390,000	0	(390,000)	-100.0%
	Total General Fund Expenditures	178,282,022	180,823,999	2,541,977	1.4%
100-6300	County Tax	5,417,119	5,907,743	490,624	9.1%
100-6502	Metro Assessment	2,572,744	2,639,635	66,891	2.6%
Total General Fund and Assessments		\$ 186,271,885	\$ 189,371,377	\$ 3,099,492	1.7%

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2018
 July 1, 2016 - June 30, 2017
 July 1, 2017 - June 30, 2018
 Finance Committee's Recommendation

	FY 17	FY 18	\$ +/(-)	%
ENTERPRISE FUND REVENUES				
31 Property Taxes, Current Year	\$ -	\$ -	\$ -	
32 Licenses & Permits	25,450	28,850	3,400	13.4%
33 Intergovernmental	116,800	116,800	-	0.0%
34 Charges for Services	29,905,951	32,252,496	2,346,545	7.8%
36 Use of Money and Property	21,337,443	22,461,391	1,123,948	5.3%
39 Other Sources	294,583	410,809	116,226	39.5%
Fund Balance	(1,770,520)	(4,220,518)	(2,449,998)	138.4%
Total Enterprise Fund Revenues	49,909,707	51,049,828	1,140,121	2.3%
ENTERPRISE FUND EXPENDITURES				
530-3300 Fish Pier	342,733	382,210	39,477	11.5%
570-1503 Sewer - Finance Admin	90,430	91,337	907	1.0%
570-3101 Public Works Admin	877,450	807,783	(69,667)	-7.9%
570-3112 Districting	1,766,068	2,850,513	1,084,445	61.4%
570-3115 Communications	67,533	64,056	(3,477)	-5.1%
70-3137 Sewer Engineering	328,391	353,808	25,417	7.7%
570-3155 Debt Service	7,574,206	7,095,098	(479,108)	-6.3%
570-3156 Fringe Benefits	1,325,943	1,347,424	21,481	1.6%
570-3158 Assessment from Portland Water District	11,648,004	12,149,862	501,858	4.3%
Total Sewer	23,678,025	24,759,881	1,081,856	4.6%
571-1502 Stormwater - Finance Admin	245,700	250,965	5,265	2.1%
571-3140 Stormwater Management	3,316,177	2,083,537	(1,232,640)	-37.2%
571-3155 Debt Service	287,980	350,726	62,746	21.8%
571-3156 Fringe Benefits	261,655	355,025	93,370	35.7%
Total Stormwater	4,111,512	3,040,253	(1,071,259)	-26.1%
583-2800 Jetport Admin	981,309	952,896	(28,413)	-2.9%
Field	3,395,803	3,814,776	418,973	12.3%
General Aviation	17,168	17,168	-	0.0%
Fringe, Indirects & Chargebacks	3,425,962	3,640,664	214,702	6.3%
Jetport Operations	1,860,791	2,375,139	514,348	27.6%
Terminal	5,276,745	5,514,231	237,486	4.5%
Marketing	583,070	545,740	(37,330)	-6.4%
Parking	4,447,669	4,470,259	22,590	0.5%
Airfield Deicing	681,703	689,206	7,503	1.1%
Jetport Anticipated Surplus	1,107,217	847,405	(259,812)	-23.5%
Total Jetport	21,777,437	22,867,484	1,090,047	5.0%
Total Enterprise Fund Expenditures	49,909,707	51,049,828	1,140,121	2.3%
TOTAL CITY EXPENDITURES	\$ 236,181,592	\$ 240,421,205	\$ 4,239,613	1.8%

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2018
July 1, 2016 - June 30, 2017
July 1, 2017 - June 30, 2018
Finance Committee's Recommendation

	FY 17	FY 18	\$ +/()	%
SCHOOL DEPARTMENT REVENUES				
Property Taxes	80,331,376	82,787,921	2,456,545	3.1%
Local Revenue	7,314,787	7,410,851	96,064	1.3%
State Subsidy	15,206,721	14,087,466	(1,119,255)	-7.4%
Surplus Use	750,000	750,000	0	0.0%
Total School Revenues	\$ 103,602,884	\$ 105,036,238	\$ 1,433,354	1.4%
SCHOOL DEPARTMENT EXPENDITURES				
Public Schools	\$103,602,884	\$105,036,238	\$1,433,354	1.4%
TOTAL CITY AND SCHOOL EXPENDITURES	\$ 339,784,476	\$ 345,457,443	\$ 5,672,967	1.7%

City of Portland, Maine

Finance Committee's Recommended Budget



FY18 Budget

July 1, 2017 – June 30, 2018

**FY2018 BUDGET
FINANCE COMMITTEE'S RECOMMENDATION
CITY OF PORTLAND, MAINE**

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Joint City / School Finance Committee
Meeting Minutes
Thursday, May 4, 2017

Attendees: Chair Mavodones, Committee Members Costa and Ali, Councilors Brenerman, Ray and Duson, Mayor Strimling, Superintendent Botana, School Board Members Trevorrow, Vendil, Davis and Hatzenbuehler, members of staff and public.

Chair Mavodones opened the meeting - called to order

1. Review of Follow Up Questions on School and City Budgets

- Presentation of City Manager memo on important items which were cut from the FY18 City Budget
- Two potential budget amendments were discussed and deferred until the full City Council meeting on May 15, 2017 - 1) Addition of a Waterfront Manager position for \$68,600 and 2) removal of the Special Assistant to the Mayor and City Council position for (\$69,076)
- Presentation of memo from Human Resources on Mayor salary increase request and comparables
- Presentation of short memo on additional items included in City Council Department budget for FY18
- Presentation of revised City/School budget resolve, 2.6% overall tax rate increase, new mil rate of \$21.66
- Presentation from School Finance Director on final FY18 Board of Education Recommended Budget

2. Public Hearing – FY18 City and School Budgets

3. Discussion and vote on FY18 Board of Education Recommended Budget

Motion by Councilor Costa, seconded by Councilor Ali to approve and recommend the FY18 Board of Education Recommended Budget to full City Council, resulting in a tax levy for school purposes of \$82,787,921 **(Passes 3-0)**

4. Discussion and vote on FY18 City Manager's Recommended Budget

Motion by Councilor Costa, seconded by Councilor Ali to approve the 2.0% non-union employee cost of living adjustment for FY18 as included in the FY18 City Manager Recommended budget **(Passes 3-0)**

Motion by Councilor Costa, seconded by Councilor Ali to amend the FY18 City Manager Recommended budget to remove \$8,800 of new expenditures from City Manager Recommended budget - \$4,800 removed for City Council cell phone reimbursement (\$50/month * 8 Councilors) and \$4,000 removed for City Councilor constituent outreach (\$500 per Councilor) **(Passes 3-0)**

VOTE on the main motion, as amended, to recommend to the full City Council the FY18 City Manager Recommended budget as amended, resulting in total municipal tax levy of \$86,160,206 **(Passes 3-0)**

CITY OF PORTLAND, MAINE
FY2018 BUDGET SUMMARY--REVENUE
Finance Committee Recommendation

	FY17 Budget	FY18 CM Recomm.	FY18 Fin Comm Recomm.	FC Changes	\$+/-	%+/-
CITY GENERAL FUND REVENUE						
31 Property Taxes	\$ 83,862,689	\$ 86,169,006	\$ 86,160,206	\$ (8,800)	\$ 2,297,517	2.7%
31 Other Local Taxes	9,509,832	9,860,925	9,860,925	-	351,093	3.7%
32 Licenses & Permits	4,697,826	5,422,322	5,422,322	-	724,496	15.4%
33 Intergovernmental Revenue	10,048,308	9,860,357	9,860,357	-	(187,951)	-1.9%
34 Charges for Services	36,128,810	36,661,015	36,661,015	-	532,205	1.5%
35 Fines, Forfeits and Penalties	2,294,100	2,090,250	2,090,250	-	(203,850)	-8.9%
36 Use of Money and Property	8,797,326	10,070,840	10,070,840	-	1,273,514	14.5%
39 Other Sources	30,932,994	29,245,462	29,245,462	-	(1,687,532)	-5.5%
Fund Balance Use (Restoration)	-	-	-	-	-	
Total General Fund Revenue	\$ 186,271,885	\$ 189,380,177	\$ 189,371,377	\$ (8,800)	\$ 3,099,492	1.7%

ENTERPRISE FUND REVENUE

31 Property Taxes	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%
32 Licenses & Permits	25,450	28,850	28,850	-	3,400	13.4%
33 Intergovernmental Revenue	116,800	116,800	116,800	-	-	0.0%
34 Charges for Services	29,905,951	32,252,496	32,252,496	-	2,346,545	7.8%
36 Use of Money and Property	21,337,443	22,461,391	22,461,391	-	1,123,948	5.3%
39 Other Sources	294,583	410,809	410,809	-	116,226	39.5%
Surplus	(1,770,520)	(4,220,518)	(4,220,518)	-	(2,449,998)	
Total Enterprise Fund Revenue	\$ 49,909,707	\$ 51,049,828	\$ 51,049,828	\$ -	\$ 1,140,121	2.3%

	FY17 Budget	FY18 Board of Education Recomm.	FY18 Fin Comm Recomm.	FC Changes	\$+/-	%+/-
SCHOOL DEPARTMENT REVENUE						
Property Taxes	\$ 80,331,376	\$ 82,787,921	\$ 82,787,921	\$ -	\$ 2,456,545	3.1%
Local Revenues	7,314,787	7,410,851	7,410,851	-	96,064	1.3%
State Subsidy	15,206,721	14,087,466	14,087,466	-	(1,119,255)	-7.4%
Surplus Use	750,000	750,000	750,000	-	-	
Total School Department Revenue	\$ 103,602,884	\$ 105,036,238	\$ 105,036,238	\$ -	\$ 1,433,354	1.4%

CITY OF PORTLAND, MAINE
FY2018 BUDGET SUMMARY--EXPENDITURES
Finance Committee Recommendation

		FY17 Budget	FY18 CM Recomm	FY18 Fin Comm Recomm	FC Changes	\$+/-	%+/-
GENERAL FUND EXPENDITURES							
100-1100	City Council	\$ 376,820	\$ 396,041	\$ 387,241	\$ (8,800)	\$ 10,421	2.8%
100-1200	City Clerk	492,149	555,291	555,291	-	63,142	12.8%
100-1301	City Manager	924,881	1,148,722	1,148,722	-	223,841	24.2%
100-1400	Assessor	453,089	479,633	479,633	-	26,544	5.9%
100-1500	Finance	1,736,637	1,829,401	1,829,401	-	92,764	5.3%
100-1600	Legal	567,152	620,971	620,971	-	53,819	9.5%
100-1700	Human Resources	989,173	1,035,380	1,035,380	-	46,207	4.7%
100-1800	Parking	2,346,390	2,275,644	2,275,644	-	(70,746)	-3.0%
100-1900	Economic Development	457,910	491,047	491,047	-	33,137	7.2%
100-2100	Police	15,662,557	16,488,309	16,488,309	-	825,752	5.3%
100-2200	Fire	16,862,979	17,245,896	17,245,896	-	382,917	2.3%
100-2400	Planning & Development	1,587,116	1,944,324	1,944,324	-	357,208	22.5%
100-2500	Permitting & Inspections	1,485,685	1,644,152	1,644,152	-	158,467	10.7%
100-2900	Information Technology	2,335,463	2,432,904	2,432,904	-	97,441	4.2%
100-3100	Public Works	14,262,049	14,456,976	14,456,976	-	194,927	1.4%
100-3300	Parks, Recreation & Facilities	15,052,003	15,395,366	15,395,366	-	343,363	2.3%
100-4000	HHS Administration	378,372	401,930	401,930	-	23,558	6.2%
100-4100	Public Health	2,776,297	1,732,674	1,732,674	-	(1,043,623)	-37.6%
100-4200	Social Services	12,067,094	11,204,716	11,204,716	-	(862,378)	-7.1%
107-4300	Barron Center	16,429,366	16,977,542	16,977,542	-	548,176	3.3%
100-4700	Debt Service	37,323,569	37,522,031	37,522,031	-	198,462	0.5%
100-4800	Library	3,825,000	3,936,725	3,936,725	-	111,725	2.9%
100-5100	Pension	6,988,107	7,401,409	7,401,409	-	413,302	5.9%
100-5200	Employee Insurance	21,012,624	21,301,068	21,301,068	-	288,444	1.4%
100-6100	Contingent	325,750	275,820	275,820	-	(49,930)	-15.3%
100-6200	Insurance	778,596	782,418	782,418	-	3,822	0.5%
100-6500	Memberships & Contributions	395,194	436,574	436,574	-	41,380	10.5%
100-6700	Wage Adjustment	0	419,835	419,835	-	419,835	#DIV/0!
100-7000	Capital	390,000	0	0	-	(390,000)	-100.0%
Total General Fund Expenditures		178,282,022	180,832,799	180,823,999	(8,800)	2,541,977	1.4%
100-6300	County Tax Assessment	5,417,119	5,907,743	5,907,743	-	490,624	9.1%
100-6502	Metro Assessment	2,572,744	2,639,635	2,639,635	-	66,891	2.6%
Total General Fund and Assessments		\$ 186,271,885	\$ 189,380,177	\$ 189,371,377	\$ (8,800)	\$ 3,099,492	1.7%

CITY OF PORTLAND, MAINE
FY2018 BUDGET SUMMARY--EXPENDITURES
Finance Committee Recommendation

		FY17 Budget	FY18 CM Recomm	FY18 Fin Comm Recomm	FC Changes	\$+/-	%+/-
ENTERPRISE FUND EXPENDITURES							
530-2800	Fish Pier	342,733	382,210	382,210	-	39,477	11.5%
570-3100	Sewer	23,678,025	24,759,881	24,759,881	-	1,081,856	4.6%
571-3100	Stormwater	4,111,512	3,040,253	3,040,253	-	(1,071,259)	-26.1%
583-2800	Jetport	21,777,437	22,867,484	22,867,484	-	1,090,047	5.0%
Total Enterprise Fund Expenditures		<u>\$ 49,909,707</u>	<u>\$ 51,049,828</u>	<u>\$ 51,049,828</u>	<u>\$ -</u>	<u>\$ 1,140,121</u>	<u>2.3%</u>
TOTAL CITY EXPENDITURES		<u>\$ 236,181,592</u>	<u>\$ 240,430,005</u>	<u>\$ 240,421,205</u>	<u>\$ (8,800)</u>	<u>\$ 4,239,613</u>	<u>1.8%</u>

		FY17 Budget	FY18 Board of Education Recomm.	FY18 Fin Comm Recomm	FC Changes	\$+/-	%+/-
SCHOOL DEPARTMENT EXPENDITURES							
	Public Schools	<u>\$ 103,602,884</u>	<u>\$ 105,036,238</u>	<u>\$ 105,036,238</u>	<u>\$ -</u>	<u>\$ 1,433,354</u>	<u>1.4%</u>
TOTAL CITY AND SCHOOL EXPENDITURES		<u>\$ 339,784,476</u>	<u>\$ 345,466,243</u>	<u>\$ 345,457,443</u>	<u>\$ (8,800)</u>	<u>\$ 5,672,967</u>	<u>1.7%</u>

TAX RATE COMPUTATION--FY2018
Finance Committee's Recommendation

	General Fund	Enterprise Funds	County Tax	TOTAL CITY	School Dept	GRAND TOTAL
Total Expenditures	\$183,463,634	\$51,049,828	\$5,907,743	\$240,421,205	\$105,036,238	\$345,457,443
Less: Revenues	(103,211,171)	(55,270,346)	0	(158,481,517)	(21,498,317)	(179,979,834)
Surplus	0	4,220,518	0	4,220,518	(750,000)	3,470,518
Tax Levy	\$80,252,463	\$0	\$5,907,743	\$86,160,206	\$82,787,921	\$168,948,127
				51.0%	49.0%	100.0%
Valuation	7,800,000,000					
Tax Rate:						
FY18	\$10.29	\$0.00	\$0.76	\$11.05	\$10.61	\$21.66
FY17	\$10.08	\$0.00	\$0.70	\$10.78	\$10.33	\$21.11
\$ Increase	0.21	0.00	0.06	0.27	0.28	0.55
% of Total Increase	1.9%	0.0%	0.6%	2.5%	2.7%	2.6%

CITY OF PORTLAND, MAINE
FY2018 Non-Tax Revenue
(without surplus or TIF reimb)
Finance Committee's Recommendation

Department	FY16 Collected	FY17 Est (budget)	FY17 Proj	FY18 Est (budget)	FY18 Est vs FY17 Est (budget)	%
General Fund Revenues:						
City Council	\$5,000	\$5,000	\$5,000	\$5,000	\$0	0.0%
City Clerk	1,204,877	227,750	230,218	233,234	5,484	2.4%
Executive	1,292,618	907,837	839,891	1,054,701	146,864	16.2%
Assessor	3,069	3,900	1,000	500	(3,400)	-87.2%
Finance	19,781,614	17,045,743	16,880,110	17,586,273	540,530	3.2%
Legal	427,456	88,129	91,463	95,857	7,728	8.8%
Human Resources	125,280	112,775	112,775	118,043	5,268	4.7%
Parking	7,890,478	7,818,522	7,911,495	8,613,070	794,548	10.2%
Econ Dev	132,178	205,574	191,006	218,601	13,027	6.3%
Police	2,578,272	2,701,929	2,774,258	2,806,671	104,742	3.9%
Fire	4,478,740	4,372,298	4,449,531	4,407,633	35,335	0.8%
Planning & Development	3,649,884	829,331	861,199	891,285	61,954	7.5%
Permitting & Inspections	-	3,670,332	4,069,167	4,365,465	695,133	18.9%
Information Technology	360,952	363,271	363,156	376,725	13,454	3.7%
Public Works	4,622,489	4,953,047	4,424,101	4,628,980	(324,067)	-6.5%
Parks, Rec & Facilities	10,598,136	10,023,133	10,522,999	9,812,539	(210,594)	-2.1%
HHS--Administration	-	-	-	10,560	10,560	#DIV/0!
HHS--Public Health	2,885,310	2,023,138	1,271,979	1,004,848	(1,018,290)	-50.3%
HHS--Social Services	6,986,251	7,117,449	6,758,925	6,983,728	(133,721)	-1.9%
HHS--Barron Center	18,859,408	19,741,081	19,962,167	20,581,632	840,551	4.3%
Employee Benefits	6,784,720	6,548,937	6,379,550	6,519,959	(28,978)	-0.4%
Insurance	181,488	148,731	166,283	156,578	7,847	5.3%
Debt Service Reimb.	14,642,460	15,585,607	15,155,585	15,023,364	(562,243)	-3.6%
Total General Fund:	107,490,680	104,493,514	103,421,858	105,495,246	1,001,732	1.0%
Enterprise Funds Revenue:						
Fish Pier Authority	513,492	522,047	524,939	527,937	5,890	1.1%
Sewer	23,763,308	23,160,443	23,710,762	25,585,001	2,424,558	10.5%
Stormwater	3,297,548	6,220,300	6,179,211	6,289,924	69,624	1.1%
Jetport	21,658,102	21,777,437	22,276,379	22,867,484	1,090,047	5.0%
Total Enterprise Funds:	49,232,450	51,680,227	52,691,291	55,270,346	3,590,119	6.9%
Total City Revenue	\$156,723,130	\$156,173,741	156,113,149	\$160,765,592	\$4,591,851	2.9%

FY2018 CITY BUDGET SUMMARY

by category

Finance Committee's Recommendation

	FY17 Approp.	FY18 Proposed	\$ +/-	% +/-	% Of Total
01 Personnel--General Fund	\$75,348,891	\$78,864,332	\$3,515,441	4.7%	
--Ent Funds	5,939,359	6,404,427	465,068	7.8%	
Total	81,288,250	85,268,759	3,980,509	4.9%	35.5%
02+ Contractual--General Fund	60,931,234	60,562,048	(369,186)	-0.6%	
--Ent Funds	25,304,333	27,324,786	2,020,453	8.0%	
Total	86,235,567	87,886,834	1,651,267	1.9%	36.6%
55 Supplies--General Fund	7,379,275	7,341,338	(37,937)	-0.5%	
--Ent Funds	1,083,472	1,251,665	168,193	15.5%	
Total	8,462,747	8,593,003	130,256	1.5%	3.6%
63 Utilities--General Fund	4,750,687	4,843,832	93,145	2.0%	
--Ent Funds	1,446,354	1,569,394	123,040	8.5%	
	6,197,041	6,413,226	216,185	3.5%	2.7%
70 Capital--General Fund	538,229	237,796	(300,433)	-55.8%	
--Ent Funds	3,161,635	2,060,066	(1,101,569)	-34.8%	
Total	3,699,864	2,297,862	(1,402,002)	-37.9%	1.0%
75 Debt Svc--Total GF	37,323,569	37,522,031	198,462	0.5%	15.6%
--Ent Fund Portion	7,612,267	7,452,797	(159,470)	-2.1%	
75 Jetport Rev Bond Debt Svc	4,255,070	4,139,288	(115,782)	-2.7%	
Jetport Surplus	1,107,217	847,405	(259,812)	-23.5%	
Total General Fund	186,271,885	189,371,377	3,099,492	1.7%	
Total Enterprise Funds	49,909,707	51,049,828	1,140,121	2.3%	
Total	\$236,181,592	\$240,421,205	\$4,239,613	1.8%	100.0%

City of Portland
Staffing FTE Change
FY2018 Finance Committee's Recommendation

Department	FY13	FY14	FY15	FY16	FY17	FY18	+/- Chg
General Fund:							
City Council	-	-	-	-	1.0	1.0	-
City Clerk	9.6	9.2	9.2	8.9	7.4	7.8	0.4
Executive	9.0	9.0	10.0	14.0	10.0	13.0	3.0
Assessor	4.9	4.9	4.9	4.9	5.9	5.9	-
Finance	26.0	25.0	26.0	24.3	24.0	25.0	1.0
Legal	5.7	5.5	6.0	6.0	6.0	6.0	-
Human Resources	10.0	10.0	10.0	10.0	10.5	11.0	0.5
Parking	29.6	29.6	29.6	29.6	29.6	29.6	-
Economic Development	4.0	3.0	3.0	4.0	5.8	5.8	-
Police	221.0	220.5	225.3	223.3	227.3	232.3	5.0
Fire	234.0	235.0	235.7	228.1	229.6	229.2	(0.4)
Planning & Urban Dev.	33.0	32.3	35.4	34.7	21.5	24.0	2.5
Permitting & Inspections	-	-	-	-	25.0	28.0	3.0
IT	16.6	16.8	17.3	17.0	17.0	17.0	-
Public Works	150.0	152.0	152.5	132.0	125.0	129.0	4.0
Parks Rec & Fac Mgmt	107.2	118.1	121.6	136.5	155.2	161.5	6.3
HHS Administration	-	-	-	-	5.0	5.0	-
Public Health	80.8	92.4	70.0	62.3	38.2	25.0	(13.2)
Social Services	65.7	76.1	79.4	90.7	78.3	80.1	1.8
Barron Center	262.3	264.1	266.2	266.7	260.7	263.7	3.0
<i>Total HHS:</i>	<i>408.8</i>	<i>432.6</i>	<i>415.6</i>	<i>419.7</i>	<i>382.2</i>	<i>373.8</i>	<i>(8.4)</i>
General Fund Subtotal:	1,269.4	1,303.5	1,302.1	1,293.0	1,283.0	1,299.9	16.9
Enterprise Funds:							
Golf Course	3.0	-	-	-	-	-	-
Sewer Fund	37.0	38.0	39.0	32.0	31.0	30.0	(1.0)
Stormwater Fund	-	-	-	11.5	11.0	13.0	2.0
Ice Arena	5.0	-	-	-	-	-	-
Jetport	47.0	47.0	49.0	49.5	50.5	52.5	2.0
Enterprise Subtotal:	92.0	85.0	88.0	93.0	92.5	95.5	3.0
Total City Employees:	1,361.4	1,388.5	1,390.1	1,386.0	1,375.5	1,395.4	19.9

City of Portland, Maine
Tax Levy by Budget Category
Finance Committee's Recommendation

Department	FY18 Tax Levy	FY18 Tax Rate	% of Taxes
Education	\$82,787,921	\$10.61	49.0%
Debt Service	22,498,667	\$2.88	13.3%
Police	15,869,578	\$2.04	9.4%
Fire	14,818,816	\$1.90	8.8%
Public Works	10,175,050	\$1.30	6.0%
Parks, Rec. & Facilities	6,178,924	\$0.79	3.6%
County Tax	5,907,743	\$0.76	3.5%
Library	3,936,725	\$0.51	2.4%
Health & Human Services	2,877,756	\$0.37	1.7%
Metro	2,639,635	\$0.34	1.6%
General Government	1,257,312	\$0.16	0.7%
Total:	\$168,948,127	\$21.66	100%

Order 251-16/17
Tab 27 5-15-17

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROVING PURCHASE AND SALE AGREEMENT WITH
DEVELOPERS COLLABORATIVE PREDEVELOPMENT LLC
FOR THE SALE OF REED SCHOOL AT 19 LIBBY STREET**

ORDERED, that the Purchase and Sale Agreement with Developers Collaborative Predevelopment LLC for city-owned land and buildings thereon, formerly known as the Reed School, at 19 Libby Street, is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the City Manager is hereby authorized to execute the Purchase and Sale Agreement and whatever other documents are necessary to effect the intent and purpose of the Purchase & Sale Agreement.

MEMORANDUM
City Council Agenda Item

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

FROM: Jeff Levine, Director, Planning & Urban Development

DATE: May 1, 2017

SUBJECT: Reed School Purchase & Sale and Transfer

SPONSOR: Jon Jennings, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading _____ Final Action 5/15/17

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

PRESENTATION: (List the presenter(s), type and length of presentation)
Overview of the process to date by Jon Jennings or Jeff Levine (2-4 minutes)

I. ONE SENTENCE SUMMARY

Staff is seeking authorization to sell the Reed School parcel for \$75,000 through execution and implementation of a purchase and sale agreement substantially as set forth here.

II. AGENDA DESCRIPTION

Authorizing the City Manager to execute any and all documents required to transfer the Reed School parcel for \$75,000

III. BACKGROUND

The School Department declared the Reed School surplus in 2014. Planning & Urban Development began a reuse process with an advisory committee of residents and subject area experts shortly thereafter, resulting in the issuance of a report on the potential reuse of the property. After an initial Request for Qualifications resulted in unsatisfactory responses, a Request for Proposals (RFP) was issued in 2016. That RFP resulted in two responses, including one from Developers Collaborative that enjoyed broad support to reuse a portion of the school building for a private educational use. The City Council voted on 8/1/16 to authorize negotiations with that respondent.

Following that vote, the respondent entered into discussions with neighbors to resolve any significant concerns and subsequently began discussions with City staff on the terms of a sale. Those terms are encapsulated in the draft Purchase and Sale agreement attached, and include a

\$75,000 sales price and a Payment in Lieu of Taxes (PILOT) agreement for any portion of the building that may become exempt from taxation. Due to the structure of the deal, it is expected that the entire building will be fully taxable for five years, after which it is expected that a portion of the building will be transferred to the educational use, which would be subject to the PILOT agreement.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

Transfer of an unneeded City property for a constructive reuse. The Economic Development Committee identified sale of the Reed School as a goal for 2017.

V. FINANCIAL IMPACT

The sale and reuse of the Reed School is expected to have positive financial impacts on the City for two reasons. First, it will relieve the City of the requirement to maintain and heat the building, as well as to respond to public safety calls that inevitably arise when a building sits vacant. Second, the property sale will generate \$75,000 in sales proceeds immediately, and then will pay annual property taxes and/or Payment in Lieu of Taxes.

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

Documents are attached to explain the RFP process and successful response. Additional documents such as the Reuse Committee report are available on the City's web site.

VII. RECOMMENDATION

Staff recommends approving authorization to execute a Purchase and Sale substantively as set forth and to authorize the sale of the building subject to those terms.

VIII. LIST ATTACHMENTS

- A. Purchase and Sale Agreement for the Property
- B. Request for Proposals for the Reed School Property #6316 (4/13/16)
- C. Response to Request for Proposals by Developers Collaborative (5/19/16)
- D. Letter from School Department transferring parcel to the City (7/8/14)

Prepared by: Jeff Levine

Date: 5/1/17

PURCHASE AND SALE AGREEMENT

THIS AGREEMENT for the purchase and sale of real estate made this _____ day of _____, 2017 by and between the CITY OF PORTLAND, a body politic and corporate located in Cumberland County, Maine, (hereinafter referred to as "SELLER"), and DEVELOPERS COLLABORATIVE PREDEVELOPMENT LLC, a Maine limited liability company with a mailing address of 100 Commercial Street, Suite 414, Portland, Maine, 04101 (hereinafter referred to as "BUYER").

RECITALS

WHEREAS, the SELLER is the owner of certain land and buildings located 19 Libby Street in Portland, Maine, known as the former Reed School, as more specifically described in Exhibit A, attached hereto and incorporated herein (the "Premises"), and as generally depicted in the plan attached as Exhibit B and incorporated herein; and

WHEREAS, the SELLER desires to sell the Premises and has published a certain request for proposals entitled "Sale and Re-use Of The Former Reed School Buildings And Property 19 Libby Street Portland Maine RFP #6316" (the "RFP"), a copy of which is attached hereto as Exhibit C and incorporated herein; and

WHEREAS, the BUYER has submitted a proposal in response to the RFP dated May 19, 2016 (the "Proposal"), a copy of which is attached hereto as Exhibit D and incorporated herein; and

WHEREAS, after reviewing all proposals submitted in response to the RFP, the SELLER has selected the BUYER as the successful bidder;

WHEREAS, BUYER has in good faith and at its own expense conducted a comprehensive neighborhood process to achieve successful consensus on the basic elements of a development proposal (the "Neighborhood Process"), and

WHEREAS, BUYER desires to purchase and develop the Premises in accordance with the terms of the Proposal (the "Project"), and the SELLER desires to sell the Premises to the BUYER so that the BUYER may do so.

NOW THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties, intending to be legally bound, hereby agree as follows:

1. **RECITALS NOT INCORPORATED BY REFERENCE.** The recitals set forth above are not incorporated herein by reference and made a part of this agreement. Any terms from the RFP and the Proposal which are to be binding on Buyer and Seller are restated in the body, not the Exhibits, of this document, other than Exhibit B. If any disagreement is found between the RFP or the Proposal and this document, then this document shall govern..
2. **SALE.** SELLER agrees to sell the Premises to BUYER, and BUYER agrees to buy the Premises in accordance with the terms and conditions set forth in this Agreement. This Agreement is for the sale of the buildings and land on the Premises.
3. **CONSIDERATION.** The consideration for the Premises shall be Seventy Five Thousand Dollars (\$75,000.00) (the "Purchase Price") payable as follows:
 - a. The SELLER acknowledges receipt of BUYER's deposit in the amount of One Dollar (\$1.00) (the "Deposit") paid to it as of the date of this Agreement; and
 - b. The BUYER shall pay to the SELLER at closing the remaining Seventy Four Thousand Four Hundred Ninety Nine Dollars (\$74,999.00) by wire transfer at closing.

TITLE. SELLER shall convey the Premises to BUYER at the closing in fee simple with good and marketable title by a quitclaim deed without covenant. BUYER acknowledges that Premises shall subject to a deed restriction requiring that a certain portion of the Premises remain as open space, free of any habitable residential or commercial buildings (the "Open Space"), which Open Space is more particularly described in Exhibit A and generally depicted on the site plan attached as Exhibit B. SELLER shall convey the Premises to BUYER at the closing in fee simple with good and marketable title by a quitclaim deed without covenant. BUYER acknowledges that Premises shall subject to a deed restriction requiring that a certain portion of the Premises remain as open space, free of any habitable residential or commercial buildings (the "Open Space"), which Open Space is more particularly described in Exhibit A and generally depicted on the site plan attached as Exhibit B. BUYER further acknowledges that the deed shall contain a restriction stating that in the event that the Premises or any portion thereof shall be exempt from real and personal property taxes, by transfer, conversion, or otherwise, then the then-owner of the exempt portion shall make annual payments to the City in lieu of taxes either (a) in the amount equal to 25% of the amount of property taxes that would have been assessed on the exempt portion of the real and personal property situated on the Premises had such property remained taxable, (b) if such a policy is adopted, such other target percentage as may be approved as part of a city-wide PILOT policy, or (c) \$5000 annually whichever is less.

4. If SELLER is unable to convey title to the Premises in accordance with the provisions of this paragraph, then SELLER shall have a reasonable time period, not to exceed 60

days from the time SELLER receives written notice of a defect, unless otherwise agreed to by both parties, during which it shall make a good faith effort to remedy the defect, after which time, if such defect is not corrected so that there is marketable and insurable title, BUYER may within 2 days thereafter, at BUYER's option, withdraw the Deposit, and neither party shall have any further obligation hereunder. BUYER may, at BUYER's option elect to close notwithstanding any such defects that may exist.

5. **POSSESSION.** Full possession of the Premises will be delivered to Buyer at the transfer of title, free and clear of all tenancies or occupancies by any person or entity.
6. **INSPECTIONS.** At reasonable times upon reasonable prior notice prior to Closing, BUYER, its agents, contractors and any prospective lender or investor of BUYER shall have the right to enter the Premises and perform, at BUYER's expense, any and all inspections, tests, surveys or other due diligence inquiries with respect to the Premises as BUYER deems necessary or appropriate. In the event BUYER does not purchase the Premises, BUYER agrees to return the Premises as nearly as possible to its original condition after all of such tests and inspections. SELLER shall cooperate with BUYER in such inspections. BUYER shall complete any such inspections within 60 days of the date first set forth above (the "Inspection Period"). In the event that an inspection reveals defects or conditions which are unacceptable to BUYER, BUYER may, prior to the end of the Inspection Period, terminate this Agreement and receive back the Deposit.

BUYER agrees to defend, indemnify and hold harmless SELLER against any mechanics' liens that may arise from the activities of BUYER and its employees, consultants, contractors and agents on the Premises.

BUYER shall exercise the access and inspection rights granted hereunder at its sole risk and expense, and BUYER hereby releases the City from, and agrees to indemnify, defend, and hold the City harmless against, any and all losses, costs, claims, expenses and liabilities (including without limitation reasonable attorney fees and costs) (collectively, "Damages") suffered by the City on account of any injury to person or damage to property arising out of the exercise by BUYER of its rights hereunder, except to the extent that such Damages result from the act or omission of the City.

BUYER shall cause any contractors, consultants or any other party conducting the Inspections to procure automobile insurance and general public liability insurance coverage in amounts of not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage and also Workers' Compensation Insurance coverage to the extent required by law.

7. **REAL ESTATE TAXES, PRORATIONS AND TRANSFER TAX.** BUYER shall be liable for all real estate taxes beginning as of the start of fiscal year following the closing and continuing thereafter. Because the Premises is currently owned by the City of Portland, which is exempt from real estate taxes, no taxes were assessed or will be due for any portion of the current fiscal year, and no taxes will be prorated at the closing. Any utilities for the Premises shall be prorated as of the closing. The

Maine real estate transfer tax shall be paid for by BUYER in accordance with 36 M.R.S.A. § 4641-A. City is exempt from paying the transfer tax pursuant to 36 M.R.S.A. § 4641-C. The recording fee for the deed of conveyance and any expenses relating to BUYER's financing or closing shall be paid for by BUYER.

8. **DEFAULT AND REMEDIES.** In the event that BUYER defaults hereunder for a reason other than the default of the SELLER, SELLER shall retain the deposit, it being understood, however, the SELLER's acceptance thereof shall not constitute a waiver of any other legal or equitable remedy available to SELLER. In the event SELLER defaults under this Agreement, and if BUYER is not then in default hereunder, BUYER shall have the right to pursue specific performance, but at all times may elect in substitution therefor, as its sole remedy, the right to a return of its deposit, after which neither party will have any further obligation or liability to the other under this Agreement.
9. **RISK OF LOSS.** The risk of loss or damage to the Premises by fire or otherwise, until transfer of title hereunder, is assumed by the SELLER. The Premises is to be delivered in substantially the same condition as of the date of this Agreement unless otherwise stated. In the event SELLER is not able to deliver the Premises as stated, BUYER may terminate this Agreement and receive a refund of the Deposit.
10. **PROPERTY SOLD "AS IS, WHERE IS."** BUYER acknowledges that BUYER has had an opportunity to inspect the Premises, and to hire professionals to do so, and that Premises will be sold "as is, where is" and "with all faults." SELLER, and its agents, make no representations or warranties with respect to the accuracy of any statement as to boundaries or acreage, or as to any other matters contained in any description of the Premises, or as to the fitness of the Premises for a particular purpose, or as to development rights, merchantability, habitability, or as to any other matter, including without limitation, land use, zoning and subdivision issues or the environmental, mechanical, or structural condition of the Premises. Acceptance by BUYER of the Deed at closing and payment of the purchase price shall be deemed to be full performance and discharge by the SELLER of every agreement and obligation contained herein.
11. **ENVIRONMENTAL INDEMNIFICATION.** BUYER covenants and agrees to indemnify, defend, and hold SELLER harmless from and against any and all claims, damages, losses, liabilities, obligations, settlement payments, penalties, assessments, citations, directives, claims, litigation, demands, defenses, judgments, costs, or expenses of any kind, including, without limitation, reasonable attorneys', consultants', and experts' fees incurred in investigating, defending, settling, or prosecuting any claim, litigation or proceeding, that may at any time be imposed upon, incurred by or asserted or awarded against BUYER or the SELLER and relating directly or indirectly to the violation of or compliance with any federal, state, or local environmental laws, rules, or regulations governing the release, handling or storage of hazardous wastes or hazardous materials and affecting all or any portion of the Premises. This duty to indemnify, defend, and hold harmless shall be included as a covenant in the deed and shall run with the land conveyed and be binding upon BUYER's successors, assigns, and transferees.

- 12. RIGHTS OF SELLER TO REPURCHASE PREMISES.** If development of the Premises in substantially the form set forth in the Proposal, is at any point abandoned or not actively pursued by BUYER for longer than six months using commercially reasonable means, the Seller shall have the right, but not the obligation, to repurchase the Premises at the Purchase Price. SELLER's deed to BUYER shall include a reference to the SELLER's option to repurchase the Premises. Any reconveyance under this Section shall be subject to all mortgages of record placed by BUYER in connection with the financing of the redevelopment of the Premises. SELLER agrees to enter into such agreements on reasonable commercial terms as may be requested by BUYER's lenders and/or investors, including, without limitation, notice and cure rights.
- 13. CHARACTERISTICS OF PROJECT.** Buyer agrees to develop the 1950 addition with an educational use. Buyer agrees to develop the Project in basic harmony with the site plan attached as Exhibit B which is the result of the Neighborhood Process. Buyer represents that they have discussed issues including traffic, parking, intensity and hours of use, and open space with the neighborhood and have come to general consensus on all major items, such consensus being represented by Exhibit B. At this time Buyer is not proposing a use for the original 1926 structure of the building, but has reached a general consensus through the Neighborhood process that a low intensity of use such as no more than 8 residential units would be acceptable. As this use is currently not allowed in the R-3 zone, Buyer agrees that they will seek any desired zoning approval, should such a use be found to economically feasible, through a contract or conditional re-zoning process. At that time Buyer agrees to continue the Neighborhood Process to attempt to agree on any additional consensus needed as to such proposed use. The provisions in this Section 13 shall survive the closing.
- 14. CLOSING.** Time is of the essence in the performance of this agreement. The closing shall be held at the office of BUYER's counsel at a time agreeable to the parties on or before seventy-five (75) days after the date first set forth above.
- 15. ENTIRE AGREEMENT; NO ORAL MODIFICATIONS; SEVERABILITY.** This Agreement represents the entire and complete Agreement and understanding between the parties and supersedes any prior agreement or understanding, written or oral, between the parties with respect to the acquisition or exchange of the Premises hereunder. This Agreement cannot be amended except by written instrument executed by SELLER and BUYER. If any provision of this Agreement is determined to be invalid or unenforceable, it shall not affect the validity or enforcement of the remaining provisions hereof.
- 16. NON-WAIVER.** No waiver of any breach of any one or more of the conditions of this Agreement by either party shall be deemed to imply or constitute a waiver of any succeeding or other breach hereunder.
- 17. HEADINGS AND CAPTIONS.** The headings and captions appearing herein are for the convenience of reference only and shall not in any way affect the substantive

provisions hereof.

18. **BINDING EFFECT.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, administrators, successors and assigns.
19. **TIME.** The SELLER and BUYER each confirm and agree that each of the time periods set forth herein are essential provisions of the terms of this Agreement.
20. **GOVERNING LAW.** This Agreement shall be construed in all respects in accordance with, and governed by, the laws of the State of Maine. All parties hereto hereby consent to the exclusive jurisdiction of the Superior Court for the County of Cumberland in the State of Maine, for all actions, proceedings and litigation arising from or relating directly or indirectly to this Agreement or any of the obligations hereunder, and any dispute not otherwise resolved as provided herein shall be litigated solely in said Court. If any provision of this Agreement is determined to be invalid or unenforceable, it shall not affect the validity or enforcement of the remaining provisions hereof.
21. **NOTICE.** All notices, demands and other communications hereunder shall be in writing and shall be deemed to have been duly given on the date of service if served personally on the party to whom notice is to be given, or on the first business day after mailing if mailed to the party to whom notice is to be given by first class mail, postage prepaid, certified, return receipt requested, addressed to the recipient at the addresses set forth below. Either party may change addresses for purposes of this paragraph by giving the other party notice of the new address in the manner described herein.

FOR THE SELLER: City of Portland
Attn. City Manager
389 Congress Street
Portland, ME 04101

With a copy to: The Office of the Corporation Counsel at the same address.

FOR BUYER: Developers Collaborative Predevelopment LLC
Attn: Kevin Bunker
100 Commercial Street
Portland, Maine 04101

With a copy to: Cito Selinger, Esq.
Curtis Thaxter
One Canal Plaza, Suite 1000
Portland, ME 04101

22. **SIGNATURES; MULTIPLE COUNTERPARTS.** This Agreement may be executed in any number of counterparts and by different parties in separate counterparts. Each counterpart when so executed shall be deemed to be an original and all of which together shall constitute one and the same agreement. A signature in

a faxed, pdf or other reproduced or electronic document shall be considered the equivalent of an original signature.

23. **ASSIGNMENT.** Buyer may freely assign this Agreement or any of its rights hereunder without Seller's prior written consent to a single purpose entity formed by Buyer for the express purpose of obtaining financing for and otherwise developing the Project. Buyer may not otherwise assign this Agreement or any of its rights hereunder without Seller's prior written consent.

24. **BROKERS.** Seller and Buyer each represents and warrants that neither has dealt with a real estate broker in connection with this transaction. Buyer agrees to indemnify and hold harmless Seller from any claims made by any broker should Buyer's representation in this paragraph be false. Subject to the limitations of liability set forth in the Maine Tort Claims Act, Seller agrees to indemnify and hold harmless Buyer from any claims made by any broker should Seller's representation in this paragraph be false. The foregoing indemnities shall include all legal fees and costs incurred in defense against any such claim, and shall survive closing.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the day and year first written above.

CITY OF PORTLAND

WITNESS

Jon P. Jennings
Its City Manager

**DEVELOPERS COLLABORATIVE
PREDEVELOPMENT, LLC**

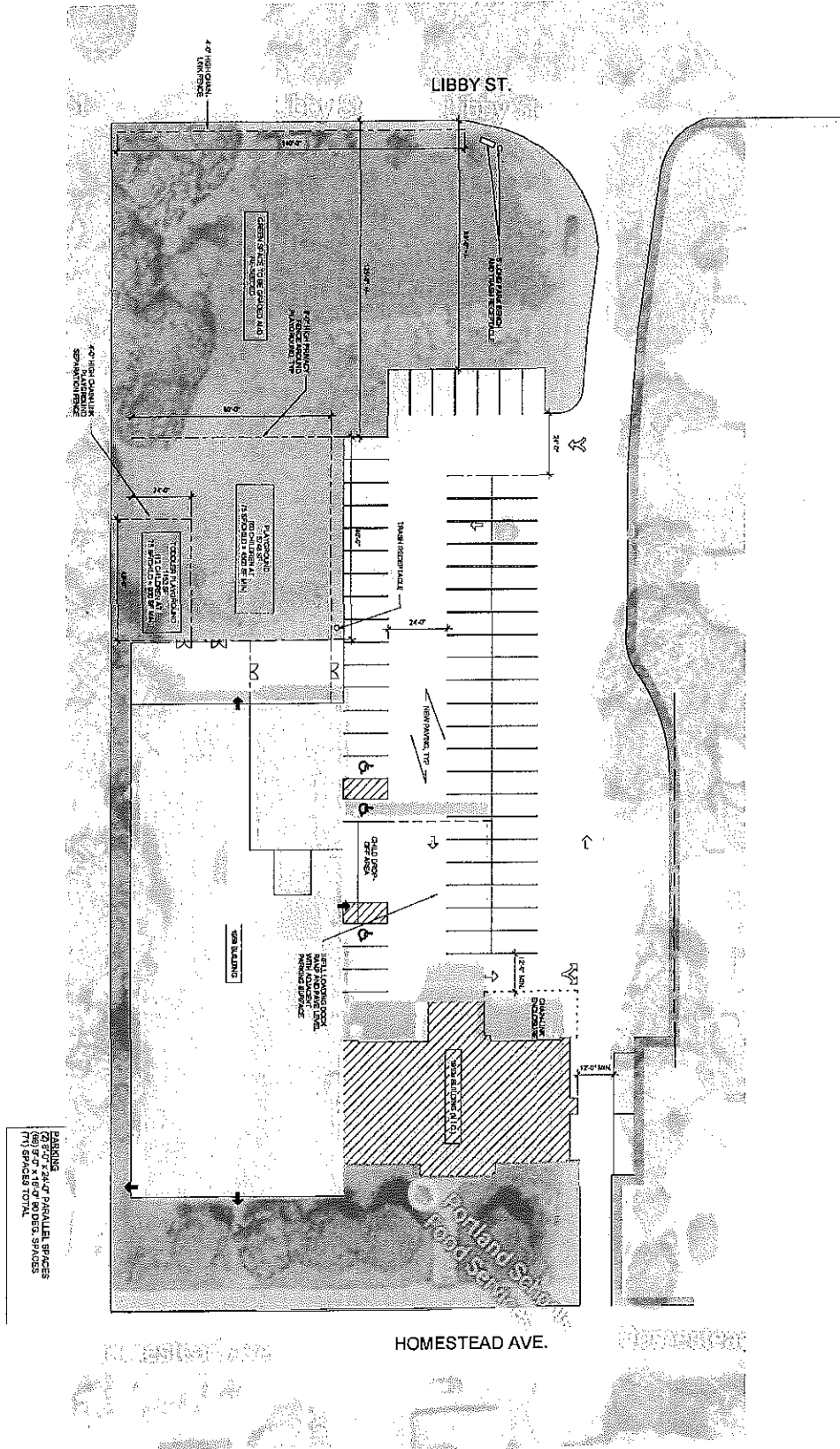
WITNESS

Kevin Bunker
Its _____

Approved as to Form:

Corporation Counsel's Office

1 SITE PLAN A
1"=20'-0"



A1.02	Date: DEC. 7, 2016	Scale: 1" = 20'-0"	Revision: 1 (Info 1) Revision 1	Project: REED SCHOOL	Architect: ARCHETYPE architects 18 Union Wharf Portland, Maine 04101 (508) 772-6622 ARCHTYPE@ARCHTYPEPA.COM	Consultant:	Prepared For: Owner
	SITE PLAN			28 HOMESTEAD AVE PORTLAND, MAINE 04103			



CITY OF PORTLAND, MAINE

**SALE AND RE-USE OF THE FORMER REED SCHOOL
BUILDINGS AND PROPERTY
19 LIBBY STREET
PORTLAND MAINE 04103**

RFP #6316



April 13, 2016

Notice and Specifications

The City of Portland, Maine seeks proposals from qualified developers for the purchase, rehabilitation and reuse of the former Reed School property. Located at 19 Libby Street, between Libby Street and Homestead Avenue in the Riverton neighborhood in Portland, the property includes a former public elementary school (hereafter, "the school") and is designated on the City of Portland Tax Assessor's Map and Block as 338 K004001.

Sealed proposals for the project, including an original, six (6) additional copies, and one (1) digital copy, will be received by the Purchasing Office, Room 103, City Hall, 389 Congress Street, Portland, Maine 04101, until 3:00 p.m., Thursday, May 19, 2016, at which time they will be publicly opened. Proposals shall be submitted with the attached form, and returned in sealed envelopes plainly marked on the outside "Sale and Re-Use of the Former Reed School Property." Proposals that are late and/or submitted via tele-facsimile shall not be accepted. All proposals shall be held open to acceptance for sixty days from opening.

Potential proposers and their contractors, architects, engineers, etc. are free to view the property on the following dates:

- **Wednesday, April 27, 2016, from 9:00 AM to 10:30 AM**
- **Thursday, April 28, 2016 from 2:00 PM to 3:30 PM**

All parties entering the above named premises are required to execute and present the attached RELEASE AND HOLD HARMLESS form prior to admittance. No questions will be answered during this tour.

Questions must be submitted in writing to the Purchasing Office. These may be mailed; hand delivered, faxed to (207) 874-8652 or e-mailed to mff@portlandmaine.gov and received not later than five (5) business days prior to the opening date. Questions received after this time will not be addressed. Any interpretation, correction, or change of this Request for Proposals will be made only by written addenda. Changes in any other manner will not be binding on the City. Proposers should not contact City Staff with regard to this Request unless to obtain general public information as specified in the document. The disposal of this real estate shall be on the basis of a negotiated proposal, with the City of Portland reserving the right to refuse any or all proposals. *All proposers are advised that the property will be sold "as-is" and "where-is", in its existing condition, with no warranties either expressed or implied.* The City disclaims any and all responsibility for injury to proposers, their agents or others while examining the property or at any other time.

I. GENERAL INFORMATION

A. Background

The Reed School property has been a presence in the Riverton neighborhood since the construction of the original building as an elementary school in 1926. In later years it served as the central kitchen and a warehouse for the Portland Public Schools. In July, 2015 the Portland Board of Public Education voted to authorize closing of the former Reed School and transfer of the school and grounds to the City of Portland. The building sits largely empty now, though it has been used for life safety trainings and limited storage during the transition between uses, and the open space on the property remains a frequently utilized and valued amenity. The City seeks a new owner for the property to re-develop the former school site.

In response to significant community interest in this project, this RFP emphasizes engagement with the surrounding neighborhood on the issues of density, extent and character of open space, neighborhood compatibility and associated impacts related to the redevelopment. The selected proposal will best demonstrate the development team's success engaging the public towards completion of analogous projects, as well as establishing their capacity to carry out completion of the project in a successful and timely manner. It is expected that the ultimate redevelopment of the site will seek to balance, to the greatest extent practicable, community input on final site design, consistency with City goals and policies, and be a financially viable project that results in benefits to the City tax base. The development team chosen for this project will engage directly with the Riverton neighborhood regarding the anticipated redevelopment of the property, including soliciting community input on site design and uses before finalizing a development plan.

The Reed School Re-Use Advisory Task Force made recommendations for this site in a report available here: <http://www.portlandmaine.gov/DocumentCenter/Home/View/11165>

It includes recommendations for future uses, discouraged uses, open space, preservation, and context-sensitive redevelopment. This report provides important background material for any proposal for the Reed School property, but is intended as a guiding document rather than a set of requirements for the ultimate development plan for 19 Libby Street.

B. Land Use Regulations

Any redevelopment of this site will be subject to all applicable codes and regulations, including but not limited to building codes, zoning, site plan, subdivision and potential historic preservation requirements. The property is currently zoned R-3 Residential Zone. A summary of the R-3 zoning regulations are included in the accompany tables. Proposers are advised to refer to source documents for complete information.

Due to the distinct nature of this property, the City of Portland will consider requests from the developer to rezone the parcel through text amendments, map amendments, or through the creation of a conditional or contract zone if appropriate to meet the anticipated future redevelopment for the site. The original structure and 1950s addition have been deemed eligible for the National Register of Historic Places by the Maine Historic Preservation Commission, but are not designated locally at this time.

II. DEVELOPMENT CONSIDERATIONS

Re-use of the Reed School building and property is intended to support and enhance the integrity of the surrounding neighborhood. As a former school site, the property stands in contrast to the surrounding residential neighborhood in an established historic pattern. Redevelopment of the property should show consistency with the overall intent by sensitively introducing new

R-3 Zone Dimensional Standards Summary	
Minimum Lot Size examples:	
<i>Residential</i>	6,500 sf
<i>PRUD</i>	3 acres
<i>School</i>	2 acres
<i>Hospital</i>	10 acres
Minimum Lot Area Per Dwelling Unit	6,500 sf
Minimum Frontage	50 feet
Front Yard Setback	25 feet or avg. depth of adjacent properties
Rear Yard Setback	25 feet
Side Yard Setback	8-16, variable by height of structure
Rear and Side Yard Setbacks - Accessory Structures	5 feet
Maximum Lot Coverage	35%
Minimum Lot Width	65 feet
Maximum Structure Height	35 feet
Use Category	
Permitted	Residential
	Single-family and two-family dwellings
	Handicapped family units
	Single-family single- or multiple-component manufactured housing
	PRUDs
	Governmental buildings and uses/municipal uses
	Other
	Accessory uses
	Parks
	Home occupation
	Wind energy systems
Conditional	Residential
	Sheltered care group homes
	Additional accessory dwelling units
	Schools
	Long-term and extended care facilities
	Intermediate care facility
	Places of assembly
	Hospitals
	Day care facilities
	Utility substations
Other	Off-street parking
	Temporary wind anemometer towers
	Wind energy systems

uses, occupants, and improvements do not unreasonably impact the character and vitality of the area. Evaluation of impacts and contextual sensitivity of the site will ultimately be determined over the course of site plan and subdivision reviews (including but not limited to standards for design, traffic, site circulation, stormwater management, lighting, and landscaping), and historic preservation reviews (if applicable), after full development application materials have been filed.

Phase I Environmental Site Assessment and a Phase II Environmental Site Assessment and Hazardous Building Materials Inventory have been completed for the property. Both reports will be made available upon request.

III. SUBMISSION REQUIREMENTS

Proposals shall be submitted in the following format; please use the headings presented below for the organization of responses.

A. Proposal Submission

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

1. Development Team

The proposal shall identify the principal members of the development team and their respective roles in the project, including the developer, design professionals, other key staff and sub-consultants. Development team capacity shall include qualifications of key team members, including identification of a Project Manager, relevant experience, capacity, and identification of prior projects that demonstrate a proven ability to develop sites of comparable scales and contexts, including identification of projects that included substantive community engagement.

2. Proposal

Proposals shall include:

- a. Description of a neighborhood engagement process. The proposal shall include specific examples of the development team members working with the public to find solutions to concerns voiced over the course of a project to result in a successful outcome, a description of the public engagement strategy, as well as an estimated timeline. The period of public engagement, for the purposes of this RFP, refers to the time after developer selection and prior to an application to the Planning Board for a Site Plan and/or rezoning.
- b. A description of the redevelopment concept(s) for the site. This should be a narrative of intended uses for the site and any significant programmatic elements. It should address consistency with City policies and/or the *Final Recommendations and Report of the Reed School Re-Use Advisory Task Force*, and include a development timeline. A revised development plan that includes confirmed uses and site layout will need to be submitted following the conclusion of the neighborhood engagement process; no graphics or visuals are being requested as part of this RFP.

3. Financial and Technical Capability

The proposal shall include documentation demonstrating that the development team can successfully redevelop the site by supplying:

- a. Letters of financial capability from credible financial institutions with experience working with principles of the development team; and,
- b. Descriptions and examples of comparable projects or endeavors demonstrating adequate experience and expertise of the development team to successfully complete the project.

4. Purchase Price

The proposal shall indicate the proposed purchase offer to the city for the anticipated redevelopment. Any changes to the development plan for the site between submittal of proposal and conclusion of the public engagement process will be taken into consideration when negotiating the final purchase price and terms of the purchase and sale agreement. Please provide your proposed purchase offer on the Proposal Page, page 8 of this RFP.

5. Timetable.

The anticipated schedule is outlined in VII, Project Schedule, below. Any anticipated departure from the post-selection submittal timeframe should be indicated in the proposal.

6. Copies.

Six (6) copies, with the original so marked, of each proposal shall be submitted along with one (1) digital copy.

7. References.

Provide a minimum of three professional references. Include name, title, phone number, and email for each reference.

IV. REVIEW PROCESS

- A. Proposals will be reviewed for completeness.
- B. A proposal review committee will review submissions and give the City Council a summary of the proposals, and recommendations on a preferred proposal for the Council's review and approval. The review committee's recommendations are advisory only.
- C. Upon agreement on a development plan for the site (after completion of the neighborhood engagement outlined in the proposal and before the submission of a Planning Board application), a purchase & sale agreement will be negotiated.

Public presentations may be required at any or all stages of the process.

V. SELECTION CRITERIA

1. Neighborhood engagement plan that clearly outlines how the Development Team will engage the neighborhood on this project **(30%)**
2. Summary of intended redevelopment concept for the site broadly consistent with City Policies and/or the *Final Recommendations and Report of the Reed School Re-Use Advisory Task Force* **(20%)**
3. Developer Team qualifications and references **(20%)**
4. Applicant's ability to complete project, including readiness to initiate the project and ability to begin the application process in a timely manner **(15%)**
5. Responsiveness to submittal requirements **(15%)**

VII. SCHEDULE

Consultant Selection Schedule:

- RFP released: April 13, 2016
- Proposal due: May 19, 2016
- Proposal review and recommendations: May 2016
- Consultant selection: June 2016 (according to availability of Council Agendas)
- Notice to Consultant to begin work: Following Council approval

Estimated Post-Selection Schedule:

The public engagement process is expected to occur over the summer, with the expectation that a purchase and sale agreement, a Site Plan and Subdivision (if applicable) plan, and an application for zone map or text amendments (if applicable) will be submitted in the fall of 2016, with a property transfer following Planning Board review.

VIII. LEGAL REQUIREMENTS

The City shall convey the described real estate by quitclaim deed to the developer, or where the City has obtained a warranty deed for the real estate, it shall provide a warranty deed for the same to the developer.

In the event that a proposal includes retention of property or rights to property by the City for use as publicly accessible open space, the limits and restriction on the use of such property will be negotiated during the process of sale and described in the conveying deeds.

In the event the City makes a financial contribution to a developer and to secure the developer's obligations, the City shall have a security interest in the form of a mortgage in the real estate to be developed. The terms of the mortgage shall be negotiated with the developer at the time of the commitment of funds.

VIII. RESERVATION OF RIGHTS

The City of Portland reserves the right, at its sole discretion, to award all, a portion, or none of the available funding from this RFP, as well as reject any and all proposals for the City owned land, based on the quality and merits of the proposals received, or when it is determined to be in the public interest to do so. Furthermore, the City may extend deadlines and timeframes, as needed.

The City reserves the right to waive any informalities in proposals, to accept any proposal, and, to reject any and all proposals, should it be deemed for the best interest of the City to do so. The City reserves the right to substantiate the Proposer's qualifications, capability to perform, availability, past performance record and to verify that the proposer is current in its obligations to the City, as follows:

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

April 13, 2016

Matthew F. Fitzgerald
Purchasing Manager

Background Material found at: <http://www.portlandmaine.gov/1348/Reed-School-Reuse-Project>

PROPOSAL FORM
Sale and Re-Use of the Former Reed School Buildings and Property
19 Libby Street
Portland Maine 04103

RFP #6316

**** THIS SHEET MUST BE INCLUDED IN YOUR PROPOSAL ****

The undersigned hereby declares that he/she or they are the only person(s), firm or corporation interested in this proposal as principal, that it is made without any connection with any other person(s), firm or corporation submitting a proposal for the same, and that no person acting for or employed by the City of Portland is directly or indirectly interested in this proposal or in any anticipated profits which may be derived there from.

The undersigned hereby declares that they have read and understand all conditions as outlined in this Request for Proposals, and that the proposal is made in accordance with the same.
The bidder acknowledges the receipt of Addenda numbered: _____

TOTAL PURCHASE PRICE: \$ _____

COMPANY NAME: _____

AUTHORIZED SIGNATURE: _____

DATE: _____

PRINT NAME & TITLE: _____

ADDRESS: _____

E-MAIL ADDRESS: _____

PHONE NUMBER: _____ FAX NUMBER: _____

TYPE OF ORGANIZATION - PARTNERSHIP, CORPORATION, INDIVIDUAL, OTHER: _____

STATE OF INCORPORATION, IF APPLICABLE: _____

FEDERAL TAX IDENTIFICATION NUMBER (Required): _____

AUTHORIZED SIGNATURE: _____

NOTE: Proposals must bear the handwritten signature of a duly authorized member or employee of the organization submitting a proposal.



May 19, 2016

Matthew F. Fitzgerald
Purchasing Manager
City of Portland
389 Congress Street
Portland, ME 04101

RE: Sale and Re-Use of the Former Reed School Buildings and Property

Dear Mr. Fitzgerald:

We enthusiastically submit our response to your Request for Proposals for the sale and re-use of the former Reed School buildings and property on Libby Street.

The redevelopment of this property both presents a set of challenges and offers an opportunity for public-private collaboration for the developer, the neighborhood, and the City. We are experienced developers, with a proven track record of successfully working with neighbors and redeveloping historic schools, who will make it possible to successfully re-develop this property.

We previously submitted a proposal for affordable senior housing with R-5 density but this was ultimately not determined to be feasible. We are now submitting a proposal that is completely different. It is also more conceptual in nature in part because we do not want to make too many assumptions at the outset. If selected, we are committed to developing this concept further side by side with the re-use committee, neighbors, and City staff.

We hope you will find our supporting materials informative and comprehensive.
We look forward to the prospect of working with the City to assure that this
project (and others) are a success.

Sincerely,

A handwritten signature in black ink, appearing to read 'KB', with a stylized, cursive-like flourish.

Kevin Bunker
Developers Collaborative

100 Commercial Street, Suite 414, Portland, ME 04101
www.developerscollaborative.com
(207) 772-7673

PROPOSAL FORM
Sale and Re-Use of the Former Reed School Buildings and Property
19 Libby Street
Portland Maine 04103

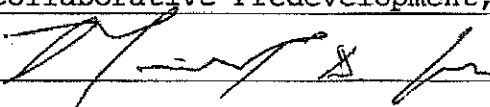
RFP #6316

**** THIS SHEET MUST BE INCLUDED IN YOUR PROPOSAL ****

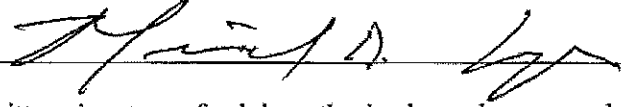
The undersigned hereby declares that he/she or they are the only person(s), firm or corporation interested in this proposal as principal, that it is made without any connection with any other person(s), firm or corporation submitting a proposal for the same, and that no person acting for or employed by the City of Portland is directly or indirectly interested in this proposal or in any anticipated profits which may be derived there from.

The undersigned hereby declares that they have read and understand all conditions as outlined in this Request for Proposals, and that the proposal is made in accordance with the same.
The bidder acknowledges the receipt of Addenda numbered: _____

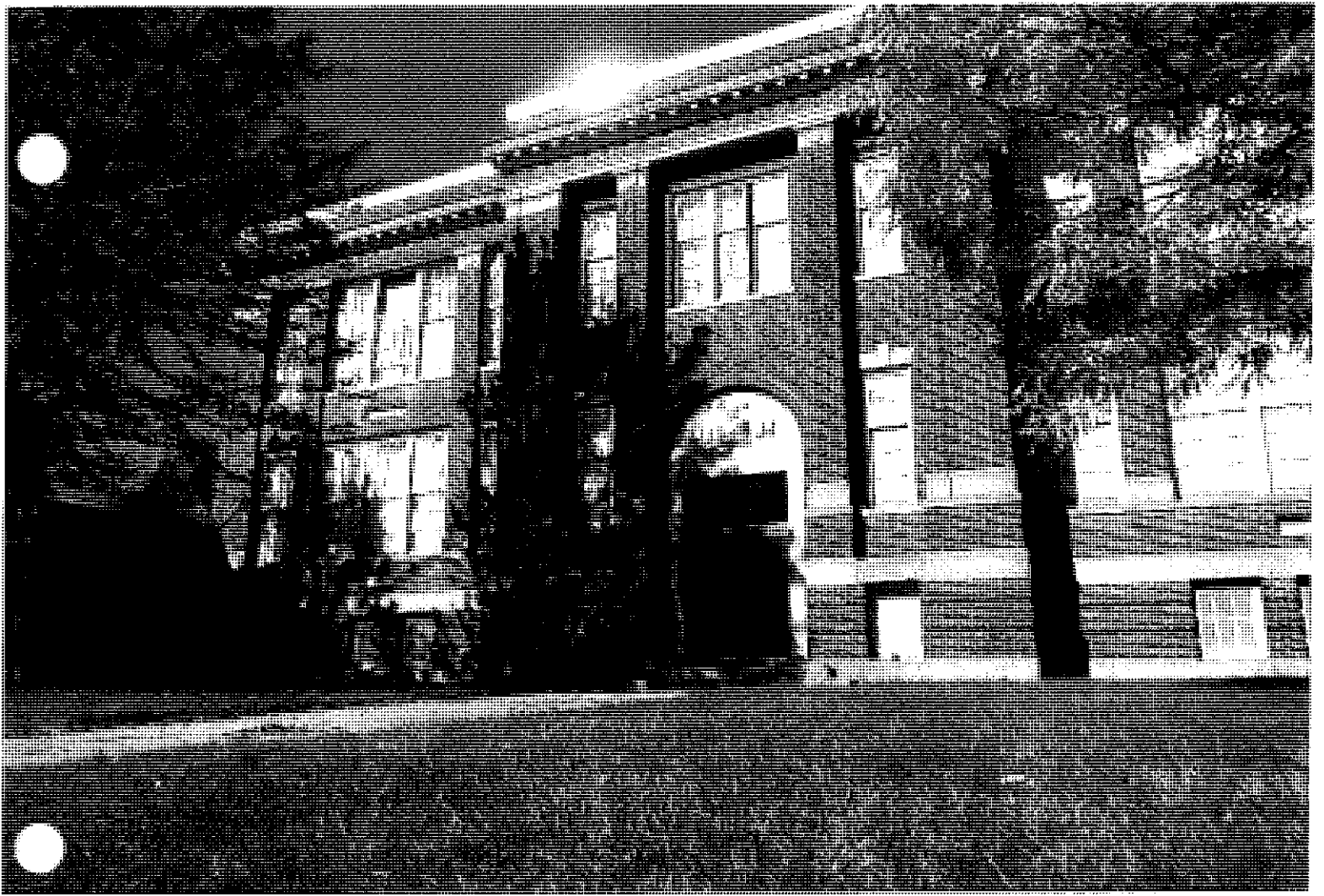
TOTAL PURCHASE PRICE: \$ 1 - 100,000

COMPANY NAME: Developers Collaborative Predevelopment, LLCAUTHORIZED SIGNATURE: _____
DATE: May 19, 2016PRINT NAME & TITLE: Kevin Bunker, PrincipalADDRESS: 100 Commercial St, Ste 414, Portland, ME 04101E-MAIL ADDRESS: bunker.kevin@gmail.comPHONE NUMBER: 766-1632

FAX NUMBER: _____

TYPE OF ORGANIZATION - PARTNERSHIP, CORPORATION, INDIVIDUAL, OTHER:
LLCSTATE OF INCORPORATION, IF APPLICABLE: MaineFEDERAL TAX IDENTIFICATION NUMBER (Required): 27-1402705AUTHORIZED SIGNATURE: _____


NOTE: Proposals must bear the handwritten signature of a duly authorized member or employee of the organization submitting a proposal.



Sale and Re-Use of the Former Reed School Buildings and Property

19 Libby Street, Portland, ME

RFP #6316

May 19, 2016



1. Development Team

The development team will be: Developers Collaborative as Developers and Owners, Archetype Architects as Architect, and Pinkham & Greer as Engineer.

Team contact information is:

Kevin Bunker
Developers Collaborative
100 Commercial St, Suite 414
Portland, ME 04101
766-1632
bunker.kevin@gmail.com

Developers Collaborative Overview

Developers Collaborative has completed, and is currently involved in, a number of groundbreaking and award-winning projects. Each of these responds to diverse physical, economic, and community opportunities and constraints in a unique way that maximizes the smart growth potential of the particular site. DC is also known for working closely with neighborhoods and stakeholders to achieve results that work for all involved, and we intend to work very closely with the City and neighborhood to make sure this project is a major credit to the tax base and a good neighbor.

DC has likely developed more historic schools than any developer in the state. General areas of DC specialization include:

- Public/private partnerships;
- Infill;
- Redevelopment;
- Mixed use;
- Historic rehabilitation;
- Affordable housing; and
- Green development.

More specific and detailed information on relevant completed projects can be found throughout this qualifications package, as well as examples of our team's development capacity and experience. Brief biographical summaries highlighting Kevin Bunker's, Mike Lyne's, and Laura Reading's general experience are found below. Kevin Bunker would be the Project Manager for the redevelopment of the former Reed School.

Kevin Bunker is a founding principal of Portland-based Developers Collaborative. Kevin founded DC with Richard Berman after graduating with distinction from the Harvard University Graduate School of Design with a Master in Urban Planning degree. A former municipal planner and lobsterman in the Rockland area, Kevin is a principal on current DC projects from Orono to Sanford with a current development pipeline of \$150 million. Past DC projects have won many statewide awards for general best practices as well as for smart growth and historic preservation. Kevin is also an activist promoting the causes of smart growth and downtowns at the state and local level, including as a past board chair of GrowSmart Maine and as a Steering Committee member of the Maine Affordable Housing Coalition. Kevin lives in Brunswick with his wife and two daughters.

Mike Lyne is the newest member of Developers Collaborative. Prior to joining the DC team, he was a project manager for JHR Development, LLC, overseeing a mix of projects in Portland, Topsham, Bath and the development of the Maine Street Station project in Brunswick. A 1986 graduate of Bowdoin College, and a former Alaska Smokejumper, Mike likens the thrill of putting out fires with the adventures of commercial real estate development and management. He has a passion for Maine's downtowns and consults on small mixed-use projects that blend the commercial, historic and cultural needs of the community. He has volunteered on the boards of the Brunswick Downtown Association, Brunswick Recreation Commission, and GrowSmart Maine.

Laura Reading joined Developers Collaborative in 2013, after graduating from the University of Michigan with a Master's degree in Urban Planning and Real Estate Finance. Laura brings experience in environmental design and finance to create well-designed, financially feasible projects that benefit building users and their community. Laura was a principal on the recent Nathan Clifford School project in Portland.

Archetype Architects Overview

Over the past twenty-five years Archetype has designed and constructed over 150 million dollars in commercial and residential construction. They continue to educate themselves in the latest procedures and designs in the industry. Archetype has incorporated numerous methods of reducing long term operating costs in their project design. They approach their projects with the basic premise of designing spaces with a high degree of efficiency, yielding the owner/tenant useful, practical and attractive spaces. As a design firm, they are constantly reviewing and refining these designs, which yield a product of which the owner/tenant can be proud.

David Lloyd, an architect and principal of Archetype Architects, has practiced in Maine since 1978. He started his career in Boston working for several large firms including IM Pei and Partners and he relocated to Bangor in 1978 where he partnered with his Architect father, George Lloyd. During this time he worked on small scale office buildings and homes all while renovating an 1864 farm house. In 1982, he moved to Portland and cofounded the firm Archtellic, which became Archetype in the 1990s. Architecturally David's most interesting projects involve an urban fabric and historical context with contemporary additions, all with a developer at his side insisting on lowering project costs.

Pinkham & Greer Overview

Pinkham & Greer Civil Engineers provide civil and structural engineering services to a wide array of clients throughout Maine and beyond.

Thomas Greer has experience in construction inspection, civil engineering design, and project management, as well as company management as a Principal of Pinkham & Greer; each experience building on the previous to form a well-rounded background in civil engineering and business management.

Mr. Greer's principal responsibilities within the company include management of civil engineering projects such as site designs and permit applications, and the financial management of the firm. Civil engineering projects include subdivision

and land planning, stormwater management plans, site designs for commercial and institutional clients, and utility design for sewer and water projects.

The responsibility of corporate management adds to Mr. Greer's direct, hands-on experience when addressing each client's individual business concerns; developing solutions sensitive to the issues important to the client, such as financing, in addition to the technical engineering issues.

Mr. Greer has chaired the American Society of Civil Engineering subcommittee reviewing the stormwater management manual prepared by the Maine Department of Environmental Protection and was a member of the Technical Advisory Committee in developing the DEP Stormwater Management Program. He has also assisted the DEP with training programs for Non Point Source Stormwater through the Non Point Source Technical Advisory Committee.

Relevant Prior Projects

A summary of the development team's major experiences with relevant and historical preservation projects is found below. Most, if not all, of our projects involve community engagement but we have identified several below that benefitted from a strong community engagement process.

Historic Preservation Project	Substantive Community Engagement	Year	Project	Location	Program	Value	Development Team Member
x		2015	Diamond Cove Inn	Great Diamond Island, Portland	hotel	\$5 million	Archetype
x	x	2014	Nathan Clifford Residences	Portland	market-rate apartments	\$7.3 million	DC, Archetype
	x	2014	River Landing	Topsham	affordable apartments		DC, Archetype
x		2014	Mill 108	Saco	affordable apartments	\$4.2 million	Archetype
x	x	2013	Hyacinth Place	Westbrook	affordable apartments	\$8 million	DC, Archetype
x	x	2004-2013	Brickhill	South Portland	mixed-use residential and commercial	\$55 million	DC
		2012	Androscoggin Valley Medical Arts Center	Livermore Falls	medical office building	\$2.8 million	DC
x		2012	Emery School	Biddeford	affordable apartments	\$6.8 million	DC, Archetype
x		2012	Lamb Block	Livermore Falls	medical/commercial	3.2	DC
x		2011	Healy Terrace	Lewiston	affordable apartments	\$8.8 million	DC
x		2010	Mill at Saco Falls	Biddeford	affordable and market-rate apartments		Archetype
x		2010	Baxter Building	Portland	commercial		Archetype
x		2010	Gilman Place	Waterville	Mixed-use apartments and commercial	\$10.1 million	DC

					gymnasium		
x		2009	Lofts at Saco Falls	Biddeford	affordable apartments	\$10 million	Archetype
x		2009	Brackett-Ellsworth-Hill Apartments	Portland	market-rate apartments	\$1.4 million	DC
		2009	Crescent Heights	Portland	residential/student housing	\$4.4 million	DC

2. Proposal

a. *Neighborhood Engagement Process.*

Even if the City was not stressing an extensive public process, we would hold one. Public participation provides a venue for neighbors to share local conditions, needs, and attitudes and for us to share any relevant development constraints. Not only does public input streamline the development process by avoiding time and cost consuming legal processes, but it leads to a project that is well liked by both the end users and the community.

In brief, we will act as facilitators between our development partners (the proposed occupants) and the community. This role is enhanced by our technical knowledge not only as facilitators per se, but also in the more traditional areas of developer expertise like financial analysis, design, historic requirements, and permitting. This facilitator role is paramount, and needs to be front and center: in order to proceed with the project and ultimately achieve a successful development we first need to achieve consensus with both the neighborhood and our partners.

As you will see in Section 2b below, this proposal is more conceptual than our last proposal of senior housing. While that proposal was feasible at the time, it did not garner public support and, not having been selected as the developer for the site, we were never able to engage the community. We feel a process that chooses the developer partner based on their approach and track record in this area is a better way to ultimately get to a successful building disposition and redevelopment that all (rather, most) can agree on.

All development proposals to some extent involve public input and all developers to some extent can say they worked with the public. However, it's pretty easy to differentiate when looking at specific examples and overall track record. Collaboration is a principle imbued in our culture and reflected in our name and it's readily apparent in our work. We are more than just a developer of affordable housing or of high-end condominiums, though we do both those things very well. We have a high level of comfort with public engagement, demonstrated by both our understanding of a proposed process for Reed School as well as our prior experience.

We will hold a series of public meetings. The first will be the "unveiling" of the concept, after we have been selected. Having been selected, our partners will be able to go public with their names and more specific aspirations for the site. That first meeting should be limited in scope to present the concept and then discuss with the community and answer as many questions as we can. We will all be getting to know each other and learning under what parameters this can work.

Following that meeting, we will respond to issues raised and questions asked and revamp or further develop our proposal as necessary. During the interim between the first and second meetings we will have at least two public tours scheduled at convenient times. The first tour(s) will be of the operations of our proposed development partners where they will show what they do in their current location to interested members of the public. The second tour will be of a DC project, most likely Nathan Clifford Residences, to demonstrate the results of a previous successful endeavor. These meetings will provide information to the community that will allow for a productive second meeting.

The second meeting is where the development proposal will begin to firm up. It should occur four to six weeks after the first. We are anticipating little to no change to the building and site, except some cleanup and deferred maintenance/capital investment, so the major neighborhood issues should revolve around operations. It is during this meeting where we will highlight issues such as hours of operation, any impacts from noise, light, and traffic, and community integration (for example, an urban agriculture component involving community gardens and environmental stewardship learning). We hope to leave this second meeting with a clear sense of whether or not we are likely to be accepted into the community, and if so, what are the most important issues we'll need to address as we move forward.

There should be one more meeting near the conclusion of this neighborhood engagement process. At that meeting we will show the concept we will submit to the City for signing of the Purchase & Sale Agreement and site plan approval. This will give us one more check-in for final items that need tweaking, and hopefully happy wishes for success with the Council and Planning Board. If we are not successful, we will know by the end of the summer. In all likelihood, you may well have less dense (and possibly less imaginative) housing proposal upon which to fall back.

b. *Redevelopment Concept.* DC's redevelopment concept for the site is an educational campus in keeping with its historic use as a school. DC previously proposed housing with R-5 density but, since then, we have learned that housing at this site is not politically feasible at the density required to make the project financially feasible.

Housing at the site is not politically feasible. The City received two proposals, both of which detailed a very similar concept and one that was identified by the Re-use Advisory Task Force and accompanying public process as an acceptable one: senior housing with R-5 density. However, this was ultimately not acceptable to the public.

Under DC's prior proposal with Avesta Housing, senior housing with R-5 density was marginally feasible but there were significant barriers that needed to be overcome:

- There is a tremendous amount of hazardous material (asbestos) in the property.
- The layout of the original building is not readily conducive to installing a required elevator, nor to efficient layouts.
- The layout of the addition also poses problems for a residential layout.

- The project would have needed to be heavily subsidized not only by historic tax credits, but also LIHTC credits as well as City assistance in the form of additional grants/loans and a robust and lengthy TIF.
- Even after all these things, the project would have faced an uncertain outcome in the highly competitive MaineHousing LIHTC application.

However, we still thought we could have been successful - along with our previous co-applicants, we have the strongest track record in the state at successfully financing affordable housing.

Senior affordable housing at the site is not economically feasible. It is not feasible to propose a similar project at a lower density because costs get amortized over fewer units, leading to a higher overall total development cost, which would lower the project's score in the highly competitive MaineHousing LIHTC application.

It is also less feasible to propose senior affordable housing now that MaineHousing recently issued new scoring rules that significantly favor family housing, especially projects in higher income census tracts. This site is not located in a higher income census tract so would not score as well compared to higher income census tracts in many other parts of Cumberland County and elsewhere.

Family affordable housing at the site is not politically or economically feasible. Based on neighborhood feedback to senior housing, which is a very low impact use, we would imagine that family housing would be seen as even less favorable. Even if it were acceptable, the larger unit sizes required for families are much more difficult to fit into an existing building, increasing costs, and the resultant scoring loss would not be overcome by the higher score for being family as opposed to senior.

Market-rate, senior or family, housing at the site is not economically feasible. DC is the only developer in the state who has recently used historic tax credits to do a market-rate residential development (Nathan Clifford Residences). As such, we understand the numbers. In that project, the construction cost was lower than we would anticipate at the Reed School, and the rents are higher. We also needed to purchase that building for \$1 to make even those numbers work. Even given the high rents in Portland right now, we think that any housing proposal, even if heavily subsidized by the City, is not a good bet for feasibility.

An educational use can, under the right circumstances, be politically feasible for the reuse of the Reed School campus. This site has successfully been a part of the neighborhood as an educational use since 1926 and was identified as an encouraged use by the Re-use Advisory Task Force. An educational use would enliven the neighborhood but still keep it quiet at night. It would provide a neighborhood anchor as a central gathering place, a focal point, around which daily life happens.

As Maine's foremost developer of historic schools, including Nathan Clifford, we understand the roles of schools in daily neighborhood life well. We also understand that any conversion, but especially a residential one, inevitably involves some degree of privatization of space that was formerly for the community. We were able to mitigate that to a large degree with Nathan Clifford

by providing a public park as well as involving the neighborhood extensively in the process, but an educational use could provide even more continuity and access to public space. And, it's simply a more interesting neighborhood when there's a mix of uses rather than simply all housing.

An educational use is economically feasible for the reuse of the Reed School campus. Retaining an educational use requires significantly less construction than conversion to a new use. This is a tremendous factor often underestimated by developers who tend to do more new construction. This also means that asbestos can likely be managed in place rather than completely removed (it's only dangerous when friable, and is otherwise inert). It is easier to phase construction because the educational user can expand slowly over time and rehab sections of the building as needed. The same is true with the elevator: though an elevator will eventually be needed to access upper floors, it will not necessarily be required up front (though it could). Buildings "want to be" a certain use, and this one just doesn't "want to be" housing. The required rent or, alternatively, cost of ownership can thus be far lower for an educational use than a residential one.

There is a definite market for quasi-public and private educational space in Portland that is not being met. Other schools are looking (and building) in other parts of the metro area because space is not available in Portland. Over time, this is not good for the diversity and health of the community.

The Proposal

We are currently working with two potential educational users. Both have a demonstrable track record of resilience, success, and community stewardship and engagement. Either or both could be a fit for the Reed School.

Given the uncertain nature of the public process and the limited requirements of this RFP, we have decided together with our clients that at this time we should not make the specific entities public in this document. We would be happy to do so if our proposal is selected for further review based on the qualifications in the RFP - namely our concept, our process, and our experience. Provided there appears to be some consensus that our use, if properly designed, could be an acceptable one, we will happily come forward with the specific names of our partners and engage with the neighborhood alongside them. Given the uncertainty around this process to date, it isn't fair to bring a lot of attention to our tenants if our proposal is not even selected for further vetting. We understand this may make this proposal harder to evaluate and are happy to talk it through with you.

Publicly accessible open space would absolutely be a component of the redevelopment of the Reed School campus, and we would also like to incorporate urban agriculture as both an educational element and neighborhood engagement.

DC may act as building owner or may act as consultant for the educational users if they want to own their space. There may be a rent-to-own scenario as well. The specific ownership structure will be decided based on the desires of the users and the community.

Development Timeline

Consultant selection:
First neighborhood meeting:

June 2016
July 2016

Public tours of partners' current facilities:	July 2016
Public tour of DC project:	August 2016
Second neighborhood meeting:	August 2016
Third neighborhood meeting:	September 2016
Sign Purchase & Sale Agreement:	October 2016
Municipal Approvals:	December 2016
Construction Loan Closing:	December 2016
Construction Completion:	June 2017

3. Financial and Technical Capacity

a. Developers Collaborative has more than adequate financial capacity to undertake this project. The principals of Developers Collaborative have 25 years of experience financing development projects of all sizes, including those larger than the anticipated project cost of the Reed School. DC maintains equity in both lines of credit and in cash in order to develop projects to the point where they can be financed. DC has relationships with numerous local banks and our business is typically aggressively courted by lenders due to our track record of successful projects. A letter of reference from Bangor Savings Bank is found in Appendix A.

b. Comparable Projects

Nathan Clifford Residences

In 2013, Developers Collaborative responded to the City of Portland's Request for Qualifications for the Re-use and Re-development of the Nathan Clifford School, proposing 22 market rate apartment units. The only other respondent, Community Housing of Maine (CHOM), proposed a large number of low-income units on the site, which was expressly what the neighborhood had said in an extensive community process that they did not want. DC on the other hand proposed a project that fit within existing zoning, something that was very important to the neighborhood. This demonstrates our flexibility: we design to what all the local stakeholders want to the maximum extent we can, rather than dictate our style of development in all instances. The only way to meet the community preference in this case was by creating large, market-rate units. DC also offered to pay \$200,000 for the building.

DC's proposal was chosen as the winner and we began to engage the neighborhood. Generally the response was very positive as we had been listening to the neighborhood for some time already (having attended all the meetings). However, we had originally proposed 4 duplex units in the additional land next to the school and 18 in the building (zoning allowed 22 total). The one factor our original proposal did not consider, since it evolved over time, was the strong community desire to retain publicly accessible open space in the form of a playground and public park.

In response to this new knowledge, we gave the City Council two purchase and sales agreements and said that we would sign either. One was for \$200,000 and was based on the original development plan. The other was for \$1 and included an innovative concept: a public park on the land upon which we had proposed duplexes. We would allow public access in perpetuity, and maintain at our own expense. The price reduction was necessary because even though we moved the other 4 units inside the building, the amount of rentable square feet did not

change. We wanted to make it a City decision of whether the priority should be purchase price or the park, and over a year into operations, we are very glad the Council made the decision they did.

The park itself is working very well. It is designed on the one hand to blend seamlessly into the project, yet still provide a unique gradient of public, semiprivate and private spaces from the public playground and open space to the private patio and resident community gardens and the building. The relative privacy of the space is signaled through visual cues such as a low unlocked gate as opposed to an actual barrier or off-putting signage, and it has worked very well. Park users and dog owners have been respectful of the park and have kept it largely clean, while we have maintained it to a high standard without assistance from the City.

The overall development has also been a neighborhood success. This project created 22 housing units while preserving a community landmark and existing open space within walking distance of downtown. The unit mix includes 1 one-bedroom, 16 two-bedroom, and 5 three-bedroom units. The units rented up very quickly upon completion and provide a compelling value compared to the higher rents and smaller units found on the Peninsula. There have been no issues since the ribbon cutting, due in part to active professional management and in part to careful planning during the development phase. One example of the latter is that we moved the trash room inside to address neighborhood concerns regarding noise.



Above: Nathan Clifford Residences in Portland.



Above: Playground at the park at Nathan Clifford Residences.



Above: Resident garden plots at Nathan Clifford Residences.



Above: Unit interior at Nathan Clifford Residences.

Sisters of Mercy

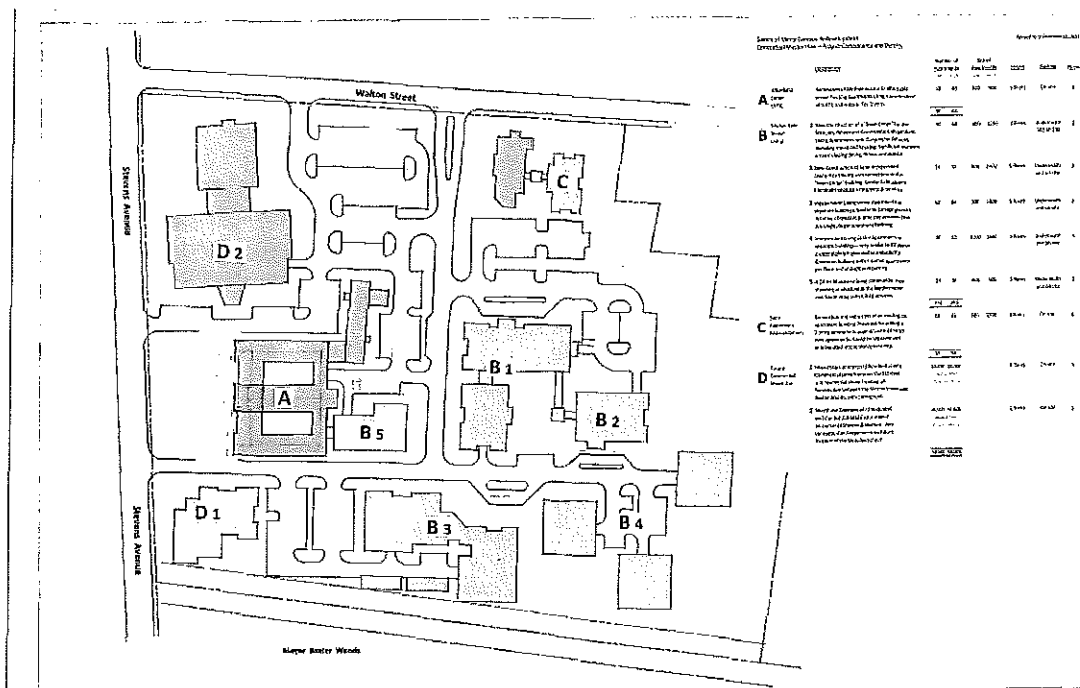
Sea Coast Management had been working to redevelop the Sisters of Mercy campus for a decade or more. With the rebound in the economy the project began heating up again around 2013. Sea Coast formed a partnership with DC to redevelop the Motherhouse as affordable housing but retained sole control of the market rate component to be developed on the athletic fields behind.

DC was able to successfully gain an award of 4% LIHTC credits for the Motherhouse, therefore giving the overall project the financial wherewithal to proceed. However, the re-zoning for the market rate units in the back proved immensely controversial, and the re-zoning appeared headed to defeat until DC was asked to step in. Kevin Bunker of DC took over the public presentations and meetings and moved forward toward a hotly contested Council vote in June 2015. That vote ended in a tie 4-4 with the likely 5th vote in favor out of town. Several members of the Council approved of the project generally but did not feel politically that they could vote for it due to neighborhood opposition over issues like density and traffic. DC and Seacoast were asked, along with the neighborhood group, to get together and try to iron out their differences.

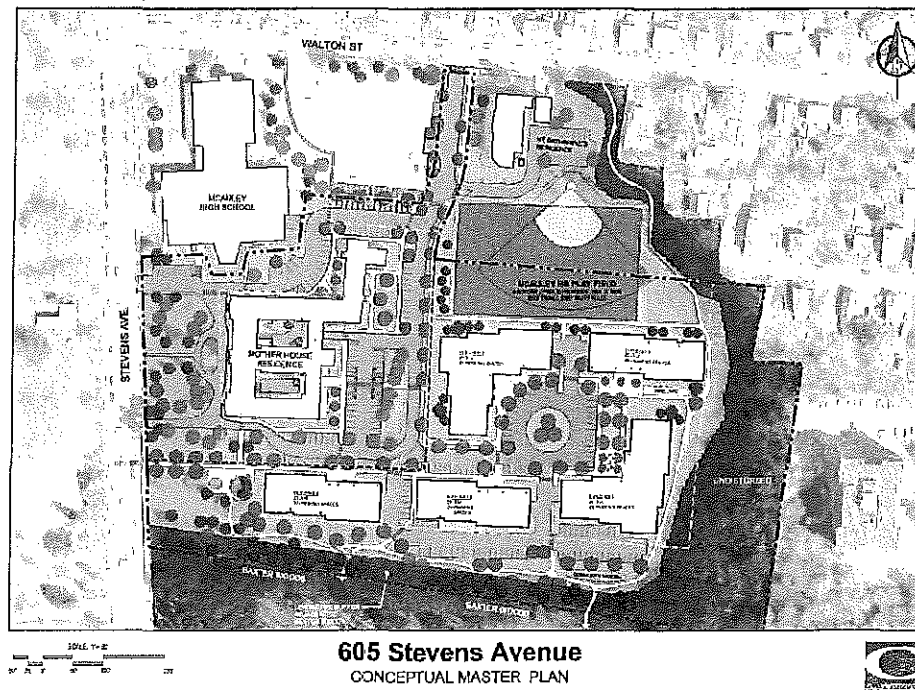
We immediately saw value in meeting with our opponents. We reached out to them early and often and yet still Sea Coast was caught largely by surprise when opposition began to surface, in social media and stapled to telephone poles, because the concerns were mostly not raised at the meetings that we held. Internally we felt we were doing a very worthwhile smart growth project with the lowest possible impact of the range of permissible uses, and we knew we "had

the votes." However, that is not how we wanted to win. We wanted to create a win-win for all.

Kevin Bunker of DC met the leaders of the neighborhood group and brokered a compromise over breakfast: we agreed to drop 85 units from the project and the leaders of the group promised to support the re-zoning. Several days later the 4-4 tie was broken by a 9-0 unanimous vote. Since then the project has taken twists and turns including some unfortunate litigation that continues to be appealed despite being thrown out decisively by the courts. However, the entire tenor of the project and public process has changed from one of combativeness to a spirit of "we are all in this together and we need to work toward an acceptable outcome." Neither side got everything it wanted but the end result is a feasible project that is acceptable to the neighborhood.



Above: Initial site plan for Sisters of Mercy campus.



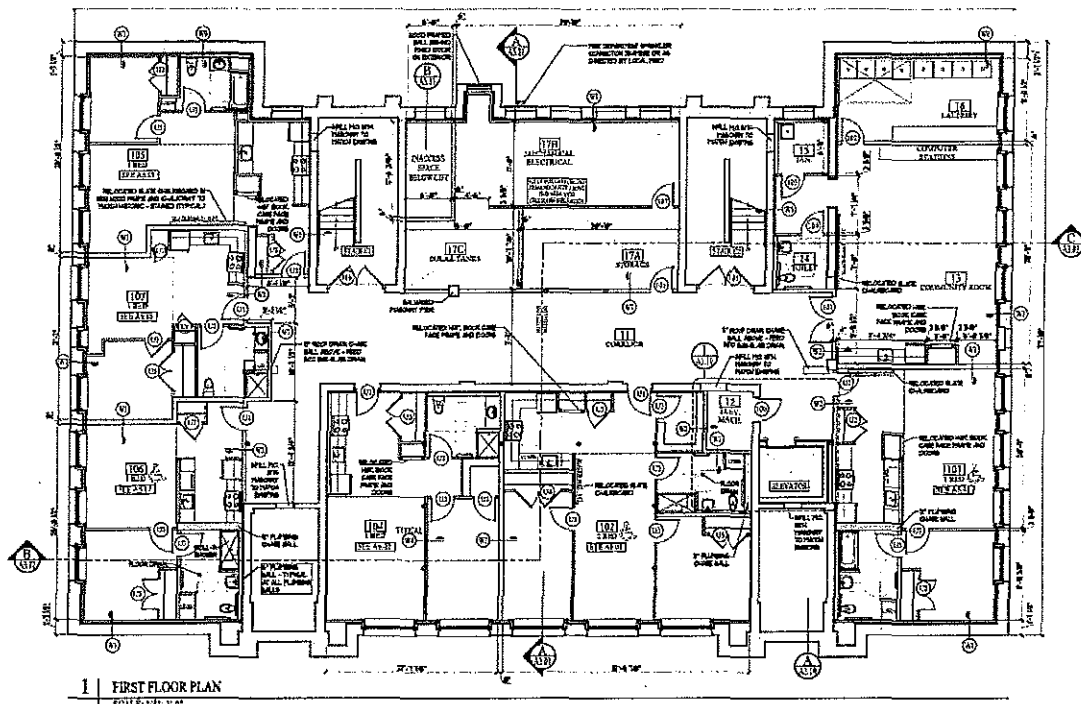
Above: Revised site plan of Sisters Mercy campus after working with neighbors.

Emery School

Beginning in 1912, the Emery School in Biddeford served as an elementary school in the dense residential neighborhood adjacent to Biddeford's Downtown and Mill Districts. Since the school played a significant role in Biddeford's history, community leaders were very eager to see their landmark brought back to its former stature. In the summer of 2010, Developers Collaborative partnered with Avesta Housing to convert the former school into senior apartment units. DC was responsible for all predevelopment, design, and financing aspects of the project and partnered with the City on an Affordable Housing TIF, contract zone, and site plan approval, all of which was accomplished in a single month fast track schedule in order to meet MaineHousing submission deadlines. Archetype was the architect for the project, revitalizing the early 20th century architecture and its significance to the neighborhood.



Above: Emery School in Biddeford.



Above: Emery School floor plan.

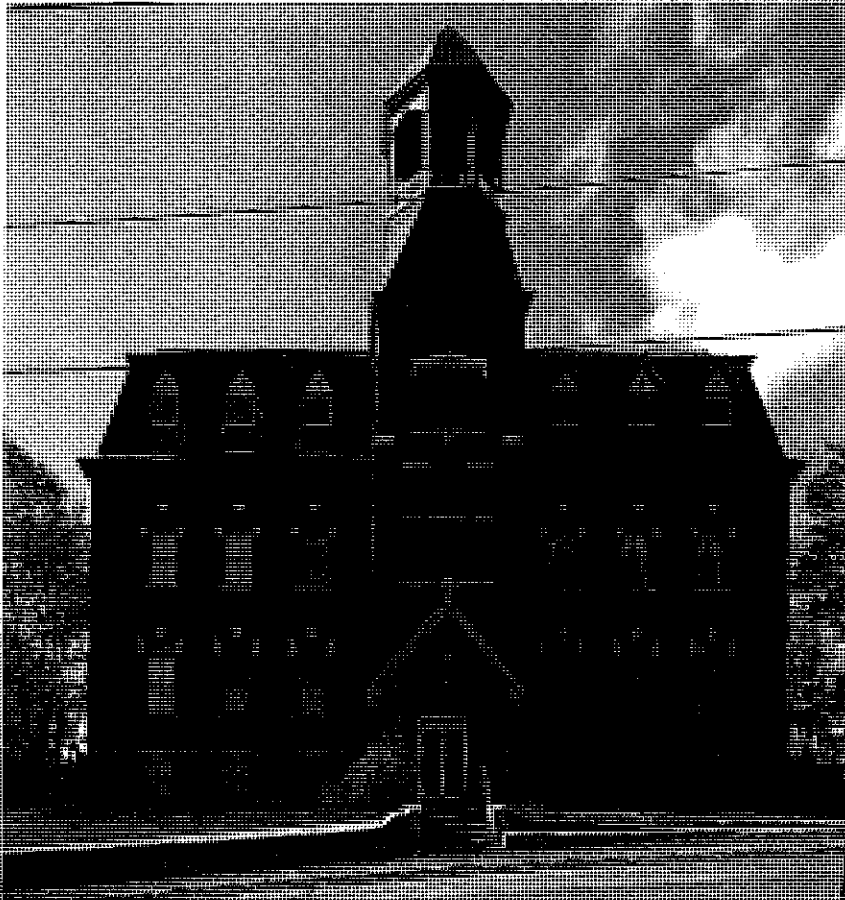
The project created 24 affordable senior housing units while preserving a community landmark within walking distance of the downtown. The unit mix includes 20 one-bedroom units and 4 two-bedroom units, with 13 units fully

handicapped accessible. It was DC's third consecutive affordable housing historic tax credit project.

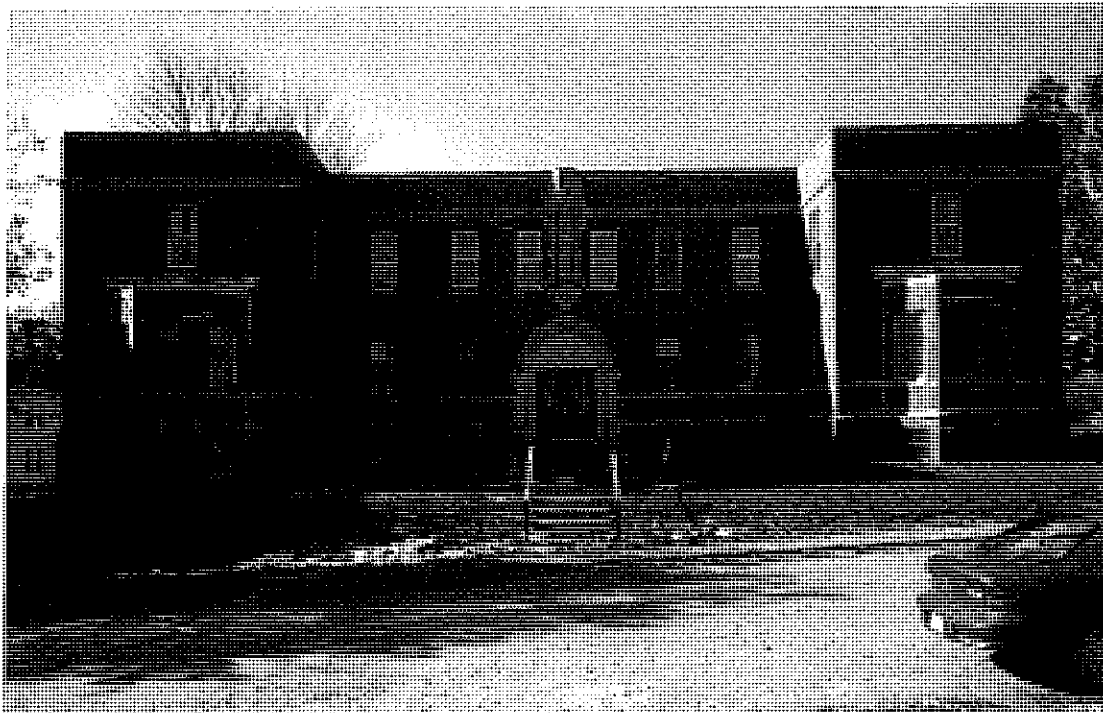
Hyacinth Place

Hyacinth Place is Developers Collaborative's fourth historic tax credit project. DC partnered with Avesta to rehabilitate and repurpose a school and former convent building at St. Hyacinth's church in Westbrook. The new project is currently under construction and will create 37 new affordable apartments in the historic buildings and will house residents that make 50% to 60% of the area median income.

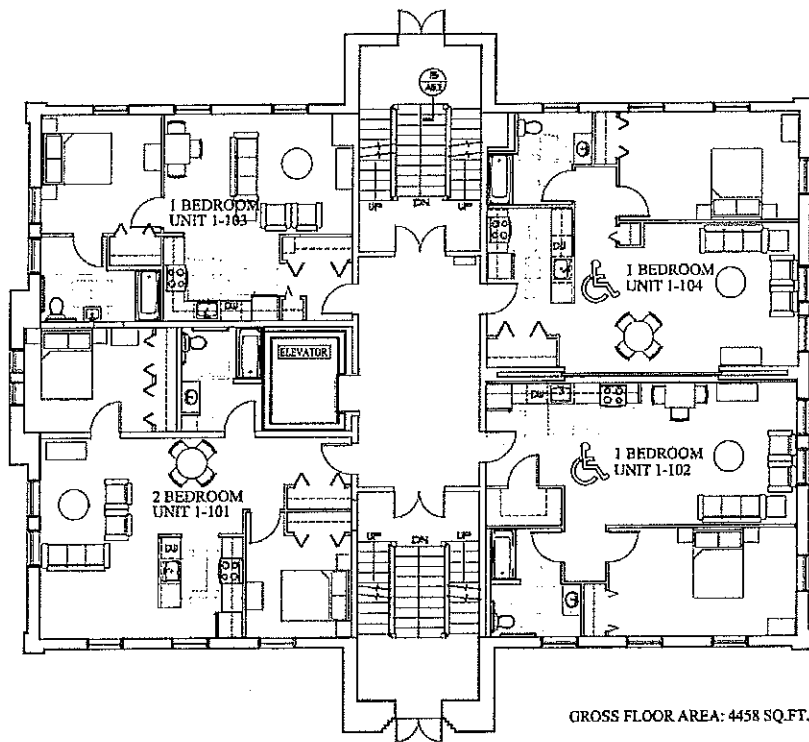
In predevelopment of the project, DC worked with Avesta, the Catholic Church, the City, and the neighborhood to create a design that worked not only for the community but also for the owner. The development is clustered around the existing buildings so as to preserve 3 acres of open space out of a total site of 4.5 acres, right in the heart of a densely populated neighborhood known as Frenchtown, adjacent to the Dana Warp Mill.



Above: Hyacinth Place in Westbrook, a former school.



Above: Hyacinth Place in Westbrook, a former convent building.



Above: Hyacinth Place floor plan.

An interesting fact about the school building at Hyacinth Place is that Jefferson Coburn, the same architect who originally designed Healy Asylum (note their similar cupolas), designed it. It was built the following year, meaning Developers Collaborative followed Mr. Coburn's footsteps across Maine 114 years after the fact, redeveloping his beautiful buildings. Another historical connection with what is now Healy Terrace is that Bishop Healy himself inspected the newly completed school back in 1894 soon after it was completed. DC is honored to make a contribution toward preservation of these historical threads that run throughout our state.

Healy Terrace

Developers Collaborative and the Lewiston Housing Authority partnered for the second time, following the Birch Hill project, to continue meeting the housing development needs of Lewiston. At the same time, one of downtown's most iconic and endangered historic buildings was preserved. For decades, the Healy Asylum was a Catholic children's home. Originally built in the 1890s for about 100 residents, it was expanded during the Great Depression to house up to 350 children. Over the ensuing years it fell into disuse until DC transformed it into Healy Terrace, consisting of 32 affordable elderly apartment units.



Above: Healy Terrace in Lewiston.

The unit mix includes 26 one-bedroom units, and 6 two-bedroom units, with 17 units fully handicapped accessible. Healy Terrace was a 2012 Maine Preservation Honor Award winner and built upon the success of Gilman Place, establishing DC as a leader in the state as a historic tax credit developer.

4. Purchase Price

As indicated on our Proposal Form, DC is requesting a low or nominal purchase price in the range of \$1 - \$100,000 for the former Reed School property. However, this project will not request HOME funds from the City. At this time we do not anticipate requesting a TIF either. Since we are proposing a more feasible use, this project will be far less of a drain on the City budget since it requires less subsidy but it can also be completed more quickly.

5. Timetable

DC has no anticipated departure from the post-selection submittal timeframe set forth in Section VII of the Reed School RFP.

6. Client References

General professional references are found after individual team resumes in Appendix B.

Bangor Savings Bank

May 18, 2016

City of Portland
389 Congress Street
Portland, ME 04101

RE: Reed School Redevelopment

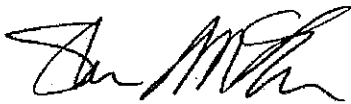
To Whom It May Concern:

On behalf of Bangor Savings Bank I am pleased to provide this letter in support of Developers Collaborative for the redevelopment of the Thomas B. Reed School on Homestead Avenue in Portland. Based on our prior experience working with Developers Collaborative on similar redevelopment projects, we believe that the applicant has the "ability to finance projected costs and develop a project of similar type and scale from a fiscal perspective".

Bangor Savings Bank has worked with Developers Collaborative on multiple projects and they possess the management skill and development expertise to successfully complete the proposed project on time and on budget.

While this letter of support is not a commitment to lend, Bangor Savings Bank would welcome the opportunity to be a resource for project financing. Please feel free to call me with any questions.

Sincerely,



Shawn McKenna
Vice President
Commercial Banking



KEVIN BUNKER

Principal

100 Commercial Street, Suite 414
Portland, Maine 04101
(207) 766-1632
bunker.kevin@gmail.com

PROFESSIONAL AND DEVELOPMENT EXPERIENCE

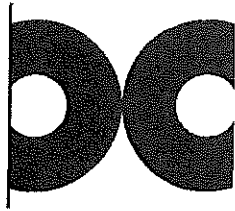
Developers Collaborative Owner, Property Development	Portland, ME	2007-Present
University of Southern Maine <i>Co-instructor, Community Planning Graduate Degree Program</i>	Portland, ME	2008
City of Rockland / Self-Employed Planning Consultant <i>Community Development Planner, GIS Analysis, Grant Writing/Administration, Park Planning</i>	Rockland, ME	2004-2007

EDUCATION

Harvard University Graduate School of Design <i>MUP Urban Planning, concentration in Real Estate</i>	Cambridge, MA	2005-2007
USM Muskie School <i>Certificate in Community Planning and Development</i>	Portland, ME	2004-2005
The George Washington University <i>B.A. International Affairs, minor in Geography</i>	Washington, DC	1992-1996

COMPLETED PROJECTS

- Gilman Place / Waterville, Maine - \$10.3M**
Historic preservation of former high school into 35 apartment units and 15,000 sf commercial space.
- Healy Terrace / Lewistown, Maine - \$8.7M**
Mixed-use historic preservation of former children's home in downtown into 32 senior apartments and 2,500 sf office space.
- Emery School / Biddeford, Maine - \$6.8M**
Historic preservation of former elementary school in downtown into 24 senior apartments.
- Birch Hill / Lewiston, Maine - \$4.5M**
20 units of senior apartments.



**DEVELOPERS
COLLABORATIVE**

KEVIN BUNKER *Principal*

100 Commercial Street, Suite 414
Portland, Maine 04101
(207) 766-1632
bunker.kevin@gmail.com

COMPLETED PROJECTS (Continued)

Crescent Heights / Portland, Maine - \$4.4M

44-bedroom Platinum LEED medical student housing.

Livermore Falls Medical Arts / Livermore Falls, Maine - \$4.2M

Redevelopment of vacant downtown mall site to 13,700 sf medical office building for Franklin Memorial Hospital.

Lamb Block / Livermore Falls, Maine - \$3.2M

Historic preservation of the oldest building in downtown, 3 stories, 11,000 sf medical offices and mixed commercial.

Hyacinth Place / Westbrook, Maine - \$9.6M

Historic preservation of former Catholic Diocese campus in downtown into 37 family affordable rental units for Avesta Housing. Responsible for all aspects of development up to construction start.

Osprey Circle / South Portland, Maine - \$7.1M

48 units of senior apartments.

Nathan Clifford School / Portland, Maine - \$7.5M

22 units of luxury apartments.

River Landing / Topsham, Maine - \$5.8M

36 units of senior apartments in downtown Topsham's Elm St Historic District.

CURRENT PROJECTS IN DEVELOPMENT

Webster Point / Orono, Maine - \$3.5M (under construction)

14 mixed-income condominium units on former Brownfield site.

Hodgkins School / Augusta, Maine - \$8.7M (under construction)

47 units of senior apartments for Augusta Housing Authority

Rosa True / Portland, Maine - \$1.9M (under construction)

11 family affordable rental units in Portland's Spring Street Historic District

Griffin Road Senior Housing / Scarborough, Maine - \$5.5M (in development)

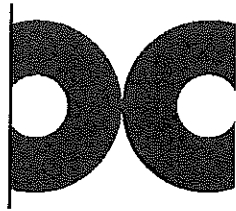
36 units of senior apartments in Scarborough.

SELECT PROFESSIONAL AFFILIATIONS

Board Chair, GrowSmart Maine, 2011-2014

Steering Committee, Maine Affordable Housing Coalition 2011-present

MEREDA, 2008-present



**DEVELOPERS
COLLABORATIVE**

MIKE LYNE *Developer*

100 Commercial Street, Suite 414
Portland, Maine 04101
(207) 522-3055
mdlyne@gmail.com

PROFESSIONAL AND DEVELOPMENT EXPERIENCE

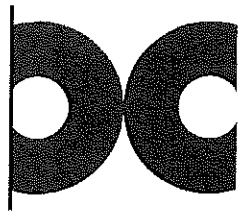
Developers Collaborative <i>Property Development</i>	Portland, ME	2015-Present
JHR Development of Maine <i>Project/ Property Management</i>	Brunswick, ME	2007-2015
Alaska Fire Service and Anchorage Fire Department <i>Wildland Firefighting Hotshot/Smokejumper</i>	Anchorage, AK	1994-2007
Spaulding Investment Company, Inc. <i>Boston commercial leasing and construction management</i>	Burlington, MA	1988-1993

EDUCATION

Bowdoin College <i>B.A. Government, minor in History</i> <i>Tierner Award for Dedication and Leadership</i>	Brunswick, ME	1983-1987
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MANAGEMENT PROJECTS

- Mid Coast Hospital,**
OA Centers for Orthopedics.
- Barber Foods, Paradigm Windows**
56 Milliken Street, Portland.
- Mid Coast Hospital**
108 Centre Street, Bath 20,000 sf MOB.
- Habitat for Humanity 7 Rivers**
126 Main Street, Topsham.



**DEVELOPERS
COLLABORATIVE**

LAURA READING

Developer

100 Commercial Street, Suite 414
Portland, Maine 04101
(207) 766-6696
reading.lauraj@gmail.com

PROFESSIONAL AND DEVELOPMENT EXPERIENCE

Developers Collaborative <i>Property Development</i>	Portland, ME	2013-Present
Planning Consultant <i>Urban Planning and Design Consulting</i>	Portland, ME	2012
Bernstein, Shur, Sawyer & Nelson <i>Environmental Legal Assistant</i>	Portland, ME	2006-2008

EDUCATION

University of Michigan <i>Master of Urban Planning, Certificate in Real Estate Finance</i>	Ann Arbor, MI	2011-2013
University of Southern Maine <i>B.A. Environmental Planning and Policy</i>	Portland, ME	2008-2011

COMPLETED PROJECTS

Nathan Clifford School / Portland, Maine - \$7.5M
22 luxury apartment units in historic former school

PROFESSIONAL AFFILIATIONS

Board Member, Maine Association of Planners, 2014-present

Developers Collaborative Client References

Project: Androscoggin Valley Medical Arts Center, complete 2011

Rebecca Ryder
President/CEO
Franklin Community Health Network
111 Franklin Health Commons
Farmington, ME 04938
779-2265
rryder@fchn.org

Project: Nathan Clifford Residences, complete 2014

Ed Suslovic
City Councilor
City of Portland
46 Kenwood St.
Portland, ME 04103
671-6320
edsuslovic@portlandmaine.gov

Project: Gilman Place, complete 2010

Michael Roy
City Manager
City of Waterville
One Common St.
Waterville, ME 04901
680-4203
mroy@waterville-me.gov

John Egan
Development Director, Coastal Enterprises, Inc.
36 Water Street
Wiscasset, ME 04578
607-9711
jwe@celmaine.org

Project: Emery School, complete 2012

Daniel Stevenson
Economic Development Director
City of Biddeford
205 Main St.
Biddeford, ME 04005
205-1048
dstevenson@biddefordmaine.org

Project: Healy Terrace, complete 2011

Jim Dowling
Executive Director
Lewiston Housing Authority
One College Street
Lewiston, ME 04240
783-1424
jdowling@lewistonhousing.org

Lincoln Jeffers
Assistant City Administrator
City of Lewiston
27 Pine St.
Lewiston, Maine 04240



Administration

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

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

July 8, 2014

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

Dear Mark:

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

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

Sincerely,

Emmanuel Caulk
Superintendent
Portland Public Schools

Order 252-16/14
Feb 28 5-15-17

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14
Re: EMERGENCY SHELTERS AS A CONDITIONAL USE**

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

*That Chapter 14, Sections 14-218, 14,229.11.1, 14-230.2,
14-232.1, 14-248.1, 14-262.1, AND 14-474 of the Portland
City Code are hereby amended as follows:*

Sec. 14-218. Conditional uses.

(a) The following use is permitted as provided in section 14-474 (conditional uses), provided that, notwithstanding section 14-474(a) or any other provision of this Code, the planning authority shall be substituted for the board of appeals as the reviewing authority:

...

(b) The following uses are permitted 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. Utility substations, such as water and sewage pumping stations and standpipes, electric power substation transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably located, screened and landscaped so as to ensure compatibility with the surrounding neighborhood.

...

4. Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474: and the use specific standards of Section 14-

474 (c) 3.÷

- a. ~~The facility shall be in compliance with the city's current Comprehensive Housing Assistance Plan, a copy of which is on file in the department of planning and urban development, or, if there is no current edition of the Comprehensive Housing Assistance Plan, with a determination of need by the director of the department of health and human services.~~
- b. ~~The facility shall be registered with the City of Portland Department of Health and Human Services.~~

...

Sec. 14-229.11.1. Conditional uses.

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

- (a) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

...

- (c) Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474 and the use specific standards of Section 14-474 (c) 3.

...

Sec. 14-230.2. Conditional uses.

(a) The following uses shall be permitted as conditional uses in the B-5 and B-5b urban commercial mixed use zones, provided that, notwithstanding section 14-471(c), 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, and further provided that, in addition to the provisions of section 14-474(c) (2), they shall also meet the requirements set forth below:

1. Commercial:

...

5. Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474 and the use specific standards of Section 14-474 (c) 3.

...

Sec. 14-232.1. Conditional uses.

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

(a) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

...

(b) Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474 and the use specific standards of Section 14-474 (c) 3.

...

Sec. 14-248.1. Conditional uses.

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

(a) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

...

(b) Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474 and the use specific standards of Section 14-474 (c) 3.

Sec. 14-262.1. Conditional uses.

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

- (a) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

...

- (c) Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474 and the use specific standards of Section 14-474 (c) 3.

...

Sec. 14-474. Conditional uses.

(a) *Authority.* The board of appeals may, subject to the procedures, standards and limitations set out in this section, approve the issuance of a conditional use permit authorizing development of conditional uses listed in this article.

...

- (c) *Conditions for conditional uses:*

- 1. *Authorized uses.* A conditional use permit may be issued for any use denominated as a conditional use in the regulations applicable to the zone in which it is proposed to be located.

...

- 3. Use Specific Standards. The following additional standards of review apply to the specific uses.

- a. Emergency shelters are subject to the following conditions, in addition to the provisions of section 14-474 (c) 2. 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 for any shelter also subject to Level III site plan review:

1. The facility shall provide adequate space for conducting security searches and other assessments;
2. The facility shall be designed with a centralized shelter operations office on each level providing sight lines to sleeping areas;
3. A Management Plan adequately outlining the following areas shall be provided: Management responsibilities; Process for resolving neighborhood concerns; Staffing; Access restrictions; On-site surveillance; Safety measures; Controls for resident behavior and noise levels; and Monitoring Reports.
 - i. Adequate access to and from METRO service shall be provided. The facility shall be within a ¼ mile of a METRO line, or shall be within ½ mile of a METRO line and provide adequate indoor space to permit all shelter guests day shelter, as well as implement strategies to help residents utilize transit;
 - ii. The facility shall provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, housing assistance, or other programs;
4. Suitable laundry, kitchen, pantry, bicycle storage, and secure storage facilities for shelter stayers shall be provided on-site; and
5. An outdoor area for guest use shall be provided on-site with adequate screening to protect privacy of guests.

MEMORANDUM
City Council Agenda Item

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

FROM: Jeff Levine, Director, Planning and Urban Development
Dawn Stiles, Director, Health and Human Services

DATE: May 1, 2017

SUBJECT: Emergency Shelter Zoning Text Amendments for Section 14-474 and the B-3, B-4, B-5, IL, ILb, IM and IH Zones

SPONSOR: Elizabeth Boepple, Chair, Portland Planning Board, Public Hearing held on April 25, 2017. Vote: 6-1, Morrisette opposed

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading May 15 Final Action June 5

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

PRESENTATION: Elizabeth Boepple, Chair Planning Board and Jeff Levine, Director, Planning and Urban Development – Combined 5 to 10 minutes

I. ONE SENTENCE SUMMARY

The Planning Board recommends the proposed zoning text amendments developed by the Health and Human Services Committee to add emergency shelters as a conditional use in the B-4, B-5, IL, ILb, IM and IH zones and to provide new conditional use standards for emergency shelters in the B-3 zone and the proposed zones.

II. AGENDA DESCRIPTION

The Health and Human Services Committee drafted and the Planning Board voted (6-1) to recommend to City Council the adoption of text amendments to add emergency shelters as a conditional use in the B-4, B-5, IL, ILb, IM and IH zones. Currently, emergency shelters are a conditional use in the B-3 zone and this would be retained. The proposed text amendments also include updated conditional use standards specific to emergency shelters to guide the development of new facilities.

III. BACKGROUND

Portland's emergency shelters are generally older facilities, under-sized for current demands, and unable to provide a broad range of services for homeless individuals. The Health and Human Services Committee is interested in developing a new state-of-the-art shelter to best serve the clientele as well as surrounding neighborhoods. At present, the needs of such a facility are being determined but there is no site identified. Best practices call for providing permanent housing for homeless individuals, such as Portland's successful Housing First projects, and then allow homeless shelters to offer temporary shelter accompanied with needed counseling and services to return clients to stable housing.

The proposed amendments retain emergency shelters as a conditional use in the Downtown Business (B-3) Zone with proposed updated conditional use standards. The proposed text amendments add Emergency Shelters as a conditional use to six zoning districts: Commercial Corridor B-4; Urban Commercial B5, excluding B-5b; Low Impact Industrial IL; Low Impact Industrial ILb; Moderate Impact Industrial IM; and High Impact Industrial IH. While this use would be allowed within more zones, a facility would need to meet the siting criteria of the conditional use standards that requires the use to be within ¼ mile of a METRO Line or within ½ mile of METRO line, if adequate indoor space for day time shelter use as well as strategies to help residents utilize transit.

The updated conditional use standards for emergency shelters are proposed to provide a safe sleeping environment for homeless individuals and to offer a broader range of services and facilities to serve the daily needs of clients. The standards address the following:

4. Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474. 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 for any shelter also subject to Level III site plan review:

- a. The facility shall provide adequate space for conducting security searches and other assessments;
- b. The facility shall be designed with a centralized shelter operations office on each level providing sight lines to sleeping areas;
- c. A Management Plan adequately outlining the following areas shall be provided: Management responsibilities; Process for resolving neighborhood concerns; Staffing; Access restrictions; On-site surveillance; Safety measures; Controls for resident behavior and noise levels; and Monitoring Reports.
 1. Adequate access to and from METRO service shall be provided. The facility shall be within a ¼ mile of a METRO line, or shall be within ½ mile of a METRO line and provide adequate indoor space to permit all shelter guests day shelter, as well as implement strategies to help residents utilize transit;
 2. The facility shall provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, or other programs.
- d. Suitable laundry, kitchen, pantry, bicycle storage, and secure storage facilities for shelter stayers shall be provided on-site;
- e. An outdoor area for guest use shall be provided on-site with adequate screening to protect privacy of guests;

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

Pursue shelter improvements: expand zoning; improvement and new shelter.

V. FINANCIAL IMPACT

No anticipated financial impact for the zoning amendments.

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

The Health and Human Services Committee's toured and evaluated current best practices for emergency shelters. They found that modern shelters provide a range of services in a centralized location, which necessitates larger buildings to accommodate multiple functions. The Planning Board recommends, and the Health and Human Services Committee supports, allowing emergency shelters in the proposed business and industrial zones based on a changing model and need for emergency shelters. First, modern, state-of-the-art shelters have land area requirements that can be hard to meet in a densely-developed city. Practically speaking, it is important to keep the industrial zones open as options because they tend to have larger lots that can be used for modern facilities, provided a shelter allows for transit accessibility. Second, the model for provision of shelter has changed away from providing a long-term place to stay to providing a truly emergency shelter for a relatively short period of time. This model change has been enabled by better success in locating permanent housing with support services for the longest-term residents of shelters and freeing up beds for short-term stayers. Under the new model, the focus is on providing a safe space with facilities on-site for residents while they get back on their feet, rather than a more permanent residence. Third, while the industrial zones are permitted locations, the conditional use language also requires that shelters be located near METRO service. In effect, that limits the permitted areas to major corridors and not to the industrial zones in general. Fourth, the conditional use standards are proposed to guide the establishment of shelters that are well managed and offer the counseling and services needed to eliminate homelessness in Portland.

The policies in the pending Comprehensive Plan vision statement call for a commitment to accessible housing for all residents. Specifically, the plan includes the following strategies:

- Explore efficient ways of delivering services to the homeless by investigating a wide variety of services models, evaluating the local potential of these models, and developing plans for implementation.
- Align the City's land use code with City Council policy direction on shelter placement, shelter models, and facility requirements.
- Continue to embrace innovation and best practices towards eliminating homelessness.

The current comprehensive plan states a goal of ensuring housing for all with the specific objective of creating enough beds to ensure that no one is forced to sleep outside due to a lack of beds in emergency shelters.

VII. RECOMMENDATION

The Planning Board voted 6-1 (Morrissette opposed) to find the proposed zoning text amendments are consistent with Portland's Comprehensive Plan and recommend to the City Council adoption of the proposed zoning text amendments. Carol Morrissette voted against the motion; however, she supports the updated provisions for emergency shelters and to improve shelters, but she opposes siting emergency shelters in industrial zones.

VIII. LIST ATTACHMENTS

Cc: Planning Board to City Council on Zoning Text Amendments for Emergency Shelters

Prepared by: Barbara Barhydt, Development Review Services Manager

Date: April 27, 2017



PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE

Emergency Shelter Amendments

Zoning Text Amendments for Emergency Shelters as conditional uses in B-3, B-4, B5,
IL, ILb, IM and IH zones and Conditional Use Standards in Division 28
Health and Human Services Committee, City of Portland, Applicant

Submitted to: Portland City Council From: Planning Board	Prepared by: Barbara Barhydt, Development Review Services Manager Date: May 1, 2017
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I. INTRODUCTION

The Health and Human Services Committee drafted and the Planning Board voted (6-1) to recommend to City Council the adoption of text amendments to add emergency shelters as a conditional use in the B-4, B-5, IL, ILb, IM and IH zones and update the conditional use standards. The Planning Board recommended a formatting amendment to consolidate the standards within the general conditional use standards, rather than listing them in each applicable zone. The draft before the City Council reflects this amendment. Currently, emergency shelters are a conditional use in the B-3 zone and this would be retained. The proposed text amendments also include updated conditional use standards specific to emergency shelters to guide the development of new facilities.

II. REVIEW PROCESS AND PUBLIC COMMENT

The Planning Board held a workshop on the preliminary draft on April 6, 2017 and a public hearing on April 25, 2017. Notices for this item appeared in the legal ad, which was published in the Portland Press Herald on April 17 and 18. It was also posted to the web site and distributed through "notify me." At the public hearing, there were five members of the public who spoke. Sarah Ceriche supported the text amendments and offered suggestions for revisions to address management plans. Joe McNally, Milestone, Norman Maze, and Brian Townsend (written public comment, Att 5), supported the proposal CHOM also presented testimony in support of the proposed amendments. George Rheault spoke in opposition to the proposed amendments.

III. BACKGROUND ON EMERGENCY SHELTERS

Portland's emergency shelters are generally older facilities, under-sized for current demands, and unable to provide a broad range of services for homeless individuals. The Health and Human Services Committee is interested in developing a new state-of-the-art shelter to best serve the clientele as well as surrounding neighborhoods. At present, the needs of such a facility are being determined but there is no site identified. Best practices call for providing permanent housing for homeless individuals, such as Portland's successful Housing First projects, and then allow homeless shelters to offer temporary shelter accompanied with needed counseling and services to return clients to stable housing. As part of planning for shelters, the Health and Human Services

Committee began by evaluating current regulations and proposing updates to the zoning code. In particular, members identified the current limitation to the B-3 zone as both an obstacle to siting a modern shelter, and also based on outdated assumptions about the needs of shelter clients. The Committee has drafted new conditional use standards for emergency shelters and is proposing to add emergency shelters as a conditional use in two business zones and the industrial zones.

The City Council visited shelters in the Boston area and learned about best practices. Following that, the Health and Human Services Committee asked staff to develop proposed amendments, and held three meetings to develop the proposed amendments. The Committee sought guidance from shelter providers from the City and non-profits, as well as from the public. On April 13, 2017, following a public hearing on the matter, the Committee endorsed the amendments as drafted and forwarded them to the Planning Board for their consideration and recommendation to the City Council.

The Health and Human Services Committee reviewed the shelters and best practices that have been developed in other communities. The list of resources considered by the Committee is included as Attachment A and a copy of the Comparative Analysis of Homeless Facilities is included as Attachment B. In addition, the Committee considered the Final Resolution from the Salt Lake County Collective Impact on Homelessness (Attachment C) and the Public Safety & Security Benchmarking Study (summary as Attachment D). A floor plan concept is included as Attachment E. In this floor plan, there is a multi-purpose/dining room with adjoining kitchen facilities to accommodate 136 people. There are lockers, a laundry facility, bathrooms, offices and a central office area adjoining separated sleeping areas. The concept plan also shows an outdoor park/seating area. The larger facility is intended to offer services and counseling support within the shelter in order provide accessible and effective services.

In speaking with shelter operators, staff noted that the needs of emergency shelters have changed as the strategies for ending homelessness have changed. The priority used to be in rapidly rehousing recent arrivals to the shelter. That strategy was based on the idea that those clients are the easiest to find housing for, as they have often ended up in a shelter due to a short-term challenge. However, that left long-term shelter stayers in facilities for extended periods of time. As the shelter became a de-facto home for those stayers, and as they were not permitted to stay in most shelters due to space limitations, there was a need to provide a shelter near other services, such as downtown.

The newer model focusses on providing housing for those long-term stayers. While those housing units are more difficult to locate, because the challenges of housing this population is greater, the benefits are also much higher. Freeing up one bed from a long-term stayer allows many more transient users to use that same bed. As a shelter becomes a shorter-term solution for emergencies, there is a lessened need to provide nearby services, and instead the focus should be on providing a modern, clean, safe facility. Finally, modern shelters allow occupants to remain during the day and the shelters provide on-site space for medical care, substance abuse treatment, counseling, job readiness, housing assistance, and other services.

For all these reasons, the previous rationale for locating shelters downtown is no longer valid. The goal now is to provide zoning that allows a modern facility to be developed, for shorter-term stayers, near transit for those who need transportation. The Planning Board recommends and HHS Committee supports the proposed zoning amendments in order meet these goals and allow flexibility for shelter siting, while putting in place new conditional use standards to ensure that a shelter meets current best practices.

IV. CURRENT LAND USE CODE REGULATIONS FOR EMERGENCY SHELTERS

Definition:

Portland's zoning code defines emergency shelter as follows:

Emergency shelter: A facility providing temporary overnight shelter to homeless individuals in a dormitory-style or per-bed arrangement.

Conditional Use Standards specific to Emergency Shelters

Emergency Shelters are listed as a conditional use only in the Downtown Business B-3 zone and the Planning Board is substituted for the Zoning Board of Appeals for the review. The specific conditional use standards in the B-3 district are as follows:

4. Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474:
 - a. The facility shall be in compliance with the city's current Comprehensive Housing Assistance Plan, a copy of which is on file in the department of planning and urban development, or, if there is no current edition of the Comprehensive Housing Assistance Plan, with a determination of need by the director of the department of health and human services.
 - b. The facility shall be registered with the City of Portland Department of Health and Human Services.

Conditional Use Standards for all Conditional Uses

The general standards in Section 14-474, which are applied to all conditional uses, which would also apply and these standards address typical site plan concerns such as traffic, hours of operation, parking needs, landscaping, noise, signs, and other factors.

Parking Requirements

Division 20, Off-Street Parking, sets a parking requirement of 1 space per every 2 employees.

Site Plan Ordinance

As noted above, the Planning Board is substituted for the ZBA to conduct the conditional use reviews of Emergency Shelters. The site plan ordinance lists emergency shelters as subject to at a minimum a Level II site plan review, unless the size of the facility triggers a Level III review with the Planning Board.

V. PROPOSED TEXT AMENDMENTS

A. Text Amendments to list Emergency Shelters in Specific Zones

In preparing the draft amendments, staff considered whether it made sense to simply permit emergency shelters as conditional uses City-wide. However, in looking at the urban design and fabric of the other zones in the City, and the likely design of any new emergency shelter, it did not seem appropriate to site emergency shelters in other residential zones. However, group homes and other smaller-scale facilities similar in character to shelters continue to be permitted in those zones.

The proposed text amendments add Emergency Shelters as a conditional use to six zoning districts:

- Commercial Corridor B-4;

- Urban Commercial B5, excluding B-5b;
- Low Impact Industrial IL;
- Low Impact Industrial ILb;
- Moderate Impact Industrial IM; and
- High Impact Industrial IH.

The proposal retains emergency shelters as a conditional use in the Downtown Business Zone and cross-references the updated conditional use standards that are proposed within Section 14-474. The use is proposed for the B-5 zone, which has locations both on and off-peninsula, but the B-5b zone is excluded as it is a small area along the Waterfront. Please note that while emergency shelters are proposed in the various commercial and industrial zones, the entire zones are not open to this use based upon meeting the criteria of the conditional use standards, which requires the use to be within ¼ mile of a METRO Line or within ½ mile of METRO line if adequate indoor space for day time shelter use as well as strategies to help residents utilize transit. Attachment 1 is the zoning map showing the zones where shelters are proposed to be permitted as a conditional use. Following that map are two maps that show the ¼ mile buffer along METRO transit routes (Attachment 2) and the same map with the ½ mile buffers (Attachment 3).

B. Text Amendments for the Conditional Use Standards

At the Public Hearing, the Planning Board amended the draft to change the formatting for the proposed conditional use standards. Rather than inserting the same use specific standards in each applicable zone, the Board supported consolidating the standards under Section 14-474. The reformatted amendments before the Council are proposed to be included as use specific conditional uses as Section 14-474 3. The proposed conditional use standards allow emergency shelters to be reviewed by the Zoning Board of Appeals (ZBA) unless the proposal triggers a Level III site plan review and then the Planning Board would be substituted for the ZBA. Attachment 4 contains the proposed text amendments for each zone and the conditional use standards under Sec. 14-474. The standards are proposed to provide a safe sleeping environment for homeless individuals and to offer a broader range of services and facilities to serve the daily needs of clients. The standards address the following:

(c) Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474. 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 for any shelter also subject to Level III site plan review:

1. The facility shall provide adequate space for conducting security searches and other assessments;
2. The facility shall be designed with a centralized shelter operations office on each level providing sight lines to sleeping areas;
3. A Management Plan adequately outlining the following areas shall be provided: Management responsibilities; Process for resolving neighborhood concerns; Staffing; Access restrictions; On-site surveillance; Safety measures; Controls for resident behavior and noise levels; and Monitoring Reports.
 - i. Adequate access to and from METRO service shall be provided. The facility shall be within a ¼ mile of a METRO line, or shall be within ½ mile of a METRO line and provide adequate indoor

space to permit all shelter guests day shelter, as well as implement strategies to help residents utilize transit;

- ii. The facility shall provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, or other programs.

- 4. Suitable laundry, kitchen, pantry, bicycle storage, and secure storage facilities for shelter stayers shall be provided on-site;
- 5. An outdoor area for guest use shall be provided on-site with adequate screening to protect privacy of guests;

VI. POLICY DISCUSSION

A. Pending Comprehensive Plan

The pending Comprehensive Plan before the City Council has a vision statement that calls for the City to be equitable, sustainable, dynamic, secure, authentic and connected. The vision statements under equitable call for the following:

- We will remain an open and inclusive City, celebrating diversity and providing a welcoming and safe place for residents and visitors alike.
- We will be a state and national leader in achieving a more equitable city.
- The benefits and costs of our City will be born fairly across the entire City.
- Our government will continue to be transparent and its policies fair and uniformly enforced.
- We will incorporate the needs of all of our residents in planning for our future.

The secure vision also states:

- We will use compassion in our decision making and in our approach to public safety.
- We will be committed to accessible housing and healthy food for all our residents.

Relevant local goals found under the Housing Policy Guide call the City to “Increase, preserve, and modify the overall supply of housing City-wide to meet the needs, preferences and financial capability of all households.”

The Facilities and Services policy guide call for the City to “Provide public safety, emergency response, and emergency management facilities and services that can effectively meet the needs of all residents.” Pertinent strategies within that section include:

- Explore efficient ways of delivering services to the homeless by investigating a wide variety of services models, evaluating the local potential of these models, and developing plans for implementation.
- Align the City’s land use code with City Council policy direction on shelter placement, shelter models, and facility requirements.
- Continue to embrace innovation and best practices towards eliminating homelessness.

In the existing comprehensive plan, the Housing Goal is to ensure an adequate and diverse supply of housing for all with the following related Policy Objectives:

- Create enough beds to ensure that no one is forced to sleep outside due to a lack of beds in emergency shelters.

- Transition to Permanent Housing: Encourage proposals to transition homeless families and individuals out of emergency shelters and transitional facilities into permanent housing, including single room occupancy units.

B. Discussion

The Planning Board recommends as amended for formatting, and the Health and Human Services Committee supports, allowing the use in those zones based on a changing model and need for emergency shelters. First, modern, state-of-the-art shelters have land area requirements that can be hard to meet in a densely-developed city. Practically speaking, it is important to keep the industrial zones open as options because they tend to have larger lots that can be used for modern facilities, provided a shelter allows for transit accessibility. Second, the model for provision of shelter has changed away from providing a long-term place to stay to providing a truly emergency shelter for a relatively short period of time. This model change has been enabled by better success in locating permanent housing with support services for the longest-term residents of shelters and freeing up beds for short-term stayers. Under the new model, the focus is on providing a safe space with facilities on-site for residents while they get back on their feet rather than a more permanent residence. Third, while the industrial zones are permitted locations, the conditional use language also requires that shelters be located near METRO service. In effect, that limits the permitted areas to major corridors and not to the industrial zones in general (see attached maps for reference.) Fourth, the conditional use standards are proposed to guide the establishment of shelters that are well managed and offer the counseling and services needed to eliminate homelessness in Portland.

VII. PLANNING BOARD RECOMMENDATION

The Planning Board voted 6-1 (Morrisette opposed) to find the proposed zoning text amendments, as amended for formatting, are consistent with Portland's Comprehensive Plan and recommend to the City Council adoption of the proposed zoning text amendments. Carol Morrisette voted against the motion; however, she supports the updated provisions for emergency shelters and looks forward to a fresh approach to housing the homeless, but she opposes siting emergency shelters in industrial zones.

Attachments to the Report:

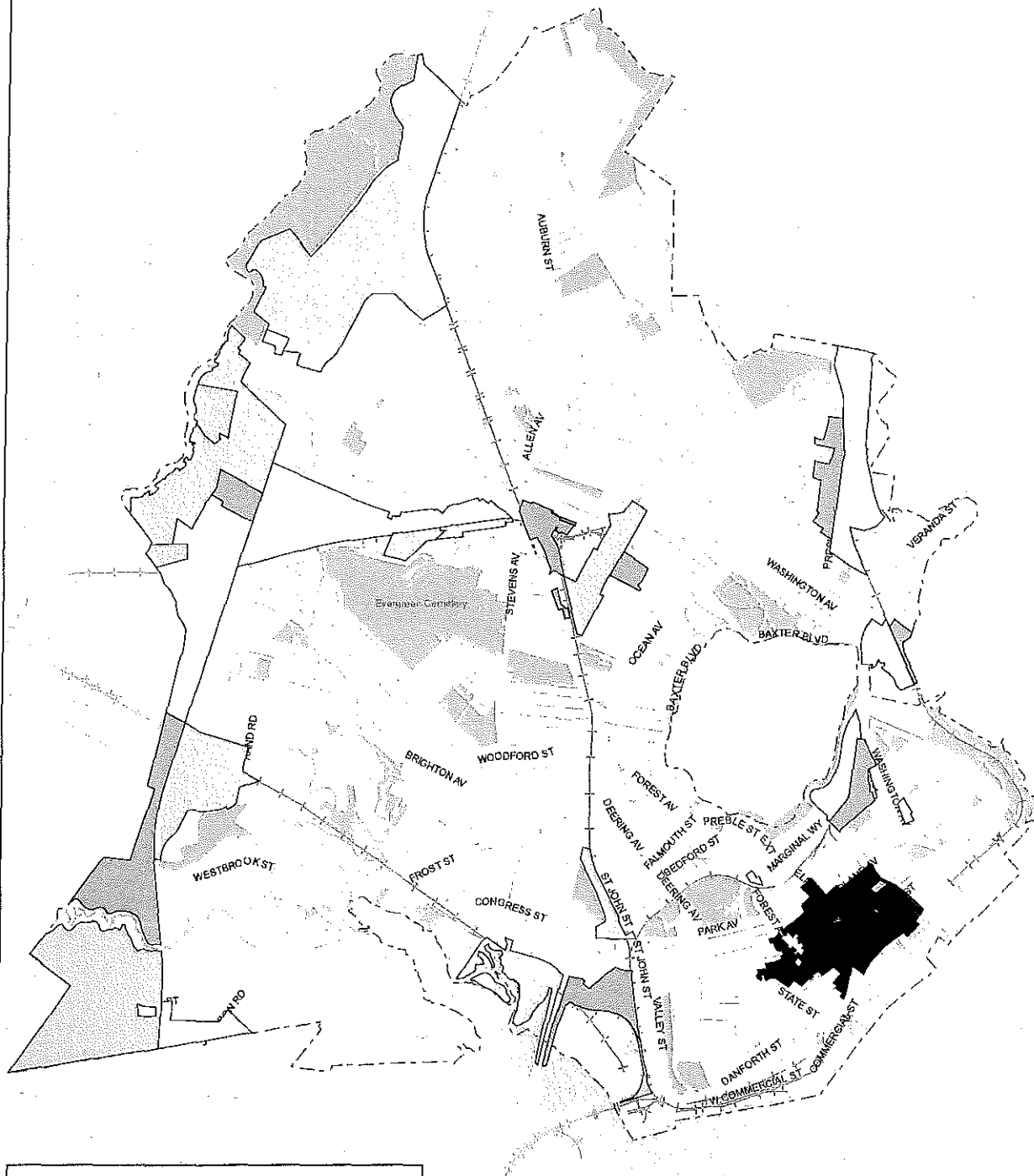
1. Map of Proposed Zones to Permit Shelters
2. Transit Line Buffer Map- Quarter Mile Buffer
3. Transit Line Buffer Map- Half Mile Buffer
4. Proposed Text Amendments for the Land Use Code
5. Public Comment, Brian Townsend, Amistad

Applicant's Submission

- Att A Shelter Best Practices
- Att B Homeless Shelters Comparison Report
- Att C Resolution – Collective Impact on Homelessness Shelters
- Att D Safety and Security Benchmarking Study
- Att E Shelter Diagram 1117

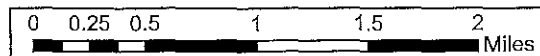
Shelter Zoning Discussion Map: Shelters Currently Only Permitted in the Red (B-3) Zone

DRAFT



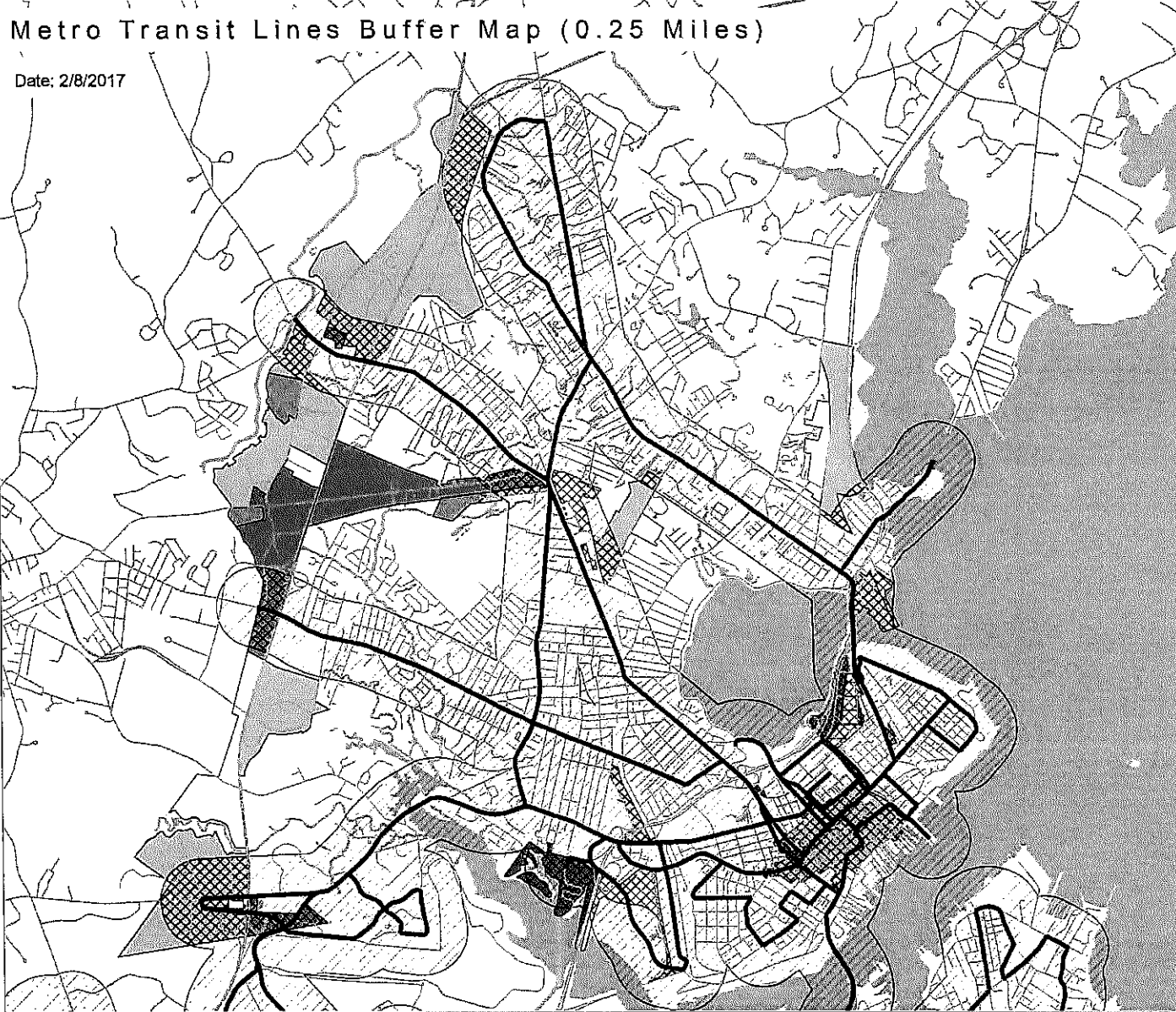
Zones under Discussion for Shelters as Conditional Uses

-  IH Industrial - High Impact
-  Industrial - Low Impact
-  IM Industrial - Moderate Impact
-  B3* Shelters are currently permitted in this zone
-  B4 Commercial Business
-  B5 Urban Commercial Business



Metro Transit Lines Buffer Map (0.25 Miles)

Date: 2/8/2017

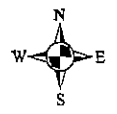


- Metro Transit Lines
- ▨ 1/4 Mile Applicable Buffer
- ▤ 1/4 Mile Buffer
- B3* Downtown Business
- B4 Commercial Business
- B5 Urban Commercial Business
- IL Industrial - Low Impact
- ▤ ILb Industrial - Low Impact
- ▤ IM Industrial - Moderate Impact
- ▤ IH Industrial - High Impact

1:40,000

Metro Transit Lines Buffer Map (0.5 Miles)

Date: 2/8/2017



- Metro Transit Lines
- ▨ Applicable 1/2 Mile Buffer
- ▨ 1/2 Mile Buffer
- B3* Downtown Business
- B4 Commercial Business
- B5 Urban Commercial Business
- IL Industrial - Low Impact
- ILb Industrial - Low Impact
- IM Industrial - Moderate Impact
- IH Industrial - High Impact

1:40,000

PROPOSED TEXT AMENDMENTS FOR EMERGENCY SHELTERS

DIVISION 12. B-3, B-3b AND B-3c DOWNTOWN BUSINESS ZONES*

Sec. 14-218. Conditional uses.

(b) The following uses are permitted 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:

4. Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474 and the use specific standards of Section 14-474 (c) 3.

~~a. The facility shall be in compliance with the city's current Comprehensive Housing Assistance Plan, a copy of which is on file in the department of planning and urban development, or, if there is no current edition of the Comprehensive Housing Assistance Plan, with a determination of need by the director of the department of health and human services.~~

~~a. The facility shall be registered with the City of Portland Department of Health and Human Services.~~

DIVISION 12.5. B-4 COMMERCIAL CORRIDOR ZONE

Sec. 14-229.11.1. Conditional uses.

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

- (b) 4. Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474 and the use specific standards of Section 14-474 (c) 3.

DIVISION 12.6. B-5 URBAN COMMERCIAL MIXED USE ZONE

Sec. 14-230.2. Conditional uses.

(a) The following uses shall be permitted as conditional uses in the B-5 and B-5b urban commercial mixed use zones,

provided that, notwithstanding section 14-471(c), 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, and further provided that, in addition to the provisions of section 14-474(c)(2), they shall also meet the requirements set forth below:

- 5. Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474 and the use specific standards of Section 14-474 (c) 3.

DIVISION 13. I-L AND I-Lb INDUSTRIAL ZONES*

Sec. 14-232.1. Conditional uses.

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

- (b) 4. Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474 and the use specific standards of Section 14-474 (c) 3.

DIVISION 14. I-M, I-Ma AND I-Mb INDUSTRIAL ZONES*

Sec. 14-248.1. Conditional uses.

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

- (b) 4. Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474 and the use specific standards of Section 14-474 (c) 3.

DIVISION 15. I-H AND I-Hb INDUSTRIAL ZONES*

Sec. 14-262.1. Conditional uses.

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

- (b) 4. Emergency shelters, subject to the following conditions, in addition to the provisions of section

14-474 and the use specific standards of Section 14-474
(c) 3.

Sec. 14-474. Conditional uses.

(a) *Authority.* The board of appeals may, subject to the procedures, standards and limitations set out in this section, approve the issuance of a conditional use permit authorizing development of conditional uses listed in this article.

(b) *Procedure:*

1. *Application.* Applications for conditional use permits shall be submitted to the building authority. A nonrefundable application fee, as established from time to time by the city council to cover administrative costs and costs of a hearing, shall accompany each application. The application shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the building authority but shall in all instances contain at least the following information and documentation:
 - a. The applicant's name and address and his or her interest in the subject property;
 - b. The owner's name and address if different than the applicant;
 - c. The address, or chart, block and lot number as shown in the records of the office of the assessor of the subject property;
 - d. The zoning classification and present use of the subject property;
 - e. The particular provision of this article authorizing the proposed conditional use;
 - f. A general description of the proposed conditional use;
 - g. Where site plan approval is required by article V of this chapter, a preliminary or final site plan

as defined by article V of this chapter.

2. *Public hearing.* A public hearing shall be set, advertised and conducted by the board of appeals in accordance with article VI of this chapter.
3. *Action by the board of appeals.* Within thirty (30) days following the close of the public hearing, the board of appeals shall render its decision, in a manner and form specified by article VI of this chapter, granting the application for a conditional use permit, granting it subject to conditions as specified in subsection (d), or denying it. The failure of the board to act within thirty (30) days shall be deemed an approval of the conditional use permit, unless such time period is mutually extended in writing by the applicant and the board. Within five (5) days of such decision or the expiration of such period, the secretary shall mail notice of such decision or failure to act to the applicant and, if a permit is authorized, shall issue such permit, listing therein any and all conditions imposed by the board of appeals.

(c) *Conditions for conditional uses:*

1. *Authorized uses.* A conditional use permit may be issued for any use denominated as a conditional use in the regulations applicable to the zone in which it is proposed to be located.
2. *Standards.* The Board shall, after review of required materials, authorize issuance of a conditional use permit, upon a showing that the proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. The Board shall find that this standard is satisfied if it finds that:
 - a. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and

- b. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
- c. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

3. Use Specific Standards. The following additional standards of review apply to the specific uses.

a. Emergency shelters are subject to the following conditions, in addition to the provisions of section 14-474 (c) 2. 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 for any shelter also subject to Level III site plan review:

- 1. The facility shall provide adequate space for conducting security searches and other assessments;
- 2. The facility shall be designed with a centralized shelter operations office on each level providing sight lines to sleeping areas;
- 3. A Management Plan adequately outlining the following areas shall be provided: Management responsibilities; Process for resolving neighborhood concerns; Staffing; Access restrictions; On-site surveillance; Safety measures; Controls for resident behavior and noise levels; and Monitoring Reports.
 - i. Adequate access to and from METRO service shall be provided. The facility shall be within a ¼ mile of a METRO line, or shall be within ½ mile of a METRO line and provide adequate indoor space to permit all shelter guests day shelter, as well as implement

strategies to help residents utilize transit;

ii. The facility shall provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, housing assistance, or other programs;

4. Suitable laundry, kitchen, pantry, bicycle storage, and secure storage facilities for shelter stayers shall be provided on-site; and

5. An outdoor area for guest use shall be provided on-site with adequate screening to protect privacy of guests.

(d) *Conditions on conditional use permits.* The board of appeals may impose such reasonable conditions upon the premises benefited by a conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the conditional use permit and in the permit. Violation of such conditions shall be a violation of this article.

(e) *Effect of issuance of a conditional use permit.* The issuance of a conditional use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals which may be required by the codes and ordinances of the city, including but not limited to a building permit, a certificate of occupancy, subdivision approval and site plan approval.

(f) *Limitations on conditional use permits.* No conditional use permit shall be valid for a period longer than six (6) months from the date of issue, or such other time as may be fixed at the time granted not to exceed two (2) years, unless the conditional use has been commenced or is issued and construction is actually begun within that period and is thereafter diligently pursued to completion; provided, however, that one (1) or more extensions of said time may be granted if the facts constituting the basis of the decision have not materially changed, and the two-year

period is not exceeded thereby. A conditional use permit shall be deemed to authorize only the particular use for which it was issued and such permit shall automatically expire and cease to be of any force or effect if such use shall for any reason be discontinued for a period of twelve (12) consecutive months or more.

(g) *Appeals from board decisions.* Appeals from any decision of the board of appeals or, where applicable, the Planning Board respecting a conditional use permit shall be to superior court.

(Code 1968, § 602.24.D; Ord. No. 437-74, 7-1-74; Ord. No. 407-83, 2-2-83; Ord. No. 467-83, § 2, 4-20-83; Ord. No. 237-83, 10-17-83; Ord. No. 222-13/14, 5-5-2014)

Sec. 14-475. Reserved.

***Editor's note**—Section 7 of Ord. No. 354-85, adopted Jan. 7, 1985, repealed § 14-475, relative to nonconforming uses, which derived from Code 1968, § 602.24.E, and Ord. No. 437-74, adopted July 1, 1974.



To the chair, vice chair, and members of Portland's Planning Board:

Amistad has hundreds of active members who live in and around Portland. "Members" is the term we use to describe the adults who access services at our Peer Support and Recovery Center. Our members all have struggled with mental illness, and most have struggled with a co-occurring substance use disorder. We have members who have been with us for three decades, and also 19-year-old opiate-addicted members who just showed up this month. About 40% of our current members are homeless, while just under 80% have been homeless at one time in their life. So Amistad and its members have a huge stake in the outcome of this discussion.

We strongly support the city's efforts to create a new shelter, in a new location, with a new concept of what an emergency shelter should be. Our city government has demonstrated a commitment to solving the problem of homelessness for years. The agencies in this room, and others, have been fully on board. All of our efforts have made a difference. But homelessness is incredibly complicated. Mental illness is very often one of the causes of a person's homelessness, along with being one of the barriers to a solution.

When Amistad members see the public face of homelessness—around Bayside in the evening, or on the medians or elsewhere, they generally don't think for a second about how this reflects on Portland, or about the discomfort it causes them to confront that image. They see people whose struggle they recognize. Their empathy is pretty total.

Everyone in this room thinks that homelessness is unacceptable, and at Amistad we love that the city is looking at bold strokes to take it on. What I feel, in representing the collective voice of Amistad, is that the current physical layout of services for the homeless in this city very inadvertently traps those we aim to help in a *maze* with unmarked exits. A person who wakes up in the homeless shelter on Oxford Street looks out at the same limited horizon each day. The demands of survival narrow their field of options to what is available within sight of the shelter.

While a move outside the city would create logistical challenges, it would also create new horizons, and generate an *optimal* level of urgency in everyone involved, from the people who find themselves in a state of homelessness, to those of us who want to help them find a way out. The design we've heard discussed sounds more humane, more solutions-focused, and more, frankly, like the city we live in.

We are *thankful* that the city is putting this idea forward, and look forward to being a partner in solving any of the issues that arise in moving it from the idea stage to reality. On behalf of the members of Amistad, thank you for caring about this issue so strongly.

Brian Townsend, Executive Director

SHELTER Best Practice – findings

Shelter/Multi-service Center

1. Year-Round Emergency Shelter and Multi-service center Cost Model Report (Orange County, CA) 2013- National review of options for cities in the county; recommends multiservice center/shelters in each.
2. Comparative Analysis of Homeless Facilities and programs in selected Cities and Counties (Virginia Beach, VA) 2011- Reviews practices and models in a number of cities including some as best practices: Recommends consolidation of shelter and services into one site: speeds of access and connections and saves many calls to providers and city-
3. Examples – Columbus OH, Hennipin mN.
4. Recent smaller city models: Tallahassee –Kearny Center (others looking to duplicate)
San Luis Obispo (mult-service and populations in one site with architectural awards)
Santa Cruz CA.

Single Point of Entry/ Assessment Center/ coordination at entry

USICH-HUD

Denver Shelter Assessment by NAEH in 2011- (led by norm Suchar current HUD Homeless)
Recommends consolidation and single site for each population (Adults, families, youth) in this city to coordinate and refer.

Virginia Beach recommendation

Harm Reduction/low barrier

HUD/USICH- accessible

Current work in San Francisco and Seattle on new model – Navigation centers- Open sites to get off the street-can bring pets and partners- (more extreme based on need) -

24 hours for working individuals and those ill:

Many include a respite area or program that is not always medically staffed for individuals who are ill or need some attention. Other include accommodation/level for those working that need flexibility in hours.

Storage

Huge issue nationally and viewed as an impediment to housing and especially employment for many: examples of options at shelter or in community: Portland Oregon: large containers;

San Diego: 300 bins -Transitional Storage Center

L.A two Storage Centers

Outside Space

Campus Models: Dallas, San Antonio, others

Navigation Centers and others: interior courtyard

Louisville Shelter has on site recovery program: (but higher barrier)



Comparative Analysis of Homeless Facilities and Programs in Selected U.S. Cities and Counties

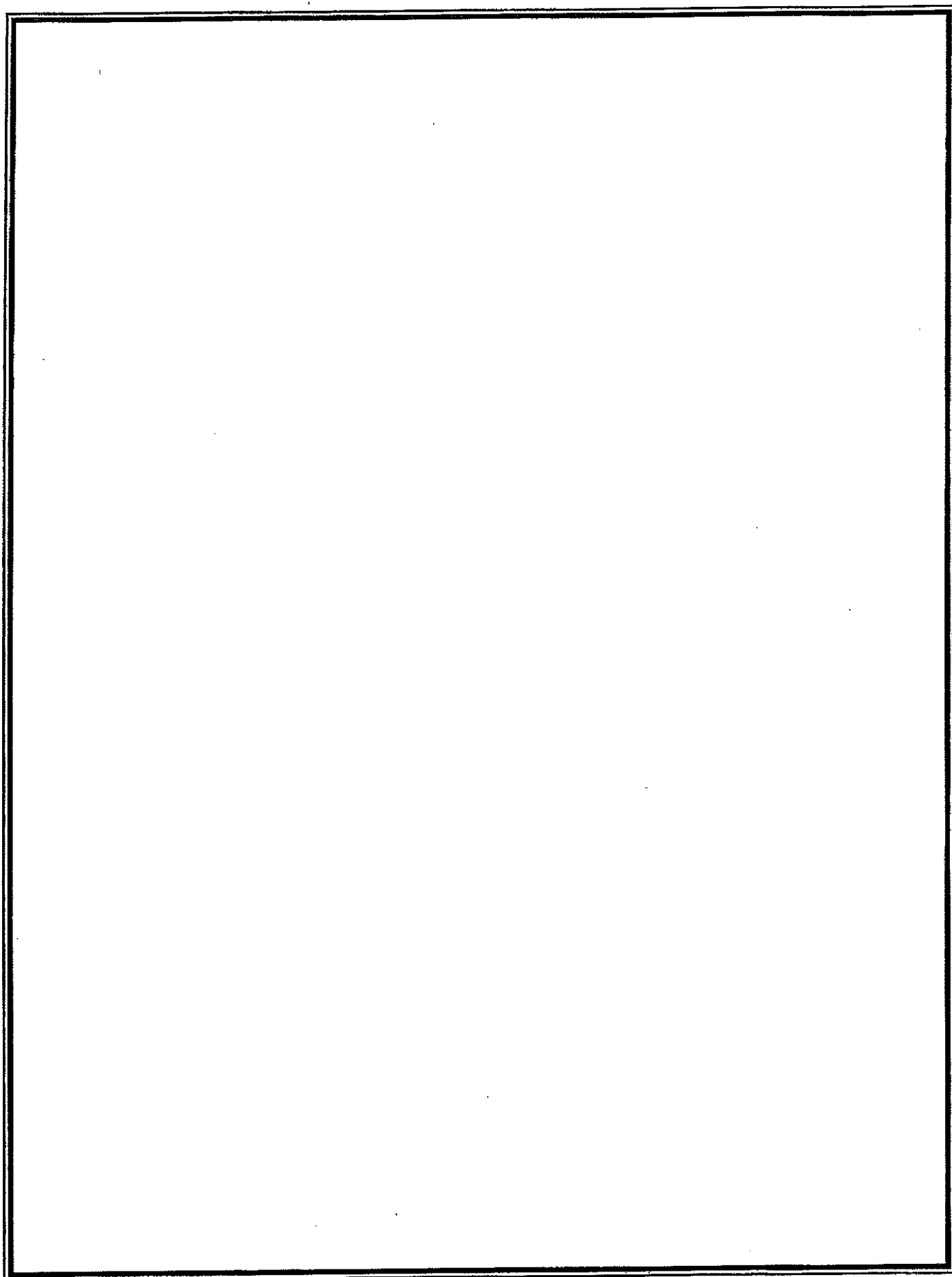
Prepared by:
City of Virginia Beach
Department of Housing and Neighborhood Preservation

Andrew Friedman – Director, Housing and Neighborhood Preservation
Sharon Prescott – Housing Development Administrator
Natalie Anderson – Principal Author

September 19, 2011

Disclaimer:

This report contains descriptions of a variety of strategies and approaches to addressing the issue of homelessness. These strategies are presented for the purpose of sharing information. The City of Virginia Beach and the Department of Housing and Neighborhood Preservation neither endorse nor oppose any of the homeless assistance models described in the report.



Conclusions

In terms of number of facilities, the level of assistance offered to the homeless population is similar among East Coast resort cities, including Virginia Beach. The majority of profiled oceanfront cities offer essentially one shelter for each type of demographic group: one shelter for single adults, one shelter for families (or women with children), and one shelter for youth. An exception is Ocean City, MD where there is only one shelter serving the tri-county homeless population. However, the Ocean City shelter serves each of these homeless demographic groups within the same shelter. In terms of the number of homeless individuals who can find overnight accommodation within the shelter system, the capacity of each city varies.

On the high end, Broward County Partnership in Florida and Union Mission in Norfolk each can accommodate 200 or more persons per night. On the lower end of the spectrum, Diakonia shelter in Ocean City, MD can accommodate between 35 – 45 persons per night. In Virginia Beach, JCOC provides 50 beds for overnight emergency shelter that are available year-round. From October through April, a minimum of 62 additional beds are available through a consortium of faith-based community facilities within Virginia Beach.

Services that were common to the majority of shelters profiled in this report are basic necessities: bathrooms, showers, laundry, meals, limited to full-time case management, limited-term medical care through an outside agency, and substance abuse counseling. A common constraint among most of the shelters was the reality of operating with small budgets and limited staff. As such, most shelters offer ancillary services on an ad hoc basis, services which expand or contract in relation to current staff and funding resources. The most common ancillary services were employment assistance, life-skills training and transportation assistance (bus passes and bicycles).

Sources

City of Minneapolis Commission to End Homelessness, (December, 2006). Heading Home Hennepin: The 10-year Plan to End Homelessness in Minneapolis and Hennepin County.

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National Alliance to End Homelessness, Solutions Brief (September 28, 2010). Beyond Planning: Minneapolis and Hennepin County.

U.S. Department of Housing and Urban Development Homeless Reports. Accessed July, 2011 from: www.hudhre.info/index.cfm?do=viewHomelessRpts

Norfolk Homeless Consortium website. Accessed August, 2011 from: www.norfolkhomelessconsortium.org

Individual shelter websites (listed in shelter profiles)

Maps

City of Daytona Beach zoning map. Accessed July, 2011 from: <http://gis.codb.us/Freeance/Client/PublicAccess1/index.html?appconfig=CityMap>

City of Fort Lauderdale zoning map. Accessed July, 2011 from: <http://ci.ftlaud.fl.us/gis/files/maps/Zoning%20Map.pdf>

City of Key West zoning map. Accessed July, 2011 from: www.keywestcity.com/egov/docs/1161957236_949066.pdf

City of Myrtle Beach zoning map. Accessed July, 2011 from: www.cityofmyrtlebeach.com/PDF%20Forms/Zoning%20Map.pdf

City of Norfolk zoning map. Accessed August, 2011 from: http://gisapp2.norfolk.gov/zoning_mapper/viewer.htm

City of San Diego zoning map (grid 15). Accessed July, 2011 from: www.sandiego.gov/development-services/zoning/pdf/maps/grid15.pdf

City of Virginia Beach zoning map (grids L06 and L07). Accessed August, 2011 from:
www.vbgov.com/file_source/dept/planning/ZoningGridReferenceMap.pdf

Worcester County, MD land use map. Accessed July, 2011 from:
www.co.worcester.md.us/cp/images/Adopted_LUP_11x17_3-14-06.jpg



Comparative Analysis of Homeless Facilities and Programs in Selected U.S. Cities and Counties

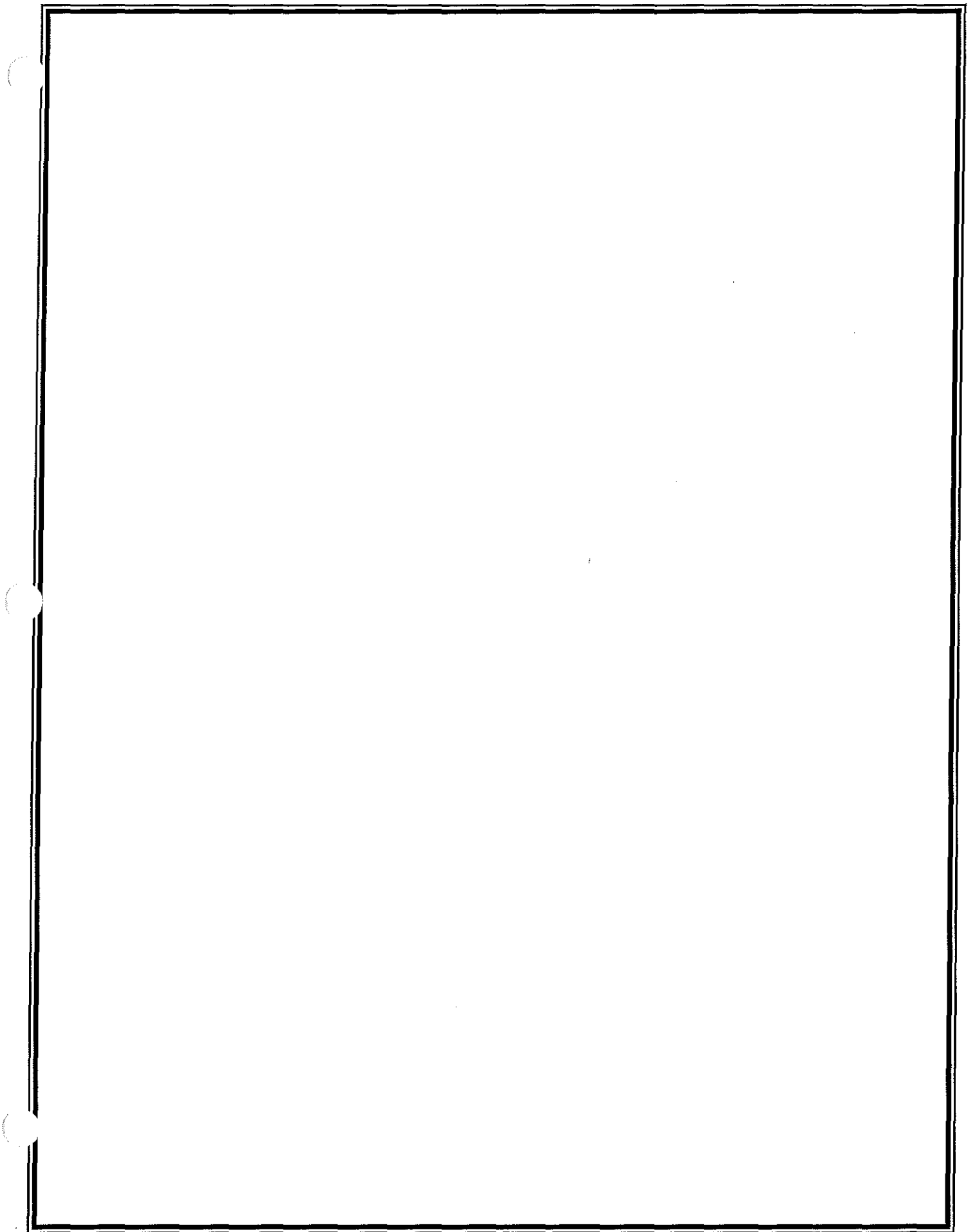
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Introduction – the Cost of Homelessness

Homelessness is an issue that all cities face. Even when one doesn't see a conspicuous contingent of people sleeping on park benches or wandering the downtown streets, there is often an invisible homeless population moving from shelter to shelter or couch to couch, trying to steer themselves back into a permanent housing situation.

For a large portion of the homeless population, being homeless is not a lifestyle choice. It is a situation into which any of us could fall. The disparity between wages and housing costs requires that many families spend the majority of their household income on rent, leaving little to no disposable income for emergency savings. The sudden loss of a job or a medical emergency can push a family over the brink into homelessness.

Homelessness is not something that goes away by ignoring it. To the contrary, taking a do-nothing stance can be a costly alternative. Police enforcement and arrests, court hearings, overnight stays in detention or detox centers, ambulance rides and emergency medical care for the homeless often cost local governments and other organizations millions of dollars annually.

In 2007, Hennepin County, MN examined homeless shelter rolls, emergency facility logs, and court and jail registers to identify cross-over clients. The analysis revealed that there was a group of 266 people who, over a five year period, cost the city \$4.2 million through repeated use of services.¹ The city of Reno, NV provided over \$1 million in services to a man called Murray, during the decade he spent in a state of homelessness.² Comprehensive homeless prevention and rehabilitation programs can provide the best value to the city as a whole, over the long-run.

¹ Ten Broeke, Cathy (August 1, 2011). Fighting homelessness: The cost of homelessness, The Downtown Journal.

² Gladwell, Malcolm (February 13, 2006). Million-Dollar Murray, The New Yorker.

Executive Summary

This report profiles homeless shelters in a selection of coastal cities, including Virginia Beach. The shelter profiles include information gathered from discussions with shelter directors and from online resources. Each profile includes a brief snapshot of each city – demographic information, the characteristics of the homeless population, and the approach being taken at the city-wide level to address homelessness.

The report also includes profiles of two Midwest counties and the approach that these counties are taking to address homelessness. Franklin County (including Columbus, OH) and Hennepin County (including Minneapolis, MN) were chosen to be featured in the report based on recognition that both counties have received, at a national level, for the innovative models they have developed.

Scope: This report focuses primarily on emergency shelter and “day service” facilities in coastal United States cities. The report does not attempt to catalogue the full spectrum of services, nor those temporary or permanent supportive housing facilities, available to the homeless population within any of the cities that were selected for inclusion in the report. Specifically in the case of Virginia Beach, the report describes a limited subset of the services and shelter opportunities that are currently available to the single-adult homeless population.

Purpose: The purpose of this report is to provide city and community leaders in Virginia Beach with examples of the practices that selected cities and counties across the country are currently using to address the issue of homelessness. The information contained in this report is intended to support the decision-making process related to relocation of the Lighthouse homeless services day center in Virginia Beach.

Audience: This report is intended primarily for review by members of the Lighthouse Site Options Committee, and by participants in the public meeting series: Community Dialogue on Homelessness in Virginia Beach. City staff will be presenting portions of this report to these two groups as the basis for discussion. In addition, the report will be made available in its entirety to any interested person or organization via the Virginia Beach Department of Housing and Neighborhood Preservation website.

Summary of Findings

1) There is a trend toward consolidating a full spectrum of services (meals, case management, counseling, healthcare, training, etc.) and overnight shelter for the homeless into one location. This improves opportunities for the homeless to make connections to critical services and to make more effective use of their time to improve their situation. In addition, consolidating

services geographically reduces the call volumes that participating agencies must field from persons seeking assistance.

2) Homeless-serving facilities located in coastal cities can successfully be located away from the beach/resort area; but this may require transportation services as well as an overnight shelter component to insure that the facility is utilized. Of the East Coast resort cities profiled in this report, the average distance from a shelter to the nearest point on the oceanfront is **1.43 miles**.³

3) Operational standards and requirements placed on those receiving services can be key components of a successful shelter facility or homeless assistance system. Both shelter-level and “system-wide” standards are important in governing accountability among city administration, providers, and homeless clients.

4) Homeless-serving facilities are located in a wide variety of land-use settings. The acceptance of the facility by neighboring residents and businesses is related to both who came first and to the operational policies and standards that are employed at the facility.

5) The number of homeless people as a percentage of the total population is very low in the City of Virginia Beach, as compared to all other Continuum-of-Care areas featured in this report. We have used HUD-required Point in Time count data so as to make a valid comparison. See **Table 1** below.

6) It was beyond the scope of this report to include specific figures for shelter operating costs and funding streams, as these figures can be prohibitively time consuming to uncover. However, the research revealed that the current budget for Lighthouse Center operations is far lower than either the originally proposed new Lighthouse Center or many of the other more comprehensive programs in other cities.

³ Average among all profiled shelters in selected East Coast resort cities (Daytona Beach, Fort Lauderdale, Myrtle Beach, Virginia Beach, Ocean City). Key West shelters were excluded in the average since Key West is an island city and all points within the city have relative proximity to the oceanfront.

Table 1

Continuum of Care	Homeless Persons Per 1,000 Population
FL-604 – Monroe County (includes Key West, FL)	14.05
FL-504 Daytona Beach /Flagler Counties	3.72
CA-601 San Diego, CA	3.49
SC-503 Myrtle Beach /Sumter City & County	3.04
VA-501 Norfolk, VA	2.36
FL-601 Ft Lauderdale /Broward County	1.83
MD-513 Wicomico/Somerset/Worcester (includes Ocean City, MD)	1.43
VA-503 Virginia Beach, VA	1.19

*The smallest geographic area for which HUD provides homeless population data (via the annual January Point-in-Time count) is the Continuum of Care administrative boundary. In the case of Norfolk, San Diego and Virginia Beach, the Continuum of Care boundary aligns with the city boundary. In all other cases listed in the table above, the Continuum of Care geography covers one or more counties. The proportion of homeless individuals to the general population has been arrived at using the population within the entire Continuum of Care boundary as the denominator.

Summary of Best Practices

Below is a compilation of best practices related to homeless shelter operations as well as area-wide approaches to planning for homeless services. The list is based on strategies that have been implemented by the various shelters profiled in the report, as well as ancillary research that was conducted for the report.

- 1) Implementation of a centralized, city-wide or cooperative region-wide homeless intake and assessment process in an accessible location that is served by public transit. The intake process serves both individuals and families.
- 2) Development of a sophisticated, region-wide homeless services organizing agency that fulfills the following functions:
 - Builds relationships and coordinates communications among existing and potential main-stream service providers, non-profits, faith-based communities, private business partners, homeless clients and the public.
 - Is a repository for information regarding system-wide homeless services.
 - Maintains an easily navigable public website where comprehensive descriptions of existing services, data on local homeless demographics, service evaluation reports, and evolving best practices are available for the public at large.
 - Conducts periodic assessments to identify gaps or duplications in system-wide service provision and evaluates program effectiveness.
 - Facilitates ongoing community participation and input into the long-range planning process for programs related to homelessness.
- 3) Collecting long-term program outcomes as part of a standard data management process. In this way future resources can be dedicated to programs and service methods that have proven to be effective. Providing robust data on outcomes also improves competitiveness in applications for private-sector grants.
- 4) Provision of a shelter dedicated to full-time, comprehensive substance abuse rehabilitation (available to those who are currently homeless and may have little to no income).
- 5) Intensive programming support for individuals transitioning from the mental health, corrections, and foster care systems, as well as the military, into main-stream society and conventional housing.

- 6) For those exiting the corrections system, immediate training opportunities to build job skills and develop healthy relationships.
- 7) A shelter model where clients are not allowed to walk up to the shelter. Outreach teams pick up homeless clients and drop them off at the shelter during designated hours. This eliminates loitering around the facility.
- 8) Expand and increase support for affordable housing opportunities (rent/mortgage payments no higher than 30% of household income).
- 9) Ongoing advocacy at the state and national level in order to support opportunities at the local level.
- 10) Flexible public funding streams with renewed funding based on performance / outcomes rather than service methods.

It was beyond the scope of this report to complete an exhaustive investigation into the most current policy literature, related to best practices for homeless assistance system models. The Hennepin County, Minnesota 10-year plan to end homelessness includes a well-researched compendium of “proven strategies” to reduce the incidence of homelessness. The best practices from an appendix to the Hennepin County 10-year plan to end homelessness are summarized below.

- **One-time cash assistance** for rent or utilities, to keep a household from falling into homelessness in the first place.
- **“One-stop shop” prevention services.** Consolidating a comprehensive set of services into one location/facility so that clients do not have to waste time or meager resources traveling from place to place, simply to fulfill their daily needs.
- **Adequate transition planning** for individuals re-entering society from the corrections system or mental health institutions, as well as for those exiting the foster care system.
- Ensuring a **viable spectrum of affordable housing options** are available to the public at large.

- Providing a **permanent supportive housing** option for those who experience multiple barriers to housing stability, such as those with permanent mental and/or physical disabilities.
- **Rapid-exit from shelter and rapid re-housing.** Well-trained case managers use a standardized assessment tool to accurately identify the barriers that keep a family from permanent housing. Case managers link the family with the appropriate set of social services that will help the family overcome their housing barriers.
- Taking a **Housing first** approach. This approach assumes that finding stable housing for a household should be the first priority in the series of social services that will set a family back on the path toward self-sufficiency.
- **“Every door is the right door” approach**, meaning that no matter which service facility a person approaches, s/he will experience the same intake process and can be referred to the same set of appropriate system-wide services.
- **Promoting family preservation and reunification.** The priority should be to keep families together. As a practice, children should not be placed in foster care solely based on the fact that their family is homeless.
- **Wrap-around case management teams** for individuals or families who experience multiple barriers to housing.
- **Develop a household’s capacity to increase income and assets**, including education, financial literacy, and job training and placement services.
- Creating **innovative partnerships**, which entails both recruiting new partners and improving coordination and communication among existing partners.
- Identifying at-risk groups and **developing programs specific to the unique needs of those at-risk groups.**
- **Effective data management** allows localities to accurately diagnose system design or implementation problems and also to measure progress against the goals of the long-range plan for homeless prevention.

- **Advocacy and leadership.** A successful homeless prevention and rehabilitation system requires the consistent support of champions in city government, and in the local residential and business communities.
- **Ongoing community planning and response.** In order to make a positive impact on the incidence of homelessness in the city, community members must:
 - Be in open communication with service providers and the homeless,
 - Capitalize on existing community resources and spend time volunteering in order to increase service capacity, and
 - Be willing to engage in fund-raising efforts to fill programming gaps.

Background

The City of Virginia Beach continues to make progress toward the goals set forth in the 2008 Resort Area Strategic Action Plan (RASAP). One of the priorities listed in the RASAP plan is the development of a Convention Center Hotel. The Lighthouse homeless day center is currently situated on the proposed site of the Convention Center Hotel.

The day center helps the homeless endure and survive the challenges of homelessness as well as progress out of it. The key goals of the program are to support survival, to connect people to services, and to help people obtain and maintain employment. This is done by allowing them the opportunity to conduct activities that non-homeless people take for granted but which are critical – including showers, laundry, phones, completing paperwork, receiving mail, etc. As a key element of the City's Ten Year Plan to End Homelessness, it is necessary to relocate the Lighthouse Center so that it can continue to fulfill its functions.

In the first half of 2011, DHNP facilitated a public dialogue process to collect input about where the new Lighthouse day center should be located. During the course of the public dialogue process, it became apparent that there existed a need for 1) detailed data about the demographics of the homeless population in Virginia Beach, 2) additional site options aside from those previously proposed, and 3) information about models that other cities across the country are using to best address the issue of homelessness.

Purpose

The current study was developed in response to part three of this need for information. The city and shelter profiles in this report are intended to:

- 1) **Provide a baseline** which will allow readers to draw conclusions about where the City of Virginia Beach falls within the spectrum of existing approaches to alleviate homelessness,
- 2) **Share effective models and techniques** which can **inform future decisions** that city staff and leadership will make in planning for the needs of the homeless population and affected residents of Virginia Beach.

Methods

The scope of the report has been limited to an analysis of shelter facilities, as well as services offered within those shelters. The report does not attempt to catalogue the full spectrum of independent services available to the homeless population within any of the cities that were selected for inclusion in the report.

The initial approach to the research was to compare service models among homeless day service centers. Because shelters that offer exclusively day services are far more rare than shelters which offer overnight accommodations, the scope of the report was expanded to include emergency overnight shelters for the adult population, including families (adults with children).

It should be noted that the jurisdictions featured in this report do have additional shelter facilities, including those facilities dedicated exclusively to the youth population. The reader should also note that the featured cities in the report offer many additional temporary and permanent supportive housing opportunities, even though the report did not feature these facilities.

The city profiles in this report were developed using data from the Housing and Urban Development Point-in-Time homeless census counts as well as data from the Census Bureau. Complete data from the 2010 United States census was not available at the time this report was written. Alternately, data was collected from the most recent five-year American Communities Survey.

The shelter profiles in this report include anecdotal information, which was collected through telephone interviews with managers/directors from the profiled shelters and related non-profits. The profiles also draw upon information from shelter websites (in cases where a shelter website existed). For cities that can be classified as resort or oceanfront cities, the profile includes details about the most well-established shelter or shelters within the city.

In order to provide some examples of well-respected, national-level best practices, two Midwestern counties were selected for inclusion in the report. Both Franklin County (includes Columbus, OH) and Hennepin County (includes Minneapolis, MN) have developed a reputation for having implemented a highly effective region-wide model for addressing homelessness. County profiles include a summary of the region-wide homeless prevention and rehabilitation strategy, rather than including details about a specific shelter or shelters.

Virginia Beach Virginia Profile

Virginia Beach, VA

City Profile

Population	434,922
Median Household Income	\$63,370
Per Capita Income*	\$30,415
Median Gross Rent	\$1,101
Median Gross Rent as % of HH Income	29.8%

Source: U.S. Census, American Community Survey (2005-2009)

Continuum of Care (CoC): VA-503 Virginia Beach

	2010			
	Emergency	Transitional	Unsheltered	Total
Individual homeless persons	129	40	82	251
Persons in households with adults and children	102	164	0	266
Total homeless persons	231	204	82	517
Total General Population of Geography Included in CoC			434,922 (same as city population)	
		Sheltered	Unsheltered	Total
Chronically homeless		39	36	75
Severely mentally ill		24	18	42
Chronic substance abuse		44	23	67
Veterans		*	*	*
Persons with HIV / AIDS		3	0	3
Victims of domestic abuse		40	20	60
Unaccompanied youth (under 18 years)		10	0	10

*not documented in 2010 Point-in-Time (PIT) count

Source: HUD Homeless Resource Exchange Online Report

Virginia Beach, VA

Citywide centralized homeless intake: no

The City of Virginia Beach employs a number of methods to facilitate the initial connection between existing resources and those who are at-risk or homeless.

Connection Point is a hotline that families may call when they are experiencing a housing crisis to determine if they qualify for emergency assistance. The hotline -- (757) 227-5932 -- is available Monday through Friday, from 7 a.m. to 11 p.m.

Program for Assistance in Transition from Homelessness (PATH) provides street outreach services to individuals who are homeless and experience mental illness and/or substance abuse issues. Case manager(s) from the Department of Human Services, Mental Health/Substance Abuse Division attempt to engage this hard-to-serve population and connect them to housing and services.

The City of Virginia Beach produces the Pocket Pal. This wallet-sized directory lists phone numbers for a variety of shelters, meal programs, social services, employment and other resources. The Pocket Pal is distributed through PATH Outreach, police personnel, and the faith community.

In addition to the shelters included in this profile that serve the single adult population, shelter for families is also available in the city. Samaritan House offers shelter and services for victims of domestic violence and their children. Samaritan House manages eleven, 2 to 3 bedroom townhomes at various locations in Virginia Beach, which serve as emergency housing. The Virginia Beach Community Development Corporation manages one townhome which can house one large or two smaller families in need of emergency shelter.

Virginia Beach, VA

Lighthouse Center

825 18th Street: Virginia Beach, Virginia 23451

www.voaches.org/Services/Homeless-Services/Lighthouse-Center

Profile

- Shelter type: day center
- Population served: anyone in need, primarily single adults
- Tenure at current location: more than 10 years
- Allow sex offenders in shelter: anyone is allowed to spend time in the facility. The center does not screen all clients for sex/violent offenses. If a client engages in disruptive behavior at the shelter, staff may run a background check and potentially ban the client from the premises.
- Utilize HUD mandated HMIS database system: yes

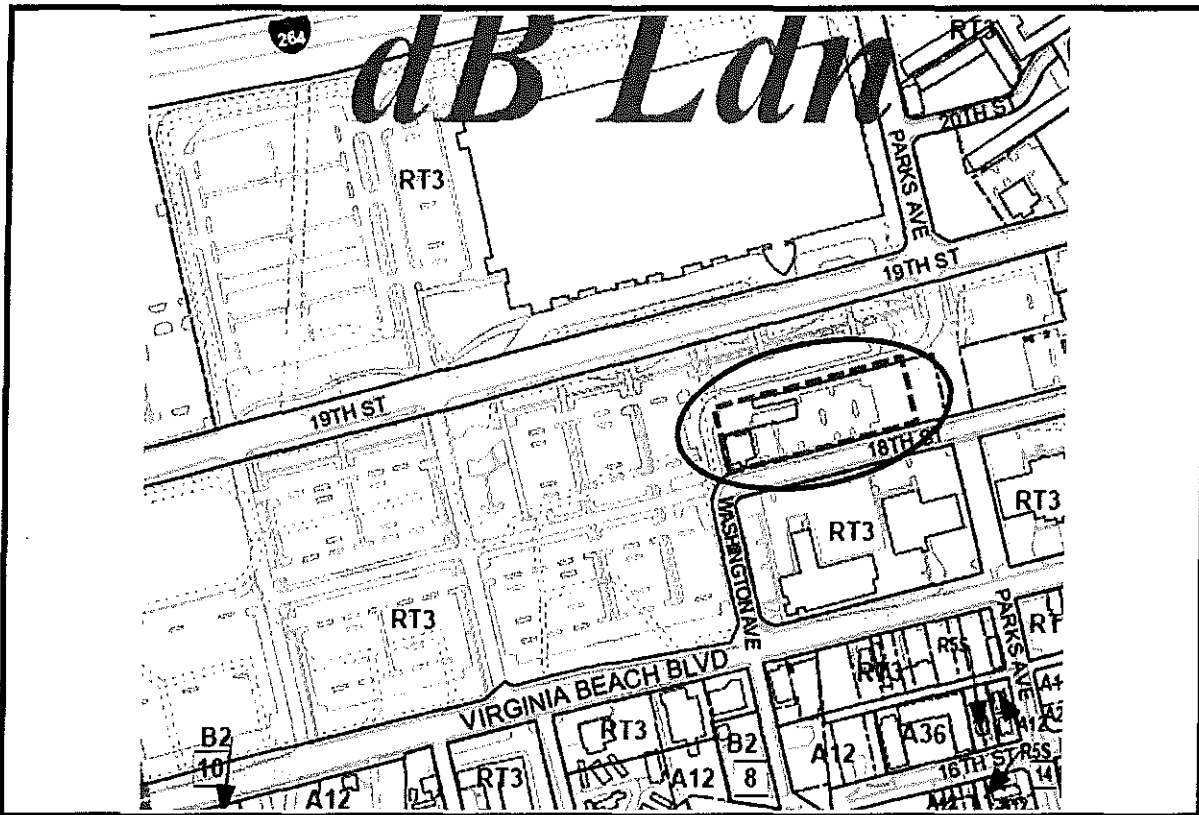
Available Services

- Bathroom/shower
- Laundry
- Mail/messages
- Case management for a sub-set of clients
- Coordination of winter shelter program
- Referrals to a variety of social services and assistance programs
- Art therapy program

Virginia Beach, VA

Zoning

The site and surrounding land uses are zoned RT3.



Source: Adapted from City of Virginia Beach Zoning Map

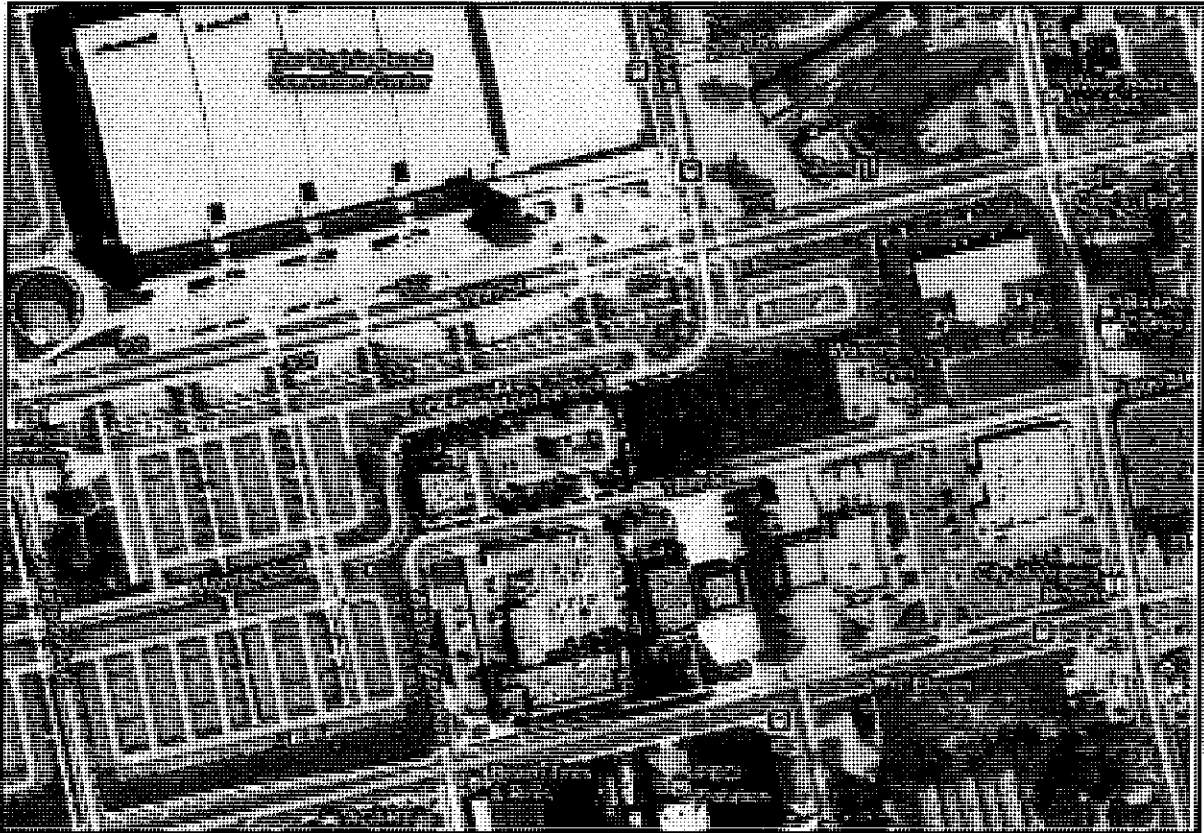
Zoning Legend

A12	Apartment District - Multi Family
A18	Apartment District - Multi Family
A24	Apartment District - Multi Family (24 units/acre)
A36	Apartment District - Multi Family (36 units/acre)
B2	Community Business District
RT3	Resort Tourist District - Mixed Use

Virginia Beach, VA

Surrounding Land Use Examples

- Virginia Beach Convention Center and parking lots
- Virginia Beach Police Department 2nd Precinct
- Virginia Beach Library - Oceanfront Branch
- Fitness Center



Source: Adapted from Google - Map Data 2011

Virginia Beach, VA

Judeo Christian Outreach Center (JCOC)

1053 Virginia Beach Boulevard, Virginia Beach, VA 23451

www.jcoc.org

Profile

- Shelter type: emergency overnight
- Population served: single adults (men and women)
- Total overnight capacity: 50
- Tenure at current location: 25 years
- Maximum stay: 6 months
- Allow sex offenders to reside in shelter: no
- Utilize HUD mandated HMIS database system: yes

Available Services

- | | |
|-----------------------|--|
| • Bathroom/shower | • Meals (for residents and non-residents) |
| • Sleeping facilities | • Food pantry for non-residents |
| • Laundry | • Work readiness classes |
| • Mail/messages | • Day labor opportunities |
| • Case management | • Referrals for social services and full-time substance abuse treatment programs |
| • Computer lab | • Referrals to educational resources |
| • AA meetings | |

Virginia Beach, VA

Summary

Although JCOC is an emergency shelter, it is typically filled to capacity. Homeless individuals must sign up for a waiting list and make a phone call to JCOC daily before they are allowed to stay at the shelter. Shelter staff run a criminal background check on applicants before accepting them as residents.

Once an individual becomes a resident, s/he is assigned a case manager. With the assistance of the case manager, the resident completes an initial assessment to identify job skills and interests. The case manager helps the resident develop an independent living plan, and refers the resident to appropriate social services that will support him/her in achieving the goals set forth in the independent living plan.

Each resident must assist with the operations of the JCOC facility and is assigned daily chores. Once a resident is stabilized and in a substance abuse program, he or she must fulfill certain obligations. Residents are required to obtain either full or part-time employment, maintain a personal savings account, and begin repaying debts, fines, or other obligations he or she may have. The center imposes a curfew for those who are not at work.

Virginia Beach, VA

Zoning

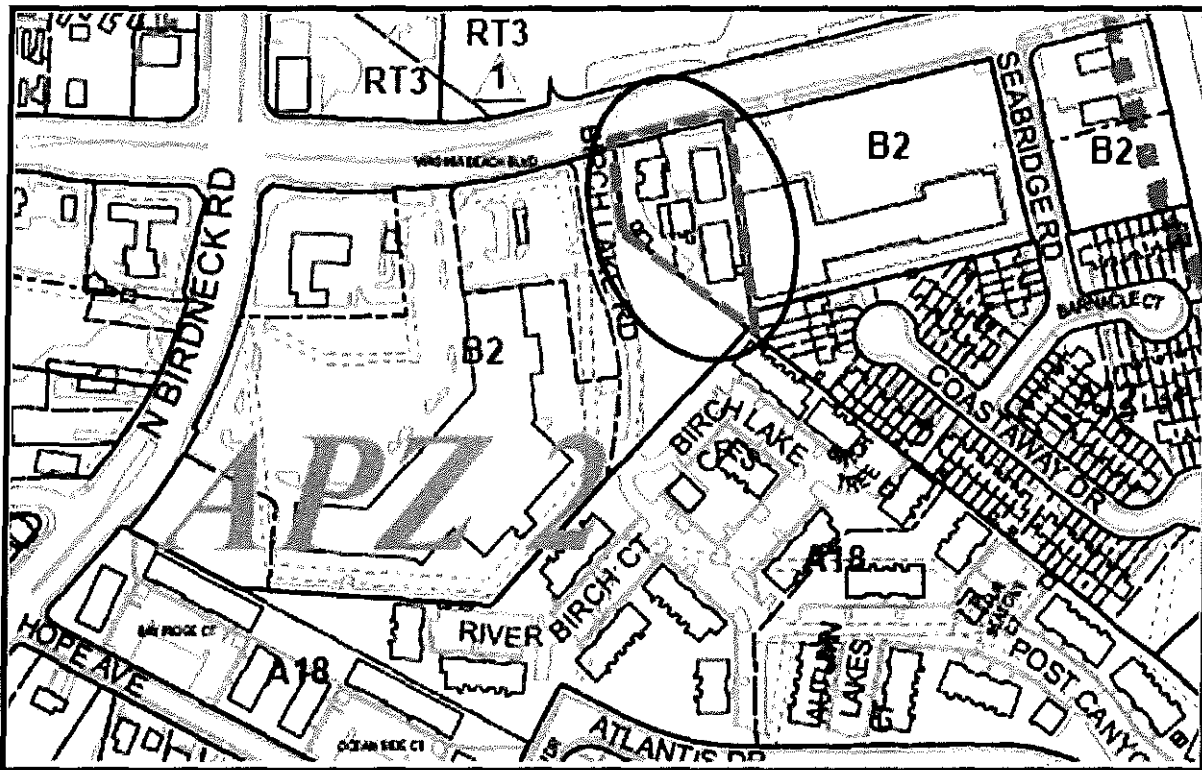
Site: A12

To the north: RT3

To the east: B2 and A12

To the south: A18

To the west: B2



Source: Adapted from City of Virginia Beach Zoning Map

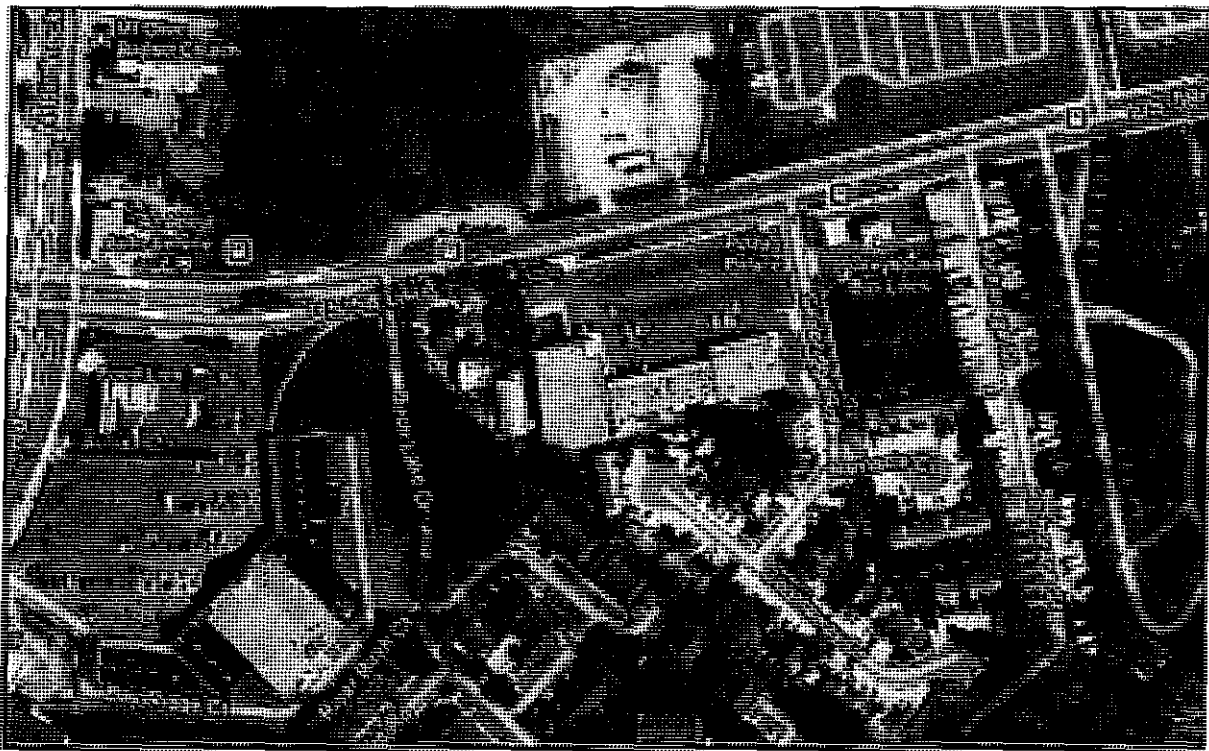
Zoning Legend

A12	Apartment District - Multi Family
A18	Apartment District - Multi Family
B2	Community Business District
RT3	Resort Tourist District - Mixed Use

Virginia Beach, VA

Surrounding Land Use Examples

- Open space, vacant lot
- Strip commercial – grocery store, Dollar General
- Gas station
- Multi-family residential

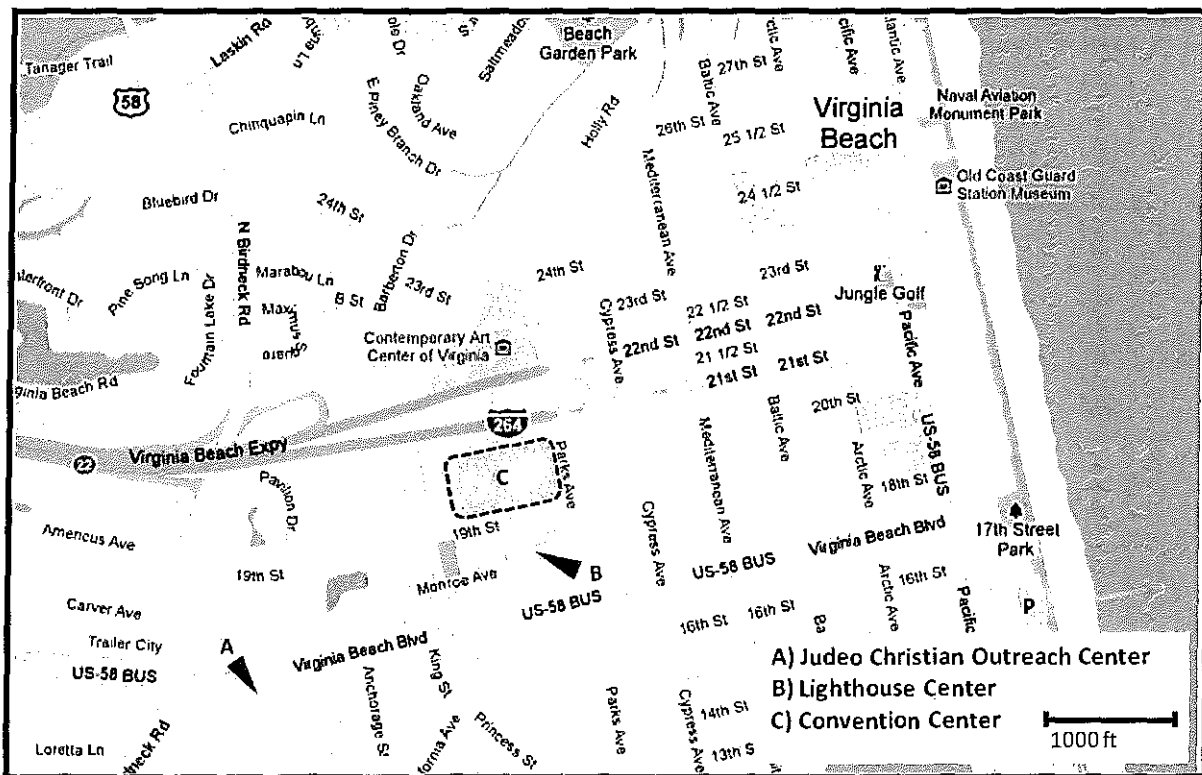


Source: Adapted from Google - Map Data 2011

Virginia Beach, VA

Location

The Lighthouse Day Center is a 0.7 mile walk from the oceanfront and is adjacent to the Convention Center. The Judeo Christian Outreach Center is a 1.2 mile walk from the oceanfront and is a 0.4 mile walk from the Convention Center.



Source: Adapted from Google - Map Data 2011

Norfolk Virginia

Profile

Norfolk, VA

City Profile

Population	236,071
Median Household Income	\$41,739
Per Capita Income*	\$23,294
Median Gross Rent	\$811
Median Gross Rent as % of HH Income	31.2%

Continuum of Care (CoC): VA-501 Norfolk

	2010			
	Emergency Shelter	Transitional Shelter	Unsheltered	Total
Individual homeless persons	285	59	56	400
Persons in households with adults and children	96	60	0	156
Total homeless persons	381	119	56	556
Total General Population of Geography Included in CoC			236,071 (same as city population)	
		Sheltered	Unsheltered	Total
Chronically homeless		70	19	89
Severely mentally ill		54	0	54
Chronic substance abuse		111	0	111
Veterans		*	*	*
Persons with HIV / AIDS		26	0	26
Victims of domestic abuse		39	0	39
Unaccompanied youth (under 18 years)		0	0	0

*not documented in 2010 Point-in-Time (PIT) count

Source: HUD Homeless Resource Exchange Online Report

Norfolk, VA

Citywide centralized homeless intake: yes for families

The City of Norfolk offers a help line to connect homeless families to a variety of assistance services. The hotline, (757) 664-6083, is available 24 hours per day, seven days per week. Families at risk of homelessness may apply for the shelter waiting list at the Department of Human Services, Child and Family Services office at 741 Monticello Avenue.

There is no city-wide centralized intake for single adults. The intake process is completed on-site at each shelter. Single adults can find shelter at the Union Mission and the Salvation Army. Victims of domestic violence can find shelter opportunities through the YWCA of South Hampton Roads.

Since 2007, the Homeless Action and Response Team (HART) has acted as the central intake for families experiencing a housing crisis. The HART team (comprised of social workers and case workers) uses a formalized Structured Decision Making tool to assess the extent of the barriers preventing the family from accessing housing. Using the results of the assessment, the HART team is able to direct the family to the appropriate service/assistance track. Some families will only require short-term or one-time assistance. The HART team may place families with greater barriers into shelter. The HART team may direct Families with a very high level of housing barriers directly into permanent supportive housing. The key components of this system are an accurate assessment from well trained case workers and a personalized package of services, rather than a one-size-fits-all solution. In 2007, the HART team served 888 families. Of those families, only 26 requested shelter assistance a second time, within a 17 month period.

The City of Norfolk takes a housing-first approach, which assumes that the best way to reduce homelessness is to find housing for homeless individuals and provide the services that are necessary to keep those individuals in housing. In line with this approach, the Norfolk Homeless Consortium coordinated development of a program called My Own Place. There are no applications for the program. Instead, the Projects for Assistance in Transition from Homelessness (PATH) team recruits chronically homeless individuals who experience severe mental illness to participate in the program. These individuals are moved into subsidized apartments. Then the Assertive Community Treatment (ACT) team (including a psychiatrist, nurse, case manager and peer mentor) provide intensive services at the client's apartment.

Norfolk, VA

City-Wide Homeless Services Organization

Since 1993, the Norfolk Homeless Consortium has managed the VA-501 Norfolk continuum of care, which is eligible to receive various forms of federal funding including Community Development Block Grants and annual HUD allocations. Over twenty agencies participate as part of the Consortium – including shelters, service providers, healthcare organizations, city departments and other organizations. Consortium members attend regular meetings and are active on a number of taskforces and committees aimed at developing and maintaining a comprehensive continuum of care.

The Consortium goals for 2011 -2012 are to end homelessness by:

- Increasing system wide utilization of HMIS for programs, activities, events and organizations.
- Increasing community awareness and education on strategies to end homelessness.
- Increasing opportunities for homeless persons to exit homeless assistance programs by increasing their income.
- Aligning expectations for performance, standards and outcomes across all programs within the Continuum of Care.
- Increasing the focus on ex-offenders and veterans through targeted efforts in all the Consortium committees.

In 2004, the Norfolk City Council appointed a Commission to End Homelessness and assigned the Commission with the task of finding a way to end homelessness in the city. Through the work of five sub committees – support services, mental health/substance abuse, resources and awareness, prevention and elimination, and housing – and community input, the Commission generated a 10-Year Plan to End Homelessness.

Once the 10-year Plan was complete, the City of Norfolk established the Office to End Homelessness to oversee implementation of the Plan. The Office serves several key functions. One is to facilitate public involvement in both the planning and implementation of strategies to end homelessness. Secondly, the Office develops policies for the city, related to ending homelessness. A third function of the Office is to assess existing programs and identify gaps or areas for improvement. The Office also participates as an active member of the Norfolk Homeless Consortium.

Norfolk, VA

Union Mission

5100 E. Virginia Beach Blvd, Norfolk, VA 23502

www.unionmissionministries.org

Profile

- Shelter type: emergency and transitional
- Populations served: Single males, women, children, seniors
- Overnight capacity:
 - Men
 - Guest program: 102 beds
 - Single room occupancy (SRO): 30 beds
 - Discipleship & training program: 25 beds
 - Women: 33 beds (includes beds for mothers)
 - Children: 16 beds
- Years in current location: since 2009. At previous location for over 100 years.
- Shelter size:
 - Men's shelter: 29,000 sq. ft.
 - Women and family shelter: 10,000 sq. ft.
- Screen for sex/violent offences at intake: yes
- Allow sex offenders to reside in shelter: no
- Allow previous violent offenders to reside in shelter: yes, only in cases where an appropriate plan for placement has been completed prior to arrival.
- Utilize HUD mandated HMIS database system: no. Instead, utilize Human Services Evaluation and Reporting Tools (H.E.A.R.T.) and do cooperate with the Office to End Homelessness in sharing data.

Available Services

- | | |
|-----------------------|---|
| • Bathroom/shower | • Substance abuse counseling |
| • Sleeping facilities | • Job skills training |
| • Meals | • Assistance with ID and birth certificate applications |
| • Laundry | • Assistance securing permanent housing |
| • Mail/messages | • Donations of furniture and household goods for use in permanent housing |
| • Computer lab | • Referrals to veterans services, Legal Aid and other community services |
| • Case management | |

Norfolk, VA

Summary

The Union Mission became established in downtown Norfolk over a century ago. In 2009, the Mission purchased a property formerly owned by Virginia Natural Gas, near Military Circle shopping center and began transitioning operations out of the downtown. The Mission renovated two buildings on the new site to serve as shelter facilities. They also constructed two new buildings to house a thrift store and homeless day services center. Moving the shelter operations out of the downtown area did have the effect of reducing the overall downtown homeless population.

Union Mission also manages the Hope Haven – a 54 acre rural campus in Virginia Beach. At Hope Haven there is a children's shelter as well as a senior assisted living facility. The configuration of the campus facilitates a relationship of mutual care between the seniors and the children. The seniors are able to share their knowledge and life experience with the children, while benefitting from the children's energy and joy.

The children live in cottages (8 – 10 children per cottage) with a set of houseparents who give the children the same love and guidance that a parent would give. Some children stay at Hope Haven for a short time; most stay until they have completed high school. Since 1965, over 350 children have grown up at Hope Haven.

The assisted living facility is for seniors who have not saved for retirement or have no family to take them in. Union Mission coordinates grant funding so that many of the seniors are able to stay at the facility for a deeply reduced rate.

Community Relationships

Before occupying the property near Military Circle, Union Mission staff met with various neighborhood associations to address any concerns that residents might have about the project. After the new facility was in operation, Union Mission staff invited the neighborhood associations to attend various luncheons and tours of the facility. The Norfolk police force's PACE program, which reports to surrounding neighborhoods, is located on the Union Mission property. Police presence on the property has provided a sense of security for both Union Mission residents and the surrounding community.

Norfolk, VA

Union Mission Wellness Program

The shelter has set aside a limited number of rooms to house those who have just been released from the hospital or who may have contagious illnesses such as influenza. Union Mission staff have developed partnerships with a number of local healthcare related organizations. The shelter has become a destination for various community medical fairs. Access Partnership periodically brings two Navy dental care vans on-site⁴. The Lions Club brings equipment on-site to perform vision and hearing tests. The Lions Club also provides glasses and hearing aid prescriptions. The Bon Secours Caravan locates on-site one day per month to offer medical care to residents as well as to the general public. First Baptist Church of Norfolk periodically holds a medical fair on-site as well.

Union Mission staff will also refer residents to medical services when appropriate. Through a grant from the Sentara Health Foundation, the Union Mission Wellness Program is able to provide transportation for residents to and from doctors' offices and medical facilities.

Transportation Assistance

Union Mission has access to a passenger van that is used to transport primarily women's shelter clients, but also men's shelter clients who may need assistance. Staff provide a limited number of local bus passes as well as occasional bus fare for people who need to travel out of state to visit their families.

Future Plans

Once adequate funding can be secured, Union Mission plans to build an additional building on their main campus near Military Circle, to expand overnight shelter capacity.

⁴ The dentists and dental technicians are not from the Navy

Norfolk, VA

Zoning

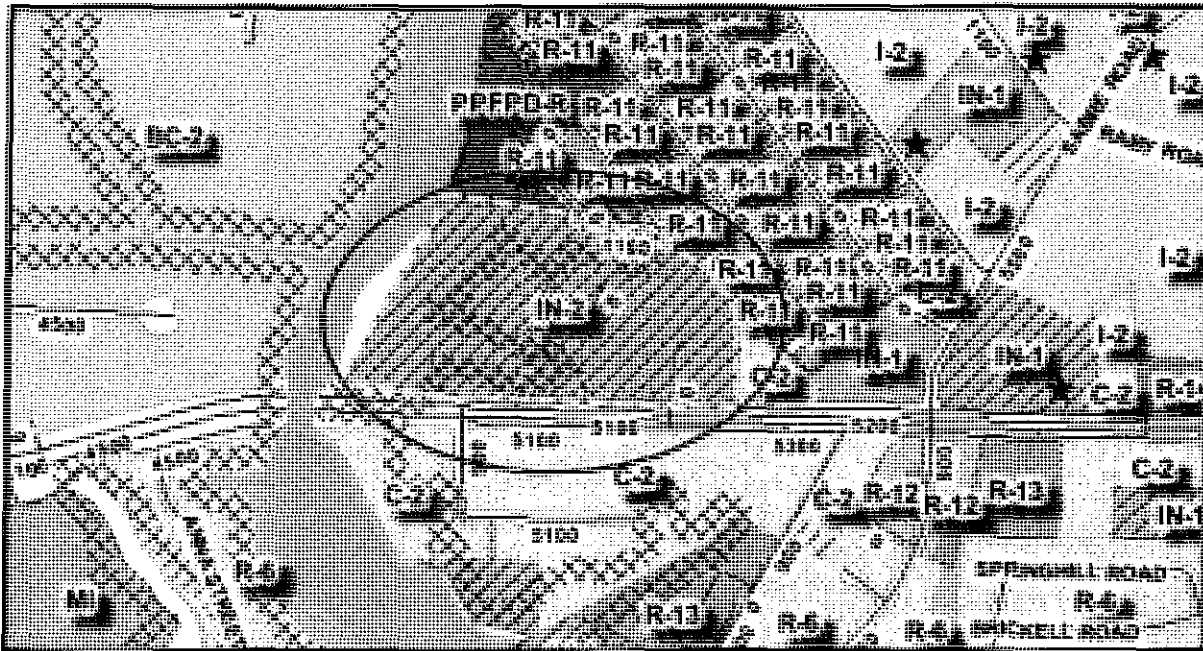
Site: IN-2

To the north: R-11

To the east: R-11 and C-2

To the south: C-2

To the west: Elizabeth River inlet and BC-2



Satellite Aerialphoto from City of Norfolk Zoning Map

Zoning Legend

BC-2	Business and Commerce Park
C-2	Corridor Commercial
I-2	Light Industrial
IN-1	Institutional (special purpose district)
IN-2	Institutional Campus (special purpose district)
PPFPD-R	(definition not available)
R-6	Low Density Single-Family (5.81 du/acre)
R-11	Moderate Density Multiple-Family (15.02 du/acre)
R-13	Moderately High Density Multiple-Family (24.2 du/acre)

Norfolk, VA

Surrounding Land Use Examples

- Moderate density residential
- Commercial corridor
- Auto maintenance shop
- Virginia employment commission
- Appliance repair
- Commercial Printing
- Open space and river inlet

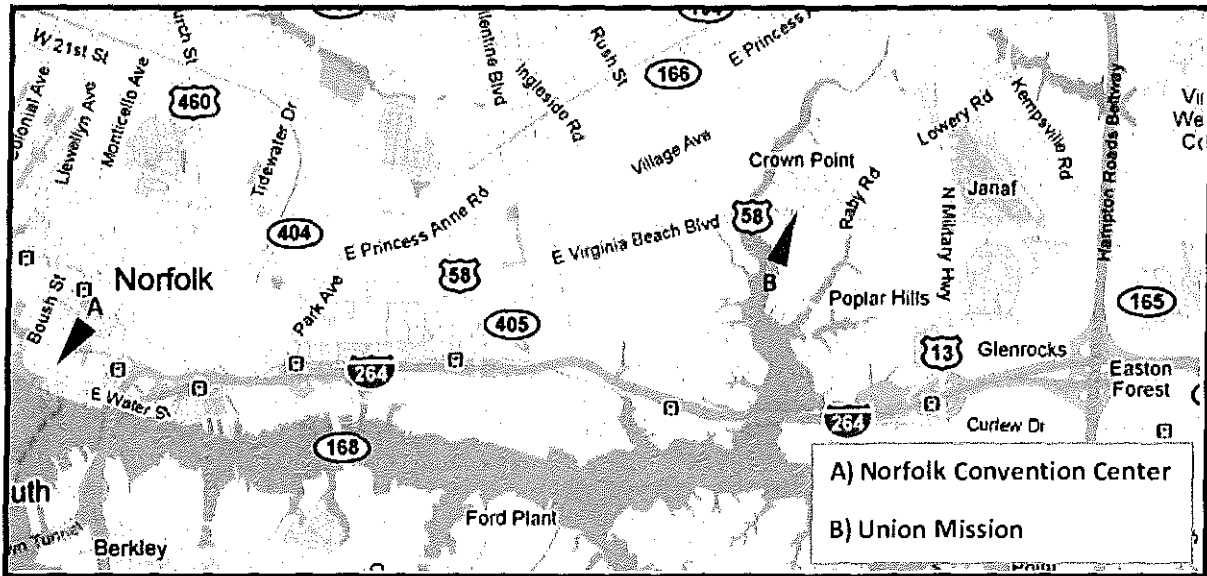


Source: Adapted from Google - Map Data 2011

Norfolk, VA

Location

Union Mission is located east of the Norfolk downtown. It is a 4.3 mile walk from the main Union Mission campus to the Norfolk Convention Center and Visitor's Bureau.



Source: Adapted from Google - Map Data 2011

Norfolk, VA

F.O.R.kids, Inc.

4200 Colley Avenue Suite A, Norfolk, VA 23508

www.homesforkids.org

Profile

- Housing type: emergency shelter, transitional shelter, and permanent supportive housing
- Populations served: families with children
- Overnight capacity:
 - Emergency: 20 families with up to 40 children
 - Transitional: 12 families with up to 24 children
 - Supportive housing: 10 families with up to 20 children
- Maximum length of stay: 120 days
- Years in current location: the oldest of ForKids' multiple shelter locations came into operation in 1991
- Screen for sex/violent offenses: yes
- Utilize HUD mandated HMIS database system: yes

Available Services

- | | |
|------------------------|--|
| • Sleeping facilities | • Transportation assistance |
| • Showers | • Assistance searching for employment |
| • Laundry | • In-home housing stabilization case management for families at-risk of homelessness |
| • Kitchen | • Referrals to appropriate mental and physical health care resources for adults and children |
| • Case management | • Youth enrichment programs including homework assistance |
| • Life-skills training | |

Norfolk, VA

Summary

ForKids operates a collection of small-scale emergency, transitional and permanent supportive housing facilities throughout the City of Norfolk. These shelter facilities are summarized below.

Emergency Shelter

- Haven House (131 D View Ave.): capacity for 10 families.

At the emergency shelter, residents share kitchen, laundry and shower facilities. Each family does have a small fridge in their room.

Transitional Housing

- Morgan Place (7th Bay Street): two apartment buildings which house 7 families.
- Elizabeth Place (West 38th Street): 5 units of housing, as well as program space.

Permanent Supportive Housing

- Dillon Place (819 38th Street): capacity for 6 families. For families in which a family member experiences a chronic physical disability.
- An additional four units of permanent supportive housing have been located in the city.

Program Facilities

- ForKids Family Resource Center (4000 Colley Avenue): houses a library and classrooms.

Norfolk, VA

As the name implies, ForKids offers a rich assortment of programs for children of all ages, from pre-school to high school. Enrichment programs are available on-site at most shelter locations, as well as off-site in other areas of the city. Children have access to homework assistance/tutoring, art and music programs, sports activities, summer camps, and periodic field trips. ForKids provides referrals for parents to access daycare subsidies or other types of child care support. ForKids also offers referrals to comprehensive mental and physical healthcare services for children who need them.

ForKids provides clients with passenger van transportation to important appointments such as those for healthcare, job interviews or social services. Access to van transportation is granted at the discretion of the case manager. Case managers may at times also distribute a limited number of bus passes to clients.

ForKids offers an aftercare program. Everyone who has been housed in a ForKids housing facility has the option to continue case management for six months after transitioning out of ForKids shelter. Case managers provide assistance with household budgeting, crisis management, and other life-skills in order to support the family's transition into permanent housing. During the transitional period, children also have access to the same set of enrichment and tutoring programs.

ForKids continues to expand services and shelter capacity. The organization plans to implement a program to offer one-time grants for rent or utilities assistance to clients. There are also plans to develop 11 new units of permanent supportive housing in the near future. There will be nine units of housing in Norfolk and two units in Chesapeake.

Zoning and Surrounding Land Uses

Because ForKids shelters are located in multiple facilities around the City of Norfolk, zoning and surrounding land use information has not been included in the report.

Ocean City Maryland

Profile

Ocean City, MD

City Profile

Population	49,081
Median Household Income	\$52,600
Per Capita Income	\$31,626
Median Gross Rent	\$816
Median Gross Rent as % of HH Income	29.7%

Above data is presented for Worcester County, MD, in which Ocean City, MD lies
 Source: U.S. Census, American Community Survey (2005-2009)

Continuum of Care (CoC): MD-513 Wicomico/Somerset/Worcester

(The tri-county CoC includes the unincorporated area of West Ocean City as well as Ocean City, MD)

	2010			
	Emergency	Transitional	Unsheltered	Total
Individual homeless persons	125	7	43	175
Persons in households with adults and children	27	28	0	65
Total homeless persons	162	35	43	240
Total General Population of Geography Included in CoC				167,857
		Sheltered	Unsheltered	Total
Chronically homeless		32	18	50
Severely mentally ill		16	27	43
Chronic substance abuse		20	24	44
Veterans		*	*	*
Persons with HIV / AIDS		0	0	0
Victims of domestic abuse		19	2	21
Unaccompanied youth (under 18 years)		0	0	0

*not documented in 2010 Point-in-Time (PIT) count

Source: HUD Homeless Resource Exchange Online Report

Ocean City, MD

Citywide centralized homeless intake: no

The tri-county area (Wicomico/Somerset/Worcester) is primarily rural. According to the shelter director interviewed for this report, cases of homelessness in Ocean City are those that are characteristic for a rural area. There are fewer cases of chronic, urban homelessness than one might expect to find in a resort city. In the majority of cases, individuals became homeless as a result of low-income status or substance abuse.

Ocean City, MD

Diakonia Emergency Shelter and Food Pantry

12747 Old Bridge Road, West Ocean City, MD

<http://diakoniaoc.org>

Profile

- Shelter type: emergency overnight (EOS) and temporary housing.
- Population served: single adults as well as families with children
- Total overnight capacity (EOS + temporary housing): 35 - 45 persons
- Tenure at current location: since 1972
- Allow sex offenders in shelter: no
- Utilize HUD mandated HMIS database system: yes

Available Services

- | | |
|---------------------------|---|
| • Bathroom/shower | • Substance abuse counseling |
| • Sleeping facilities | • Counseling for those at-risk of becoming homeless |
| • Meals (57,000 annually) | • Food pantry |
| • Laundry | • Thrift store |
| • Mail/messages | |
| • Case management | |

Ocean City, MD

Summary

Diakonia is the only homeless shelter serving the Ocean City community. The shelter's current location on the mainland is a desirable one for a number of reasons. The shelter serves the tri-county area and is more accessible on the mainland. Having a location on the island / within the resort district would not generate any greater advantages for the shelter. At the same time, overhead costs for space would be much higher in the resort district in the event that the shelter planned to expand.

Diakonia owns the property on which the two shelter buildings are located. The shelter came to occupy an existing structure in 1972. Even as recently as the early 2000's, the building was surrounded by open space and sparse development. Since then, the shelter has come to be surrounded by a very eclectic neighborhood that includes a family resort and multi-million dollar homes. The shelter works vigilantly to maintain the good relationship it has with neighborhood residents and the larger community. Even major businesses in the resort area were not aware, in the past, of the shelter or the services Diakonia provides. The shelter continues to conduct outreach to advertise itself and build relationships with these entities.

Although there is a tri-county continuum of care, the counties do not have a strong relationship. Often, homeless clients are unable to access public services because agencies are slow to respond. As such, Diakonia conducts its own client intake. Case managers assist clients in assessing needs and developing a service plan. If clients choose not to adhere to the plan and meet goals that have been agreed upon, the client must leave the shelter.

There is a bus stop 0.5 miles from the shelter. In addition, Diakonia owns and operates one passenger van. Shelter staff use the van to transport residents to appointments, at the discretion of the case manager.

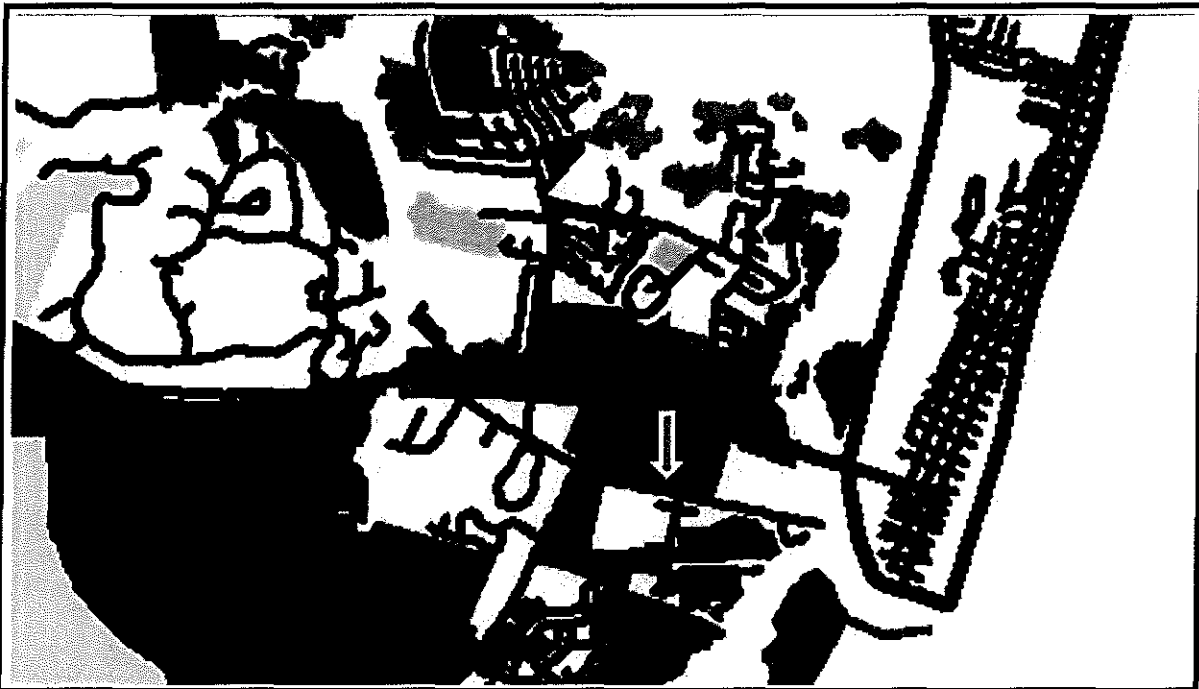
Ocean City, MD

Zoning

Site: Commercial center

To the north, east, and west: commercial center

To the south: existing developed area



Source: Adapted from Worcester County Land Use Map

Zoning Legend

	agriculture
	commercial center
	existing developed areas
	green infrastructure
	industry
	institutional

Ocean City, MD

Surrounding Land Use Examples

- Neighborhood surrounding the shelter is mixed use and very eclectic
- Single family residential, including multi-million dollar homes
- Art framing shop
- Open space
- Marina (to the east)
- West Ocean City Park-n-Ride
- Francis Scott Key Family Resort
(picnic pavilion and indoor pool are adjacent to the north side of the shelter)
- Just north of the Francis Scott Key Family Resort is an outlet mall

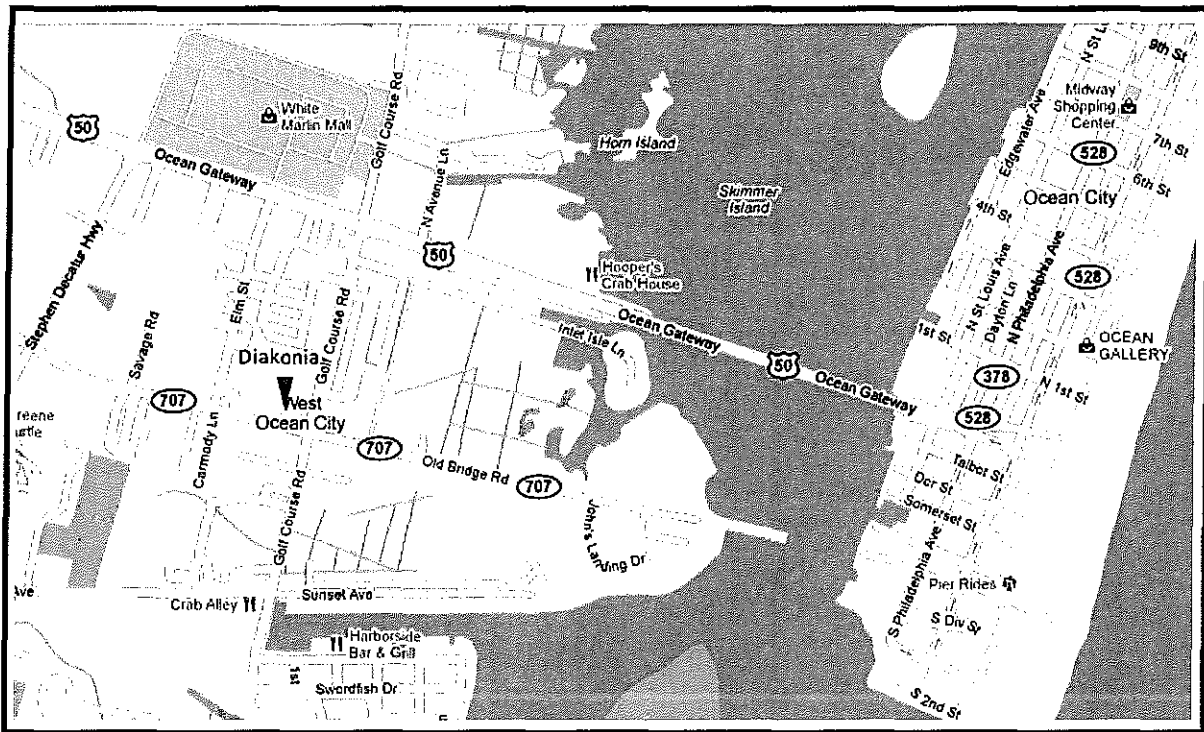


Source: Adapted from Google - Map Data 2011

Ocean City, MD

Location

Lies on the mainland, 1.5 miles from the beach front. The shelter is segregated from the resort / beach barrier island by Isle of Wight Bay inlet. The shelter lies within the unincorporated territory of West Ocean City, MD in Worcester County. The shelter is located approximately 0.5 miles from a public transit stop (West Ocean City Park-n-Ride lot).



Source: Adapted from Google - Map Data 2011.

Myrtle Beach South Carolina

Profile

Myrtle Beach, SC

City Profile

Population	29,945
Median Household Income	\$36,839
Per Capita Income	\$28,916
Median Gross Rent	\$747
Median Gross Rent as % of HH Income	30.8%

Source: U.S. Census, American Community Survey (2005-2009)

Continuum of Care (CoC): SC-503 Myrtle Beach/Sumter City & County

	2010			
	Emergency Shelter	Transitional Shelter	Unsheltered	Total
Individual homeless persons	205	260	646	1,111
Persons in households with adults and children	157	130	127	414
Total homeless persons	362	390	773	1,525
Total General Population of Geography Included in CoC				501,134
		Sheltered	Unsheltered	Total
Chronically homeless		95	134	229
Severely mentally ill		116	95	211
Chronic substance abuse		102	108	210
Veterans		*	*	*
Persons with HIV / AIDS		3	8	11
Victims of domestic abuse		80	116	196
Unaccompanied youth (under 18 years)		15	14	29

*not documented in 2010 Point-in-Time (PIT) count

Source: HUD Homeless Resource Exchange Online Report

Citywide centralized homeless intake: no

The homeless in Myrtle Beach have access to a homeless assistance hotline (CASA): (843) 448-6206.

Myrtle Beach, SC

Street Reach Ministries Shelter

1005 Osceola Street Myrtle Beach, SC 29577

www.helpstreetreach.com

Profile

- Shelter type: emergency overnight and recovery center
- Population served: single adults only
- Tenure at current location: 3 years
- Previous location: 9th Avenue and Kings Highway (four blocks from beach front)
- Building size: 20,000 sq. ft.
- Number of beds: 90 for full-time recovery program, 55 for emergency shelter
- Screen for sex offenders: no
- Allow sex offenders to reside in shelter: yes
Police make periodic visits to check on residents who happen to be registered sex offenders
- Utilize HUD mandated HMIS database system: yes
(also utilize a separate system that is shared by other non-profits in the area)

Available Services

- | | |
|-----------------------|--|
| • Bathroom/shower | • Medical care (Little River Medical Center) |
| • Sleeping facilities | • Work readiness assistance |
| • Meals | • Disability application assistance |
| • Laundry | • Assistance finding permanent housing |
| • Mail/messages | • Life-skills classes |
| • Case management | • 12-step / substance abuse program |
| • Bible study | |

Myrtle Beach, SC

Summary

Clients who enter the Street Reach recovery program begin by setting long-term goals with the help of an assigned case manager. Participants work through a structured series of classes as well as weekly meetings with their case manager. Participants also break out into small groups under the direction of a community mentor.

Residents pay \$40 per week for enrollment in the program. All participants must adhere to program rules and expectations. Shelter management maintains a log of the classes and activities that each participant has fulfilled. If a resident fails to complete a program requirement on time, the management keeps a record. Each participant is allowed three strikes for failure to adhere to expectations. After the third strike that person will be removed from the program.

After successfully completing the 15 week program, clients are eligible to graduate. After graduation clients work with the case manager to set short-term goals and next steps for personal and career development.

Shelter staff stated that moving the shelter inland from the beach front did not affect the demand for services. The current location is close to a variety of social services. In addition, having been located closer to the "party" atmosphere of the beach was not advantageous for homeless persons trying to recover from substance abuse.

The shelter maintains strong relationships with complementary service providers and the Housing Authority, in order to connect clients with the appropriate services as well as opportunities for permanent housing. The shelter does not have much interaction with surrounding neighbors or neighborhood associations, although the shelter does receive a healthy level of support from local businesses in the form of in-kind donations. Local employers approach shelter residents, periodically, for day-labor opportunities.

The City of Myrtle Beach has recently committed \$20,000 to Street Reach Ministries. With these funds the shelter will renovate the second story of its facility, which will add approximately 100 additional beds of shelter capacity.

Myrtle Beach, SC

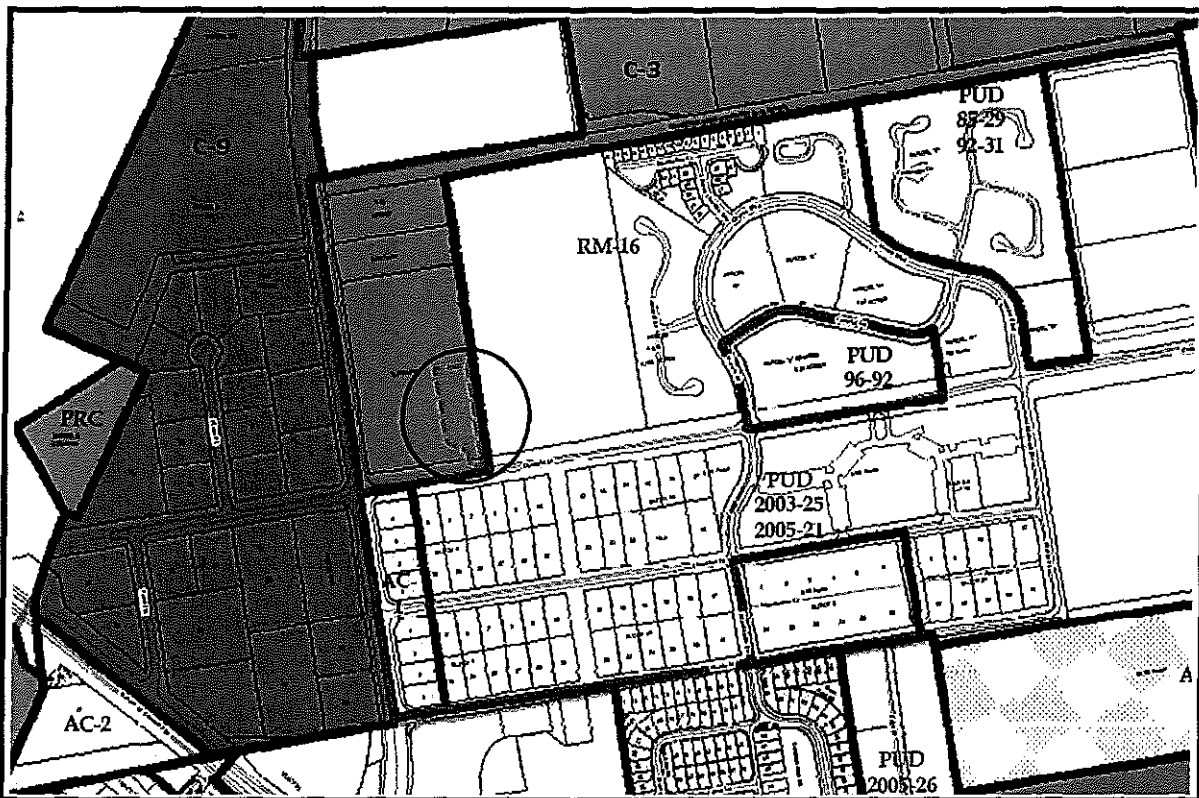
Zoning

Site: C-3 (general commercial)

To the east: RM-16 (medium density/multi-family residential) and PUDs

To the south: PUD and AC-1 (accommodations commercial: transitional residential, office and retail)

To the north and west: C-3



Source: Adapted from City of Myrtle Beach Zoning Map

Zoning Legend

AC-1: accommodations commercial (transitional residential, office and retail)

AC-2: accommodations commercial (transitional residential, office and retail)

C-3: general commercial

C-9: commercial trade(manufacturing)

PRC: parks, recreation and conservation

RM-16: medium density/multi-family residential

Myrtle Beach, SC

Surrounding Land Use Examples

- Neighborhood was described as “rough” by interviewee
- Night club
- Forest /open space (utilized by the homeless for camps)
- Furniture gallery
- Verizon warehouse
- Apartment complex and subsidized housing, managed by Grand Strand Housing Authority – Sandy Gate, Monticello and Quail Marsh
- Radio station / tower
- Social services are nearby



Source: Adapted from Google - Map Data 2011

Myrtle Beach, SC

Haven House

975 Campbell Street, Myrtle Beach, SC 29577

www.myrtlebeachhaven.com

Profile

- Shelter type: emergency overnight
- Population served: families with children
- Tenure at current site: 25 years

Overnight capacity:

- Single mothers with children: 20 beds
- Men-only dorm: 6 beds
- Cribs for small children: 4
- Total sleeping capacity in family rooms: 12 persons

(at the time this report was published, shelter staff could not be reached for an interview)

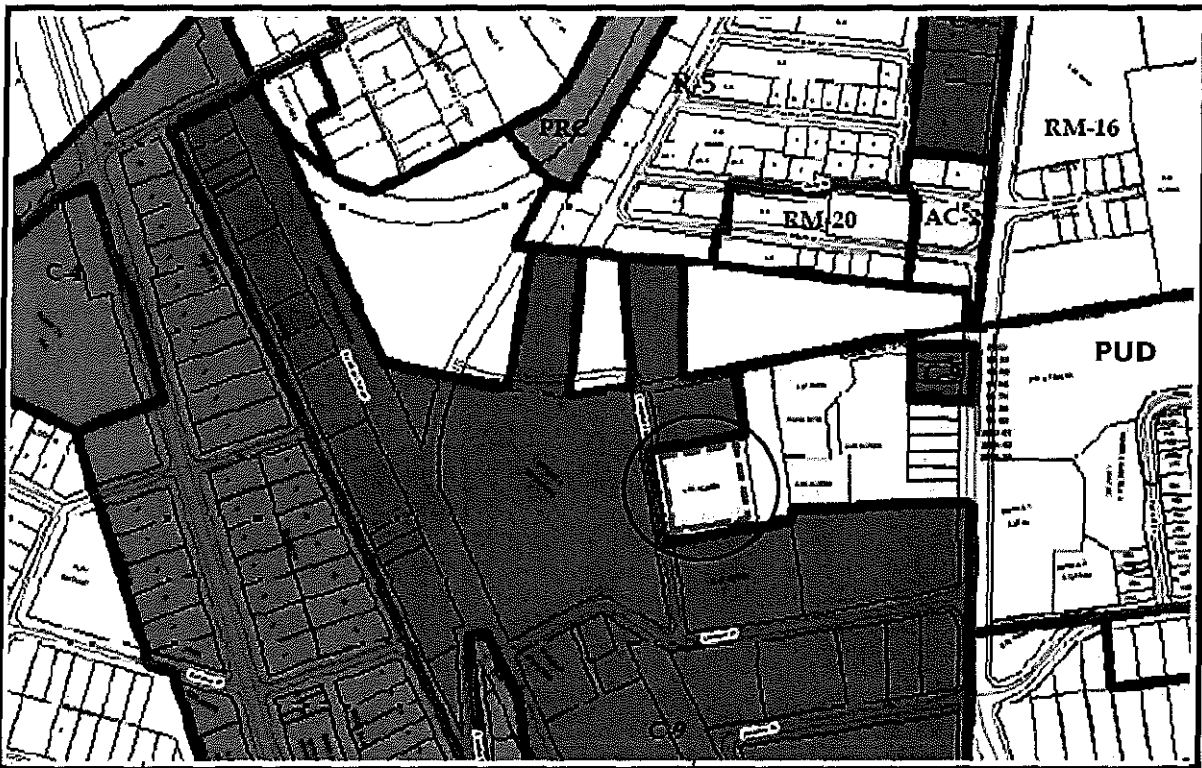
Myrtle Beach, SC

Zoning

Site: PUD

To the north, south, and west: C-9 (commercial trade: manufacturing)
and Horry County land, zoned industrial

To the east: PUD



Source: Adapted from City of Myrtle Beach Zoning Map

Zoning Legend

- AC-2: accommodations commercial (transitional residential, office and retail)
- C-4: neighborhood commercial
- C-9: commercial trade(manufacturing)
- PRC: parks, recreation and conservation
- R-5: single-family residential
- RM-16: medium density/multi-family residential
- RM-20: high-density multifamily residential

Myrtle Beach, SC

Surrounding Land Use Examples

- Lumber yards
- Recycling center
- Laundromat
- Grocery store
- Manufacturing

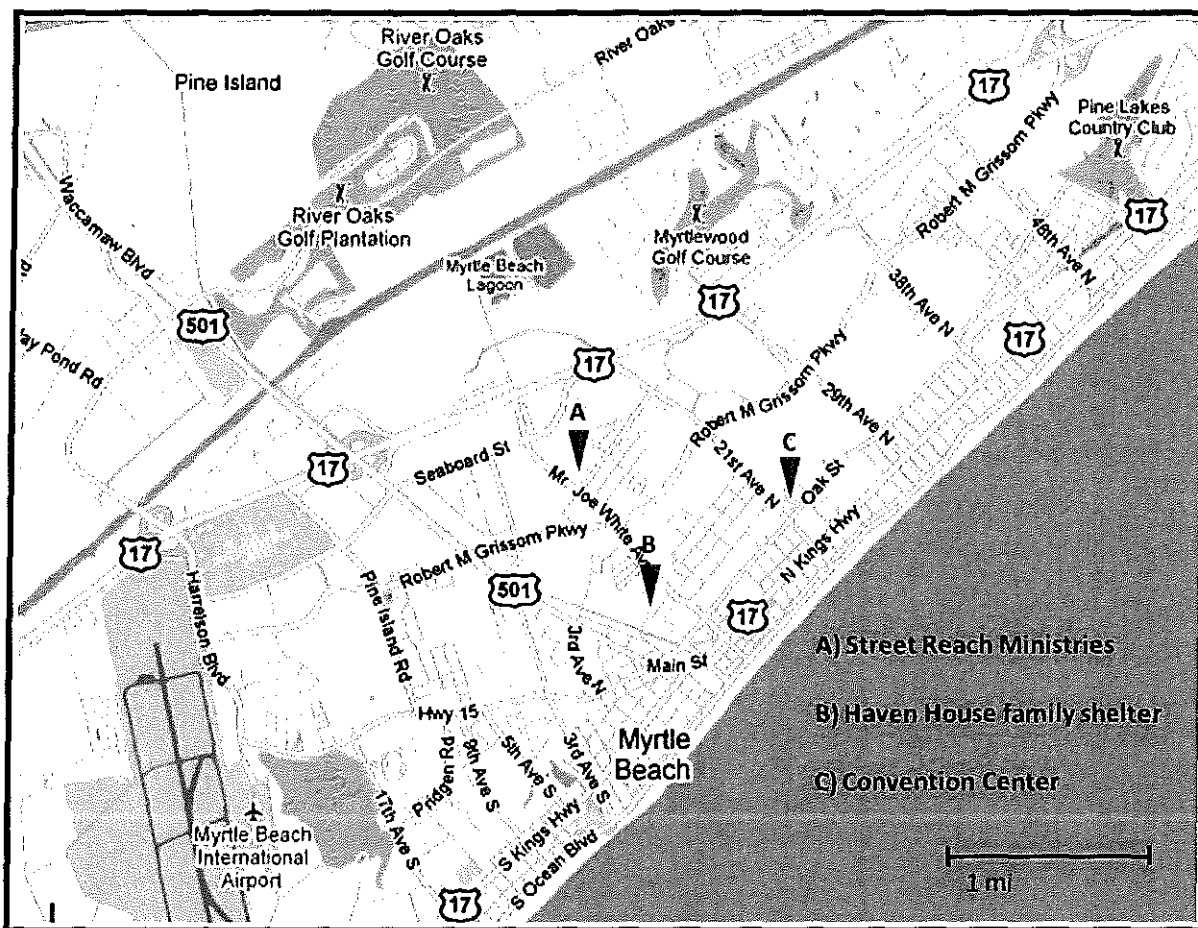


Source: Adapted from Google - Map Data 2011

Myrtle Beach, SC

Location

The Street Reach Ministries shelter is located 1.3 miles from the beach front and 1.5 miles from the Myrtle Beach Convention Center. Haven House is located 0.7 miles from beach front.



Source: Adapted from Google - Map Data 2011.

Daytona Beach Florida Profile

Daytona Beach, FL

City Profile

Population	63,946
Median Household Income	\$30,658
Per Capita Income	\$19,054
Median Gross Rent	\$756
Median Gross Rent as % of HH Income	37.1%

Source: U.S. Census, American Community Survey (2005-2009)

Continuum of Care (CoC): FL-504 Daytona Beach/Flagler Counties

	2010			
	Emergency	Transitional	Unsheltered	Total
Individual homeless persons	61	164	1,452	1,677
Persons in households with adults and children	39	439	0	478
Total homeless persons	100	603	1,452	2,155
Total General Population of Geography Included in CoC				580,076
		Sheltered	Unsheltered	Total
Chronically homeless		0	173	173
Severely mentally ill		49	121	170
Chronic substance abuse		117	330	447
Veterans		*	*	*
Persons with HIV / AIDS		15	61	76
Victims of domestic abuse		154	0	154
Unaccompanied youth (under 18 years)		0	0	0

*not documented in 2010 Point-in-Time (PIT) count

Source: HUD Homeless Resource Exchange Online Report

Daytona Beach, FL

Citywide centralized homeless intake: no

There is a city-wide 211 hotline for emergency assistance. Intake assessments are completed on a shelter-by-shelter basis.

According to the shelter directors who were interviewed for this report, the homeless population tends to spend time in the downtown area where a cluster of supportive services is available. The Daytona Beach police force actively pursues the homeless to remove them from the oceanfront, leaving few homeless people in the resort area.

Daytona Beach, FL

Salvation Army Shelter

560 Ballough Rd Daytona Beach, FL 32114

Profile

- Shelter type:
 - Emergency (EOS)
 - Temporary
 - Full-time drug treatment program
 - Day center
- Population served: single adults
- Tenure at current location: Salvation Army has provided general homeless services on the site since the 1930's. The overnight shelter opened in the late 1940's.
- Total overnight capacity: 75 beds
 - EOS: 28 beds (20 men, 8 women)
 - Temporary shelter: 4 beds for women
 - Homeless Veterans: 7 beds
 - HUD Transitional Supportive Housing: 7 beds
 - Full-time drug treatment program: 29 beds
 - When emergency weather conditions arise, the shelter makes an additional four beds available to anyone in the community who needs them.
- Maximum stay:
 - EOS: 2 weeks
 - Streets Team: 6 months
 - Temporary shelter: 2 years
 - Drug treatment: 2 – 6 months
- Sex offender / violent offender screening:
 - For emergency shelter: no
 - For transitional housing: yes
(sex offenders are not allowed to reside in transitional housing)
- Utilize HUD mandated HMIS database system: yes

Available Services

- | | |
|-----------------------|--|
| • Bathroom/shower | • Laundry |
| • Sleeping facilities | • Mail/messages |
| • Meals | • Full-time, court-ordered drug rehabilitation program |

Daytona Beach, FL

Summary

The approach taken by the Salvation Army is to develop a presence in urban areas based upon demonstrated need for charity services in the area. Likewise, the Salvation Army established a presence in the downtown Daytona area because of a demonstrated need. If there had been a greater demonstrated need for homeless services in the beach-front area, the Salvation Army would have prioritized locating in that area, at the time the shelter was becoming established.

The Salvation Army owns the property on which the shelter operates. They also own an open lot across the street, west of the shelter, which serves as a recreation yard for residents.

A portion of the clients who are housed on an emergency basis become part of the Streets Team program. The Streets Team is comprised of 10 residents who clean up the streets in the downtown area on a full-time basis.

The shelter does not have a transportation services program. Shelter management has access to a limited number of bus passes, which it distributes among residents who are enrolled in the long-term recovery / transitional program.

Daytona Beach, FL

Zoning

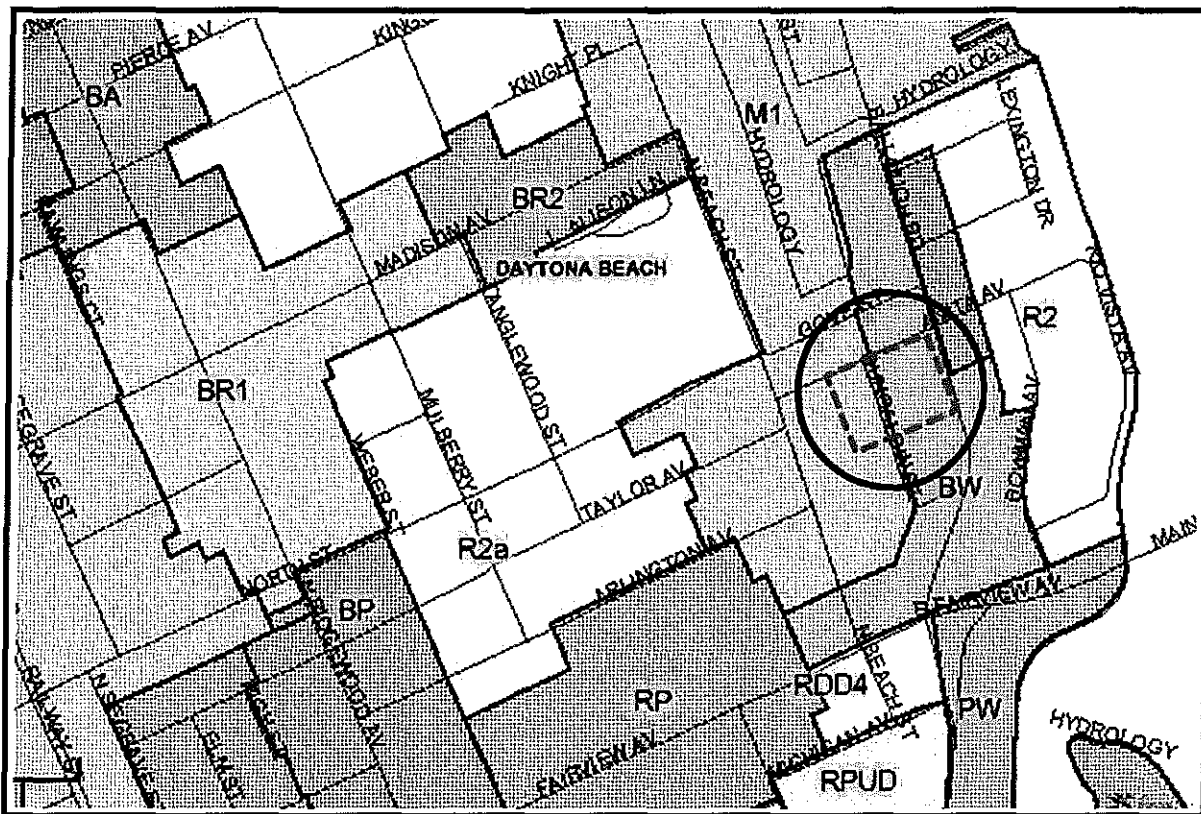
Site: BW (for the shelter), M1 (for the shelter's recreational lot). Site also lies within the Ballough Road Redevelopment Zone.

To the north: M1

To the east: R2, then the Halifax River Lagoon (west of the Daytona Beach barrier island)

To the south: BW and PW

To the west: M1, R2A



Zoning Legend

Source: Adapted from City of Daytona Beach Zoning map

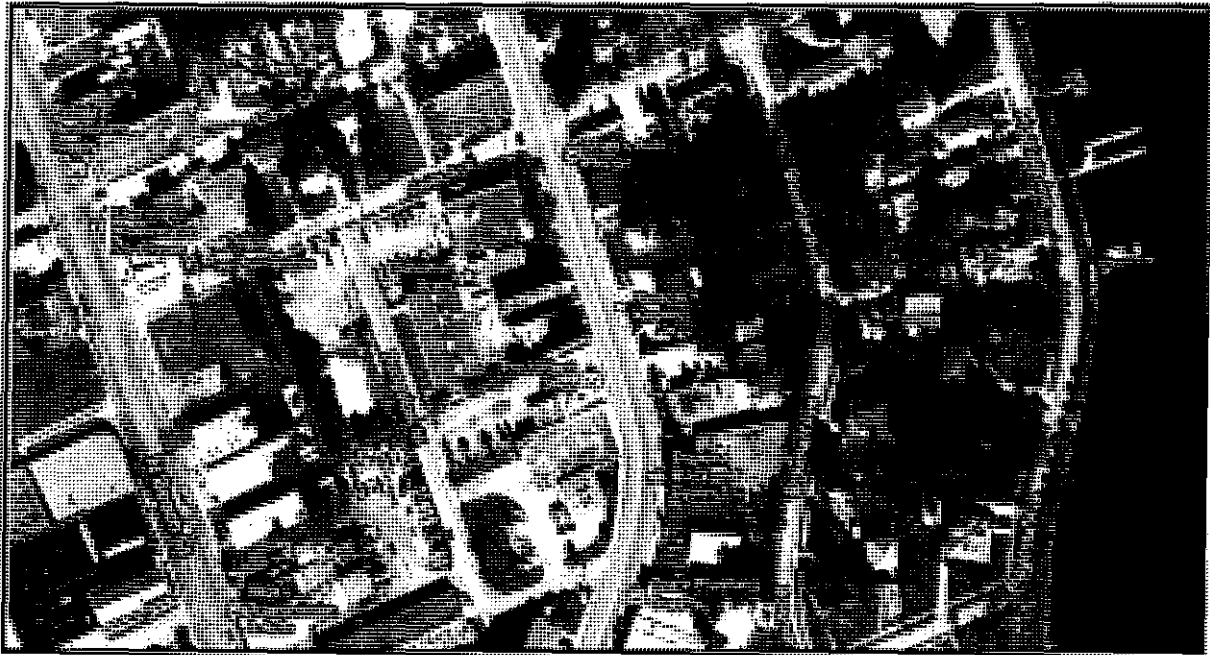
BA	Business Automotive
BP	Business Professional
BR-1	Retail
BR-2	Shopping Center
BW	Business Warehouse
M-1	Local Service Industry

PW	Public waterfront (city owned)
R-2a	Multi-Family Residential
RDD-4	Redevelopment (Business, Motor Vehicle, Mixed-Use)
RP	Residential Professional
RPUD	Residential Planned Unit Development

Daytona Beach, FL

Surrounding Land Use Examples

- Auto services
- Ice cream shop
- Residential
- There is a small neighborhood park to the north west



Source: Adapted from Google - Maps Street View

Daytona Beach, FL

Star Family Center

340 North Street Daytona Beach FL 32114

www.thestarfamilycenter.org

Profile

- Shelter type: emergency overnight and day center (day services end at 4pm)
- Population served: families with children
- Overnight capacity: 94 beds, including 10 for patients just released from the hospital
- Maximum stay: 6 months
- Year opened: October 2006
- Allow sex offenders and/or those with violent offenses: no
The shelter performs a complete criminal background check during the intake process
- Utilize HUD mandated HMIS database system: yes

Available Services

- | | |
|-------------------------|---|
| • Bathroom/shower | • Medical clinic |
| • Sleeping facilities | • Case management |
| • Nap area | • Life-skills classes |
| • Meals | • Assistance with various social service applications |
| • Laundry | • Refurbished bicycle distribution |
| • Clothing distribution | • Work boots distribution |
| • Mail/messages | • Assistance finding permanent housing and employment |
| • Haircuts | |
| • Computer lab | |

Daytona Beach, FL

Summary

The Star Family Center property served as an administrative office for homeless outreach prior to becoming a shelter. The Star Family Center operates as a division of Halifax Urban Ministries and serves both Volusia and Flagler counties.

There are expectations for residents. Each resident must stay on track with his/her case management plan. Each resident is responsible for performing chores, which support the day-to-day operations of the facility. The shelter has a close working relationship with the local police force as well as two major substance abuse treatment centers in the area.

The shelter provides bus passes, gas cards, and bus tickets out of town (to return a client to his/her home city) when funds are available. The shelter has spent \$4,000 so far this year on such transportation aids. The shelter benefitted from the recent donation of a 15-passenger van, which is driven by shelter staff members on an as-needed basis.

The Star Family Center is located in a commercial corridor in a fairly "rough" area of the city. Residential neighborhoods lie to the east and west of the commercial corridor. Some Daytona Beach residents have advocated for the shelter to be moved inland near the Volusia County jail. The jail is located 11 miles from the oceanfront and does not have access to public transit.

Daytona Beach, FL

Zoning

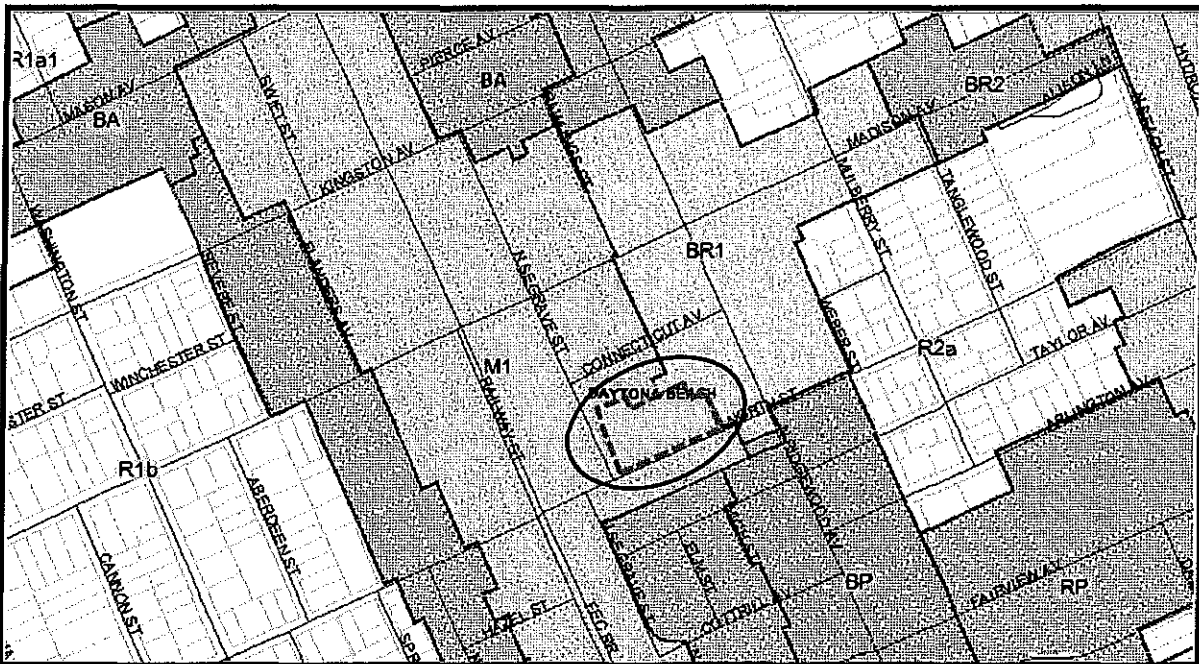
Site: M1

To the north: M1

To the east: BR1

To the south: BP

To the west: M1



Source: Adapted from City of Daytona Beach Zoning Map

Zoning Legend

BA	Business Automotive
BP	Business Professional
BR-1	Retail
BR-2	Shopping Center

M-1	Local Service Industry
R-1 a-1	Single-Family Residential
R-2a	Multi-Family Residential
RP	Residential Professional

Daytona Beach, FL

Surrounding Land Use Examples

- Auto towing lot
- Auto glass service
- Adult bookstores
- Haven substance abuse recovery center
- Convenience store (adjacent to the east)
- Employment services

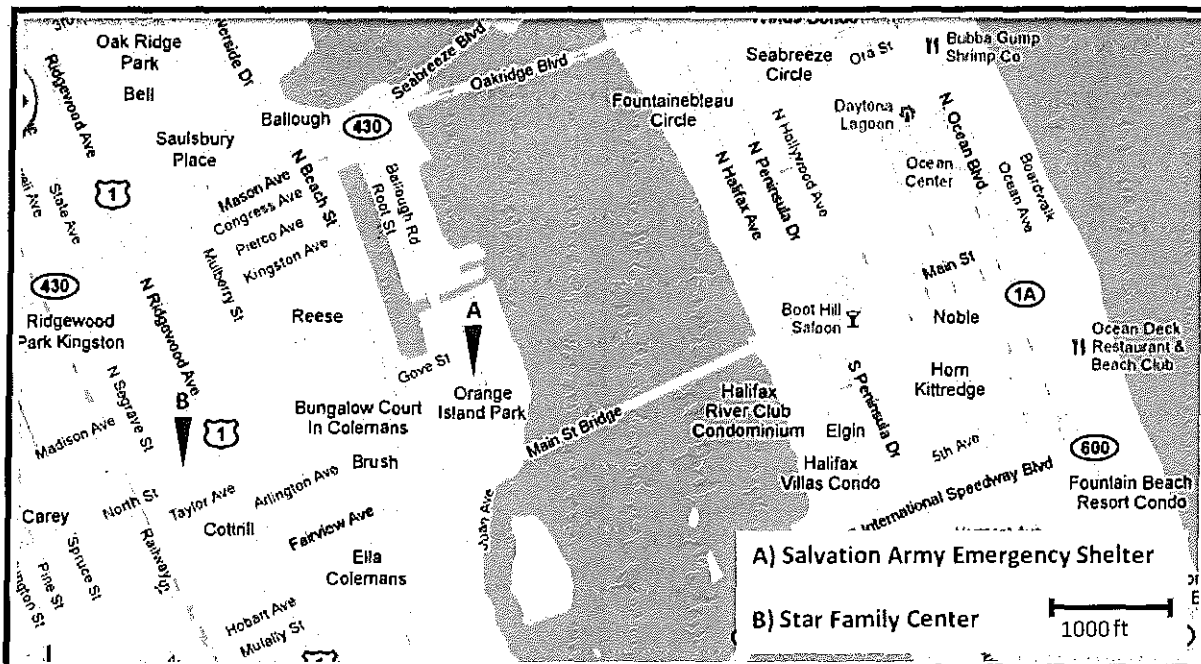


Source: Adapted from Google - Aerial Data 2013

Daytona Beach, FL

Location

Both shelter sites lie in the downtown area. The Star Family Center is a 1.6 mile walk from the oceanfront and one block from a public transit stop. The Salvation Army shelter is a 1.2 mile walk from the oceanfront.



Source: Adapted from Google - Map Data 2011

Fort Lauderdale Florida

Profile

Fort Lauderdale, FL

City Profile

Population	183,374
Median Household Income	\$50,886
Per Capita Income	\$35,867
Median Gross Rent	\$972
Median Gross Rent as % of HH Income	33.6%

Source: U.S. Census, American Community Survey (2005-2009)

Continuum of Care (CoC): FL-601 Ft Lauderdale/Broward County

	2009			
	Emergency	Transitional	Unsheltered	Total
Individual homeless persons	658	1,181	736	2,575
Persons in households with adults and children	226	360	64	650
Total homeless persons	884	1,541	800	3,225
Total General Population of Geography Included in CoC			1,759,132	
		Sheltered	Unsheltered	Total
Chronically homeless		171	206	377
Severely mentally ill		848	0	848
Chronic substance abuse		1,067	0	1,067
Veterans		194	0	194
Persons with HIV / AIDS		97	0	97
Victims of domestic abuse		146	0	146
Unaccompanied youth (under 18 years)		25	0	25

Source: HUD Homeless Resource Exchange Online Report (2010 data not available)

Fort Lauderdale, FL

Citywide centralized homeless intake: no

There is a homeless helpline for all of Broward County: (954) 563-4357

There are three major shelters that serve Broward County. The shelters are located in Pompano Beach, Fort Lauderdale and Hollywood, FL. This profile will focus on the shelter in Fort Lauderdale, serving the central county. Homeless pick-up points are listed on the Broward county website. Homeless are allowed to congregate at these points until the mobile outreach unit arrives to escort them to a shelter. For the central county, the pick-up point is at the Salvation Army lodge.

According to an interviewee, the homeless in Fort Lauderdale follow the feeding schedule of local faith-based organizations and charities. There will tend to be a gathering of homeless individuals around the location where a meal is scheduled to be provided that day/night. The beach area is very hot and not necessarily a desirable place for the homeless to populate during the day. As in other cities encampments still exist throughout Fort Lauderdale where the homeless can be found on any given day.

Fort Lauderdale, FL

Broward Partnership for the Homeless, Homeless Assistance Center

920 Northwest 7th Ave, Fort Lauderdale, FL 33311

www.bphi.org/index.shtml

Profile

- Shelter type: emergency overnight and day center
- Year opened: 1999
- Building size: 57,000 sq. ft.
- Total overnight capacity: 200
 - Two men's dormitories (120 men)
 - Women's dormitory (40 women)
 - Modular family wing (ten families or 40 family members)
- Average length of stay: 60 days
- Allow sex offenders to reside on premises: no
- Utilize HUD mandated HMIS database system: yes
- In 2010, 53% of the unduplicated persons who went through the intake process achieved the outcome of obtaining transitional or permanent housing.

Available Services

- | | |
|----------------------------|---|
| • Bathroom/shower | • Children's learning center classrooms |
| • Sleeping facilities | • Primary medical and dental care |
| • Meals | • Mental health diagnosis and treatment |
| • Laundry | • Support groups and family therapy |
| • Mail/messages | • Substance abuse education, prevention, intervention and treatment |
| • Library | • 12-Step programs |
| • Gym | • Educational services, including GED attainment |
| • Hair salon | • Vocational assessment |
| • Clothing donation center | • Job training and placement services |
| • Computer classes | • Life-skills classes |
| • Case management | |
| • Child care | |
| • Parenting education | |

Fort Lauderdale, FL

Summary

Up until the late 1990's there were no homeless shelters in Fort Lauderdale. There were a significant number of homeless encampments in the downtown area. The public was exasperated and wanted something to be done about the encampments. The response from the city and county was to develop an overnight homeless shelter. The county was willing to fund the program. And the city was willing for the shelter to be located within the city as long as the city could place specific restrictions on the use of the site.

The city sends an auditor to the Broward Partnership complex on an annual basis to assess and enforce the shelter's compliance with the city ordinance that guides use on the site. The design of the building has been a key factor in helping the center to blend into the surrounding urban environment. The two-story building is U-shaped. The building exterior, facing the street, is inconspicuous and has no building number or signage. The building entrance is located on the rear side of the building, facing away from the street. The entrance lets out into a court yard, which includes a smoking pavilion and picnic tables.

The homeless are not allowed to walk up to the building, loiter or form queues on the street-facing side of the building. Instead, an outreach team drives to pick-up points within the city to collect homeless individuals and drop them off at the shelter at 5pm daily. The outreach team consists of a police officer, a social worker and a formerly homeless liaison. As of 2003, coordination of the outreach team has been handled by a separate non-profit organization: The Taskforce For Ending Homelessness.

Strategy

Although the Broward County Partnership is an emergency shelter, the goal of its programs is to help residents work through the issues that contributed to the incidence of homelessness in the first place, to rehabilitate residents, to provide ongoing support, and ultimately to prevent the client / family from relapsing into homelessness.

The service program design passes through four phases:

- 1) assessment, orientation and stabilization
- 2) development of an individualized case plan
- 3) implementing various interventions of the case plan
- 4) preparing for discharge and the provision of ongoing support

The shelter aims to provide a comprehensive set of services so that residents will be able to fulfill a majority, if not all, of their daily needs within the shelter site. This frees up residents'

Fort Lauderdale, FL

time so they can focus on becoming rehabilitated, improving their level of education, and/or finding stable employment.

The organizational development process to arrive at this extensive level of service did not happen overnight. The shelter began by offering a basic set of services: showers, laundry, sleeping facilities. With the addition of full-time development staff, the shelter has gained the capacity to apply for program grants and solicit major donations from the private sector. With increasing levels of income the shelter has been able to expand the number and scope of programs it can offer.

Relationship with Local Residents

When the Broward Partnership first came into operation, the shelter staff would hold monthly meetings with a coalition of five adjacent neighborhood associations to gather input and work through issues. The shelter came to run smoothly and without disruption to the surrounding neighborhoods. The neighborhood advisory coalition disbanded over time because there was no longer a need for it. Now that the shelter is considering an expansion, it will reconvene meetings with these neighborhood associations, the city, and other stakeholders, to work through the process collectively.

Employment Program

The shelter has a robust employment program. There is a staff member who continues to develop relationships with local businesses in order to establish paths to channel shelter residents into employment with those businesses.

Early in the intake process, the shelter conducts an assessment of residents' level of job related skills and job-readiness. For those residents who are considered job-ready upon intake, there are opportunities to go on field trips where residents will engage in simulated job interviews or learn how to navigate through other work-related situations.

The shelter tracks clients' employment progress while the client is residing at the shelter, and even for a time after the client leaves the shelter. If a client successfully retains the same job for one year, the shelter provides the client with a free laptop. In 2010, the shelter gave away ten laptops through this incentive program. Former clients often come back to guide and mentor new Broward Partnership clients.

Fort Lauderdale, FL

Transportation

It is not usual for the shelter to provide van transport to current residents. However, at the discretion of the case manager, shelter staff may drive residents to appointments. Typically this transportation option is offered to the mentally or physically disabled, or in cases where a client has a job interview.

The Broward County police force donates all unclaimed bicycles that it collects to the three county shelters. These bicycles are passed on to residents. The Broward Partnership is able to obtain discounted and free bus passes from the local transit authority. Shelter staff offer the passes as incentives or rewards to residents. Employed residents are able to buy the passes outright at a deep discount.

Medical and Dental Care

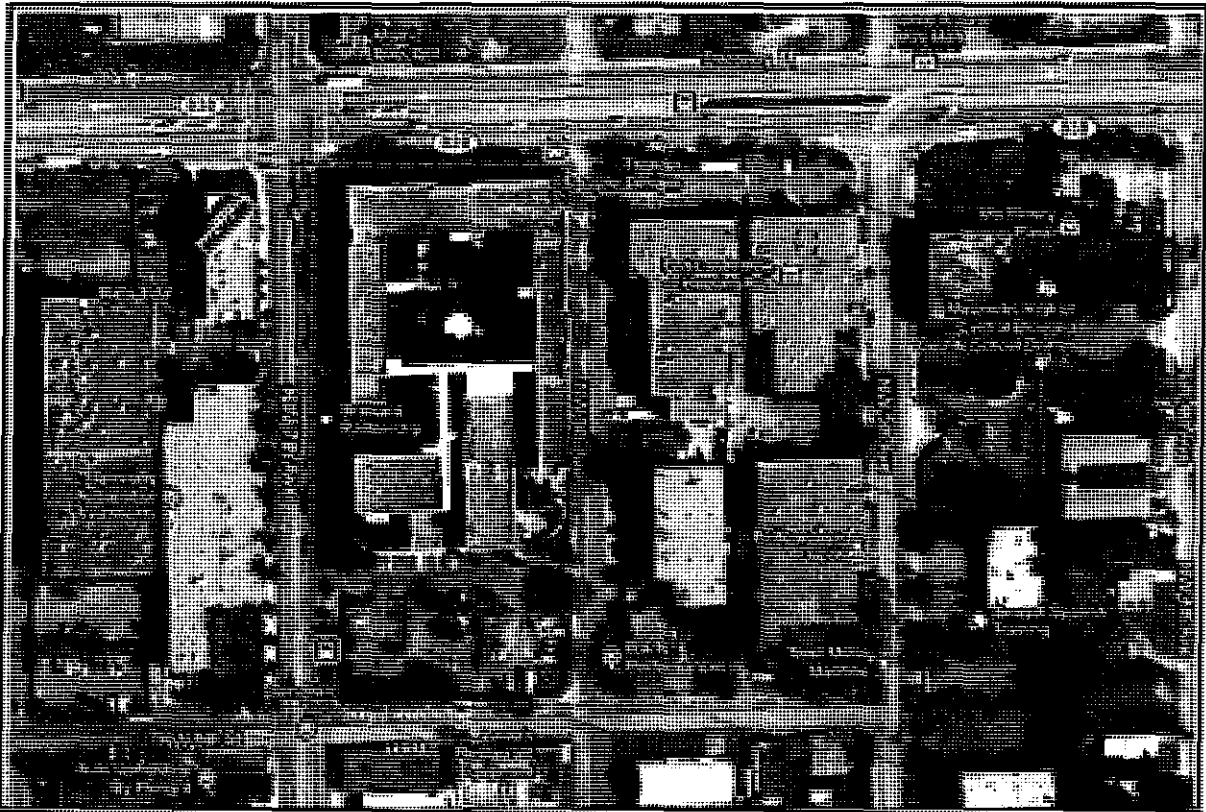
Residents are able to access basic medical care on-site. The shelter is responsible for purchasing the necessary medical equipment. Registered nurses from an outside agency visit the clinic on a regular basis to provide care.

Relying on funding from private contributions, the shelter has been able to offer the Smile Works program. The Smile Works program provides residents in need of major dental reconstruction with a smile that will allow him or her to be confident during job interviews.

Fort Lauderdale, FL

Surrounding Land Use Examples

- The BCPC lies in a transitional district between residential and industrial uses.
- Fort Lauderdale housing authority
- A charter high school (new as of 2010-2011 school year)

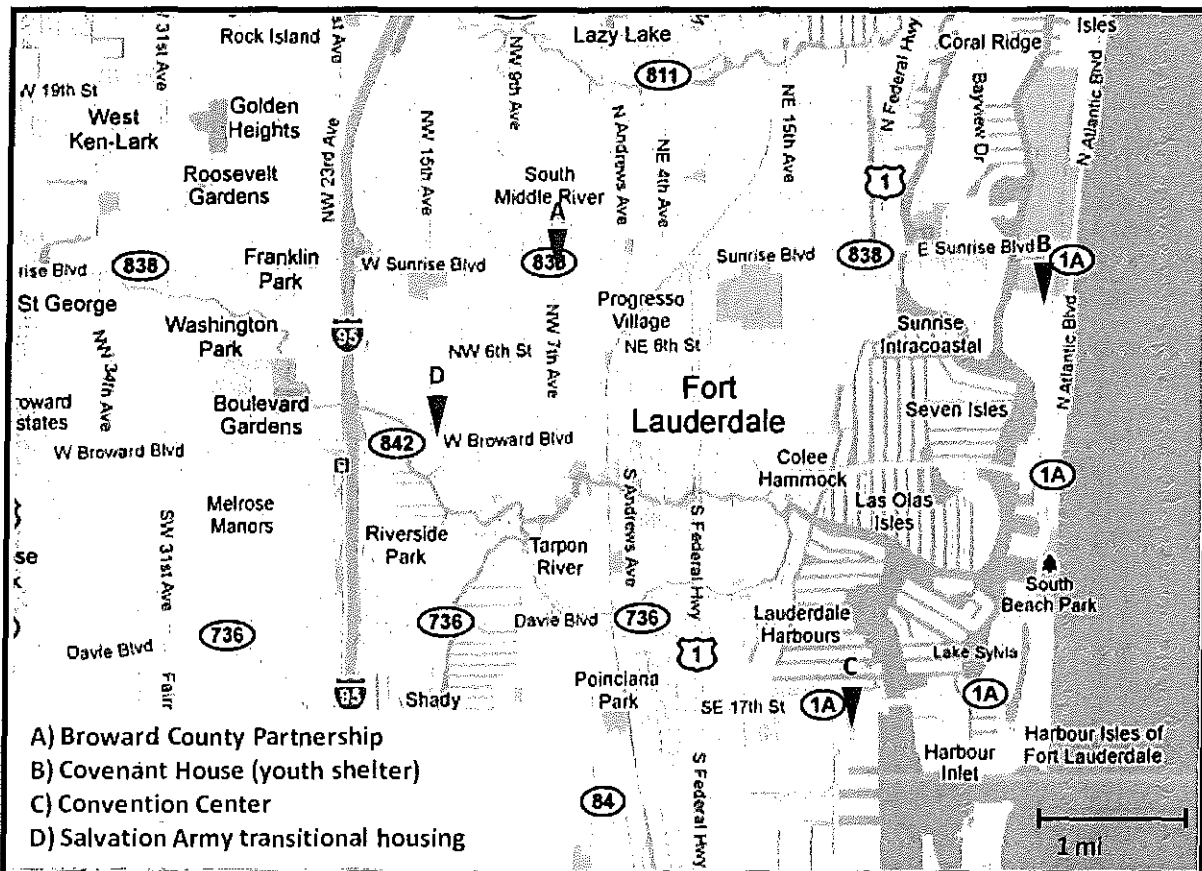


Source: Aerial Photo - Google Earth 2011

Fort Lauderdale, FL

Location

The Broward County Partnership Center (BCPC) is located 3 miles directly inland from the oceanfront. A bus line runs directly in front of the BCPC. It is a four mile walk from the BCPC to the convention center. Additional shelter locations are shown below.



Source: Adapted from Google - Map Data 2011

Key West Florida

Profile

Key West, FL

City Profile

Population	22,914
Median Household Income	\$52,004
Per Capita Income*	\$30,800
Median Gross Rent	\$1,279
Median Gross Rent as % of HH Income	35.1%

Source: U.S. Census, American Community Survey (2005-2009)

Continuum of Care (CoC): FL-604 – Monroe County

(the county CoC includes the city of Key West, FL)

	2009*			
	Emergency	Transitional	Unsheltered	Total
Individual homeless persons	136	90	612	838
Persons in households with adults and children	50	48	104	202
Total homeless persons	186	138	716	1,040
Total General Population of Geography Included in CoC				74,024
		Sheltered	Unsheltered	Total
Chronically homeless		164	125	289
Severely mentally ill		203	0	203
Chronic substance abuse		176	0	176
Veterans		66	0	66
Persons with HIV / AIDS		164	0	164
Victims of domestic abuse		44	0	44
Unaccompanied youth (under 18 years)		16	0	16

*HUD 2010 Point-in-Time (PIT) count data was not available at the time this report was written

Source: HUD Homeless Resource Exchange Online Report

Key West, FL

Citywide centralized homeless intake: no

The City of Key West has identified the need for a homeless day center. A progress report, coordinated by the Southernmost Homeless Assistance League (SHAL), identified that the local government spends \$3.3 million per year to house homeless individuals at the Detention Center, \$500,000 per year for ambulance service, and \$1 million per month on medical care at the Lower Keys Medical Center (during the winter months) for homeless individuals. Public funds will be better spent through a program that assesses the needs of homeless individuals during intake at a day center and directs homeless individuals to the appropriate services, with an emphasis on prevention and rehabilitation.

SHAL is currently conducting door-to-door outreach surveys with local residents to collect recommendations on where to site a homeless day center. The mayor and the police force are both supportive of the day center project. As part of the day center project, SHAL has recommended dedicating funds for a mobile outreach unit. The unit would consist of a driver and case manager, who would pick up homeless individuals off the street throughout the city and bring them to the day center for an intake assessment.

Key West, FL

Keys Overnight Temporary Shelter (KOTS)

5501 College Rd, Key West, FL 33040

www.fkoc.org/emergency_shelter.html

Profile

- Shelter type: emergency⁵
- Population served: single adults

Available Services

- Bathroom/shower
- Sleeping facilities
- Medical care
- HIV testing

The City of Key West contracts with the Florida Keys Outreach Coalition to manage the emergency shelter.

⁵ Despite the word "temporary" in the name, this shelter is an emergency shelter, not a transitional or temporary shelter.

Key West, FL

Zoning

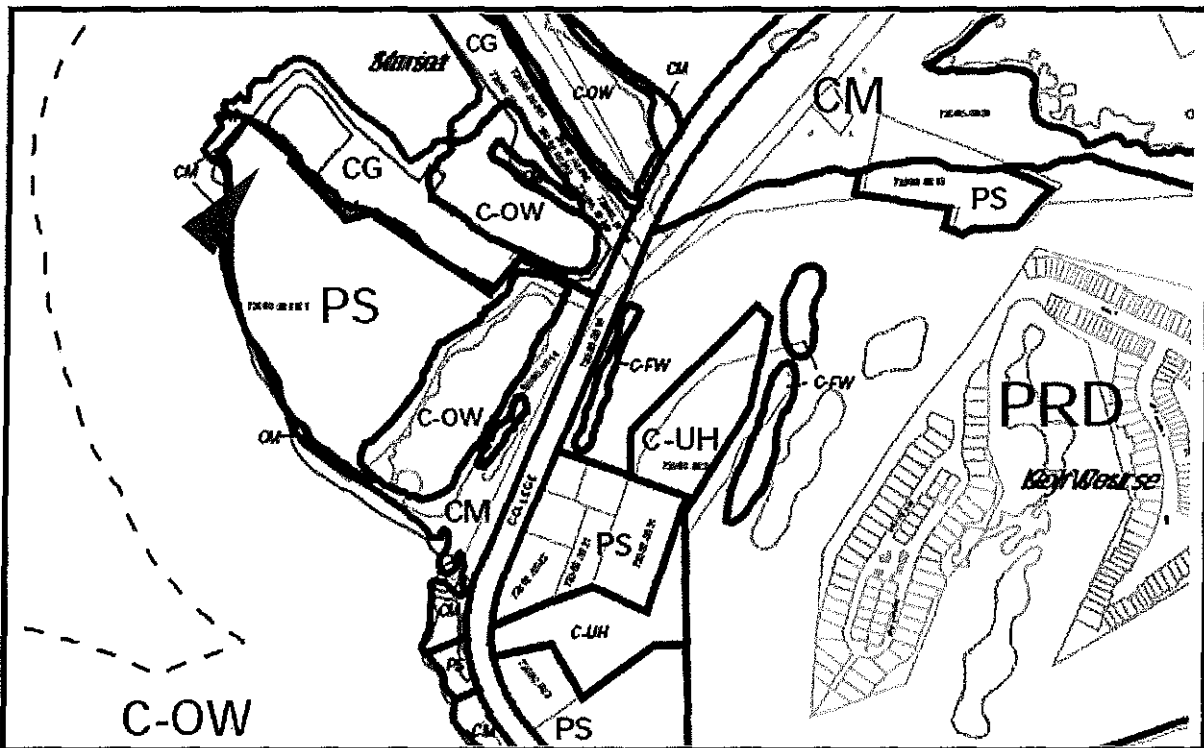
Site: Public services

To the north: General commercial, conservation (ocean)

To the east: Public services, conservation (water inlet)

To the south: Public services, conservation (ocean)

To the west: Conservation (ocean)



Source: Adapted From City of Key West Zoning Map

Zoning Legend

- CG: General Commercial
- PRD: Planned Redevelopment and Development District
- PS: Public Services
- C-FW: Conservation- Freshwater Wetlands
- CM: Conservation- Mangrove
- C-OW : Conservation- Outstanding Waters of the State
- C-UH: Conservation- Upland Hammock

Key West, FL

Surrounding Land Use Examples

- Monroe County detention center
- Florida Keys Society for the Prevention of Cruelty to Animals
- Key West Country Club and golf course
- Sunset Marina and Waterfront Residences
- (building now vacant) Monroe County early childhood development center
- Monroe County mosquito control center



Source: Adapted From Google - Map Data 2011

Key West, FL

Florida Keys Outreach Center (FKOC)

2221 Patterson Avenue, Key West, FL 33040 (The William M. Neece Building)

www.fkoc.org/transitional_housing.html

Profile

- Shelter type: transitional housing and recovery center
- Population served: single men, single women, and women with children
- Years in current location: 8 for men's structure, 12 for women's structure
- Overnight capacity: 70 beds for men, 52 beds for women & children, located in separate buildings
- Maximum stay: two years
- Allow sex offenders to reside on the premises: no
- Utilize HUD mandated HMIS database system: yes

Available Services

- Bathroom/shower
- Sleeping facilities
- Meals for residents
- Laundry
- Mail/messages
- Case management
- Full-time substance abuse program (required daily AA meetings)
- Food pantry for non-residents

Key West, FL

Summary

The FKOC rehabilitation program consists of three phases. During the initial phase there is a high degree of oversight by the shelter staff. Rules are enforced to regulate conduct, such as signing in and out in a log when the residents enter or leave the premises. Residents initially room in the Neece building in bunk-style housing with up to 9 roommates. In the second and third phases of the program, restrictions are removed. Residents progressively gain more privileges and freedom. As residents advance through the program, they are allowed to live in accommodations with fewer roommates. By the third phase of the program, each resident will have only one roommate. All clients are responsible for carrying out daily chores during the course of the program.

Residents are required to seek employment or SSI income and/or to volunteer their time. The fee for residency at the shelter is \$85 per week. This creates an incentive for residents to secure employment. The shelter director stated that a key factor affecting residents' ability to obtain employment is most often self-esteem, even more so than the resident's work history.

The KOTS emergency shelter is typically filled to capacity, while the FKOC transitional housing program is rarely filled to capacity. One reason for this is that some clients can't handle the structured atmosphere of the substance abuse rehabilitation program. Some clients also have difficulty living inside in closed quarters after having lived for many years on the streets.

The FKOC structure used to be a shelter for homeless youth. It was then converted into its current use as an adult transitional shelter. Housing for the second and third phases of the rehabilitation program are located about 1 mile away from the Neece building. These additional housing structures were formerly used for military housing and for social services. Homeless individuals are not allowed to congregate outside or in front of the FKOC building. Residents surrounding the Outreach Center are encouraged to contact the shelter with any concerns that may arise from the homeless population that the shelter serves.

The FKOC offers ancillary services as staff resources and budgets permit. The center does not have a transportation program. However, the Salvation Army does periodically provide used bicycles for program participants.

Key West, FL

Zoning

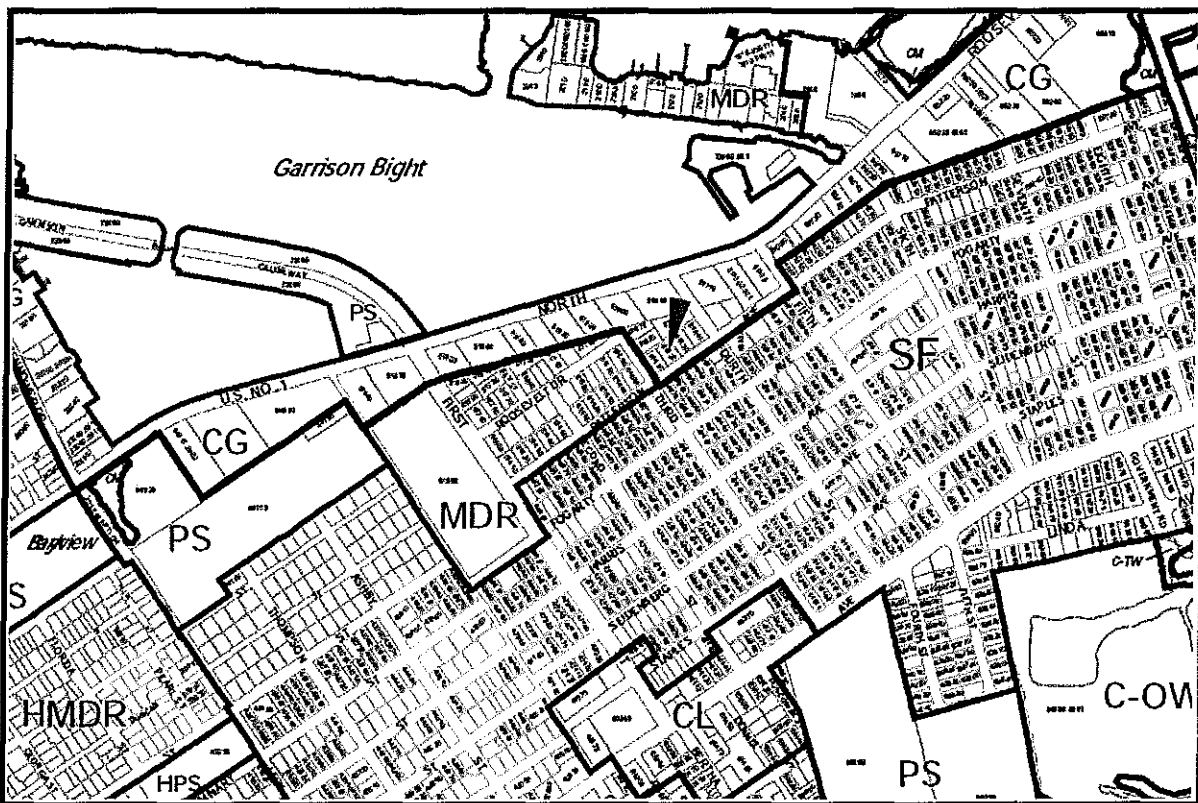
Site: General commercial

To the north: (ocean inlet)

To the east: Single family residential

To the south: Single family residential

To the west: Medium density residential, general commercial



Source: Adapted From City of Key West Zoning Map

Zoning Legend

- C-OW:** Conservation - Outstanding Waters of the State
- CG:** General Commercial
- CL:** Limited Commercial
- MDR-1:** Medium Density Residential 1
- HMDR:** Historic Medium Density Residential
- PS:** Public Services
- SF:** Single Family

Key West, FL

Surrounding Land Use Examples

- Mental health care clinic (directly adjacent to shelter)
- Book store
- Bike repair / sales
- Liquor store
- Single family residential
- Church

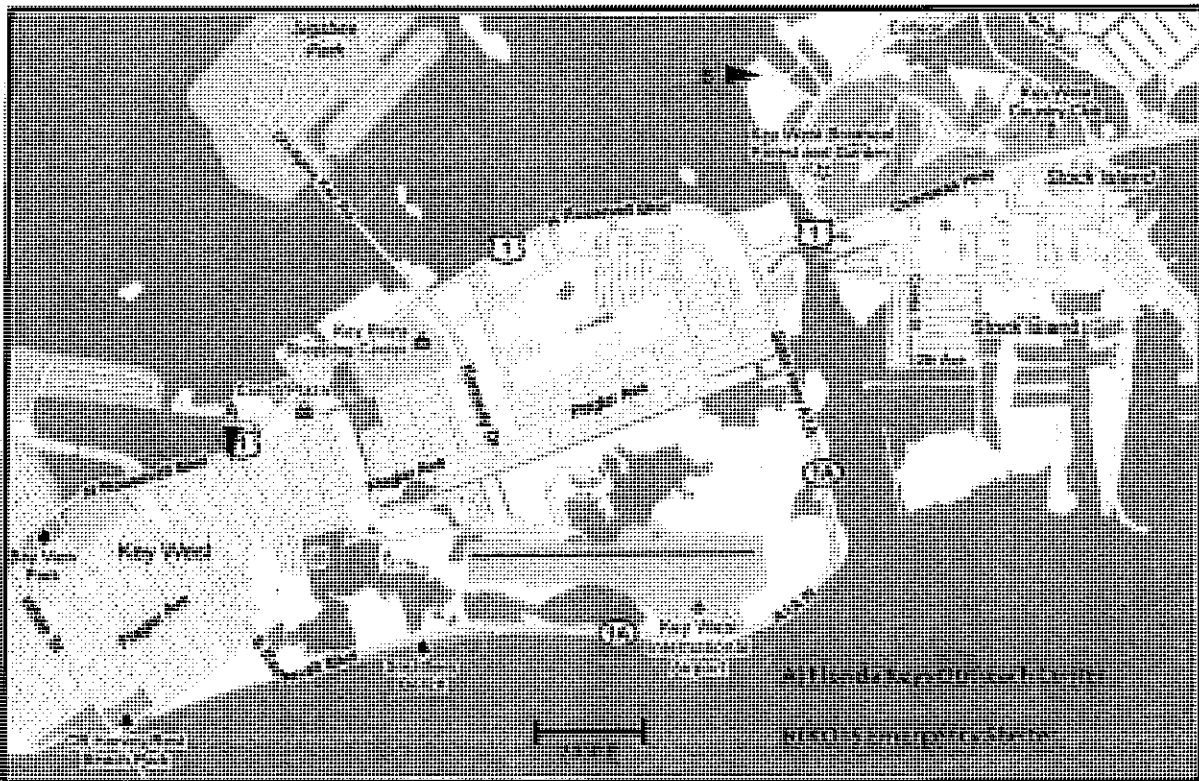


Source: Adapted From Google - Map Data 2011

Key West, FL

Location

Both the outreach center / transitional shelter (A) and the emergency shelter (B) are located in close proximity to the oceanfront. Homeless persons tend to congregate in Bay View and Harvey Parks as well as Smathers Beach. The KOTS emergency shelter is 3.2 miles from Smathers beach, 3.4 miles from Bay View Park and 3.7 miles from Harvey Park.



Source: Adapted From Google – Map Data 2011

San Diego California

Profile

San Diego, CA

City Profile

Population	1,297,618
Median Household Income	\$61,962
Per Capita Income*	\$32,348
Median Gross Rent	\$1,226
Median Gross Rent as % of HH Income	32.1%

Source: U.S. Census, American Community Survey (2005-2009)

Continuum of Care (CoC): CA-601 San Diego (City)

	2010			
	Emergency	Transitional	Unsheltered	Total
Individual homeless persons	500	1,472	2,044	4,016
Persons in households with adults and children	95	410	5	510
Total homeless persons	595	1,882	2,049	4,526
Total General Population of Geography Included in CoC			1,297,618 (same as city population)	
		Sheltered	Unsheltered	Total
Chronically homeless		300	585	885
Severely mentally ill		703	536	1,239
Chronic substance abuse		885	902	1,787
Veterans		*	*	*
Persons with HIV / AIDS		66	123	189
Victims of domestic abuse		452	133	585
Unaccompanied youth (under 18 years)		40	0	40

*not documented in 2010 Point-in-Time (PIT) count

Source: HUD Homeless Resource Exchange Online Report

San Diego, CA

Citywide centralized homeless intake: no

San Diego currently has a year-round family shelter, which was converted from a motel. Given the current economic climate, the San Diego Housing Commission (SDHC) is looking to develop alternative models, which will lessen reliance upon HUD funding. In working toward this goal, the SDHC has been building a partnership with the local YWCA to explore the development of a new, joint homeless assistance model.

The San Diego Housing Commission is currently negotiating plans to renovate a 9-story historic building in the downtown area, to serve as a year-round shelter for homeless adults. The center would be a "one stop shop" for medical care and other necessary services for the homeless, consolidated into one location. The shelter would have 150 emergency beds and 73 units of permanent supportive housing.

The city of San Diego was included in this report based on its classification as a coastal city, but also because it is one of the few coastal cities with a homeless center that operates exclusively during daytime hours (i.e. no overnight shelter). The report will focus on the day center, but the reader should note that there are other major shelters in San Diego that are not featured in this report. The San Diego Rescue Mission, for example, manages a number of shelter facilities for men, women and children and offers clients an extensive set of services including meals, a substance abuse recovery program, life skills classes, and anger management classes and other services. There is a San Diego chapter of the Salvation Army, which offers emergency shelter among other services.

San Diego, CA

Neil Good Day Center (NGDC)

299 17th Street, San Diego, CA 92101

<http://alphaproject.org> (parent organization for the NGDC)

Profile

- Shelter type: day center
Hours: Monday – Friday, 8am – 4pm
- Population served: anyone in need
- Years in current location: since early 1990's
- Screen for sex offenders: no
- Utilize HUD mandated HMIS database system: yes

Available Services

- | | |
|---------------------|---|
| • Showers | • Referrals to 12-step recovery programs |
| • Laundry | • Case management (for a small subset of clients) |
| • Computer room | • Medical care |
| • Mail/messages | (once per month from outside provider) |
| • Veterans outreach | • Transportation program (via outside agency) |

San Diego, CA

Summary

The Neil Good Day Center is situated on land that is currently owned by CalTrans (the state department of transportation) and leased to the city of San Diego. The city in turn contracts out to a service provider to manage the shelter. The city issues a competitive RFP (request for proposal) to service providers on an annual basis. The NGDC has been managed not only by Alpha Project, but also by the St Vincent De Paul Society during various years. A news report⁶ listed the annual budget of the center as \$488,841, with a service population of approximately 250 persons per day. Each year, when the city allocates funding for the shelter in the city budget, some city residents typically protest.

The focus of the NGDC is to offer the homeless a safe place to spend time during the day, away from the stresses of the urban environment, including interaction with city police or security staff on private property. The center employs security staff to ensure clients and other staff members feel safe. Although the NGDC does not conduct any type of background check on incoming clients, the center does enforce a three-strikes policy. Clients who engage in violent or disruptive behavior are given three chances before being escorted from the center and prohibited from entering the facility ever again.

The NGDC offers additional services through partner organizations. There is a partner organization that visits the Day Center periodically to offer van transportation to clients.

The NGDC manager stated that there is a clear need for day services in the city. However, having a full-time facility with overnight accommodations as well as day services would be preferable to having a facility that offers only day services.

⁶ Hall, Matthew T. (May 18, 2011). Neil Good Day Center Gets Funding, Reprieve; San Diego Union-Tribune.

San Diego, CA

Zoning

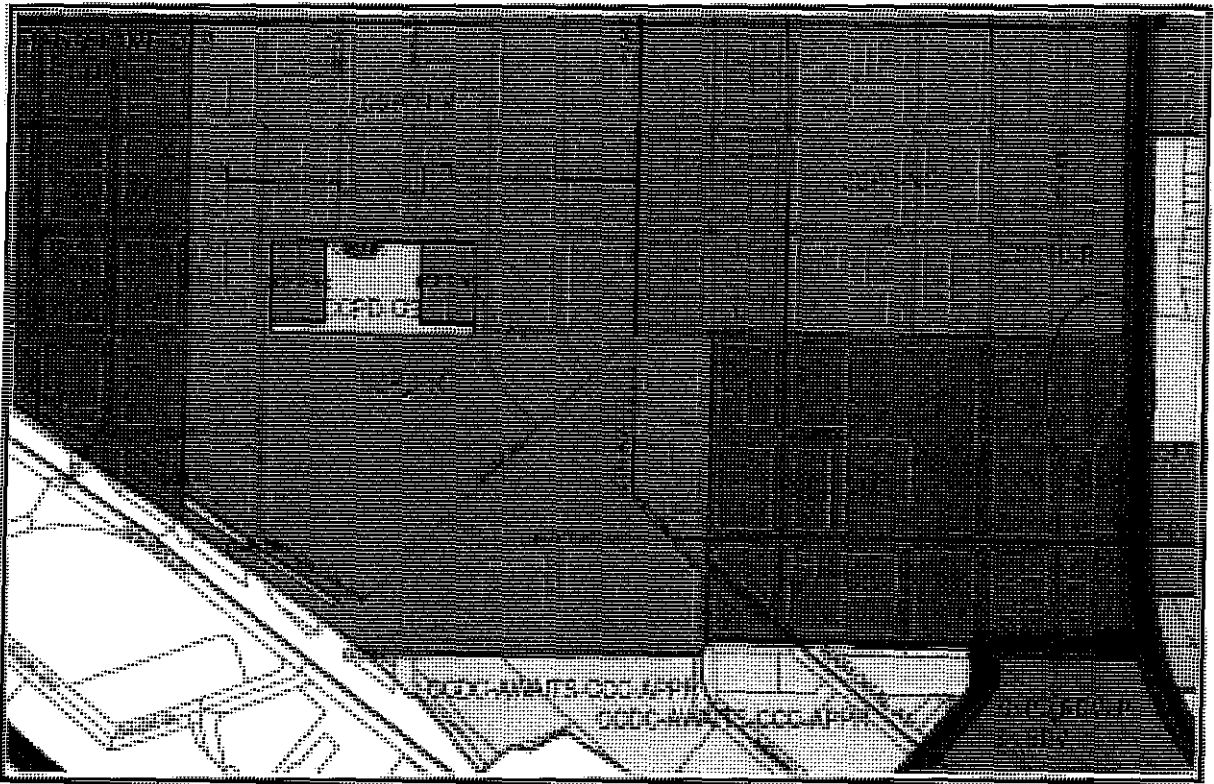
Site: CCPD-MC

To the north: CCPD-R

To the east: Interstate highway right of way and SESDPD-MF-3000 on the other side of highway

To the south: CCPD-MC and redevelopment zone

To the west: CCPD-MC

[illegible]

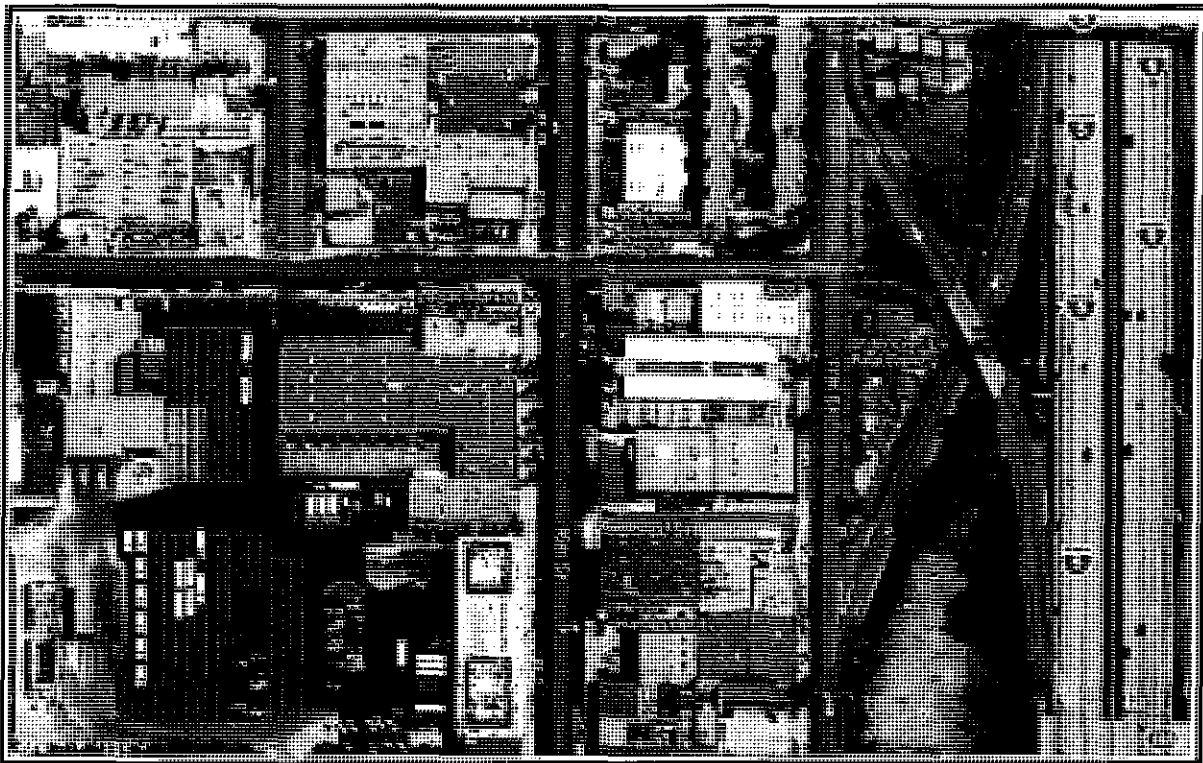
(All classifications beginning with "CC" are commercial zones.)

Precise zoning classification definitions were not available at the time this report was written.)

San Diego, CA

Surrounding Land Use Examples

- Multi-family residential (Ballpark Place Apartments) across the street
- Interstate highway 5
- Auto services
- Custom furniture manufacturer
- Tattoo shop
- Liquor store and corner market
- San Diego Metro Transit Facility

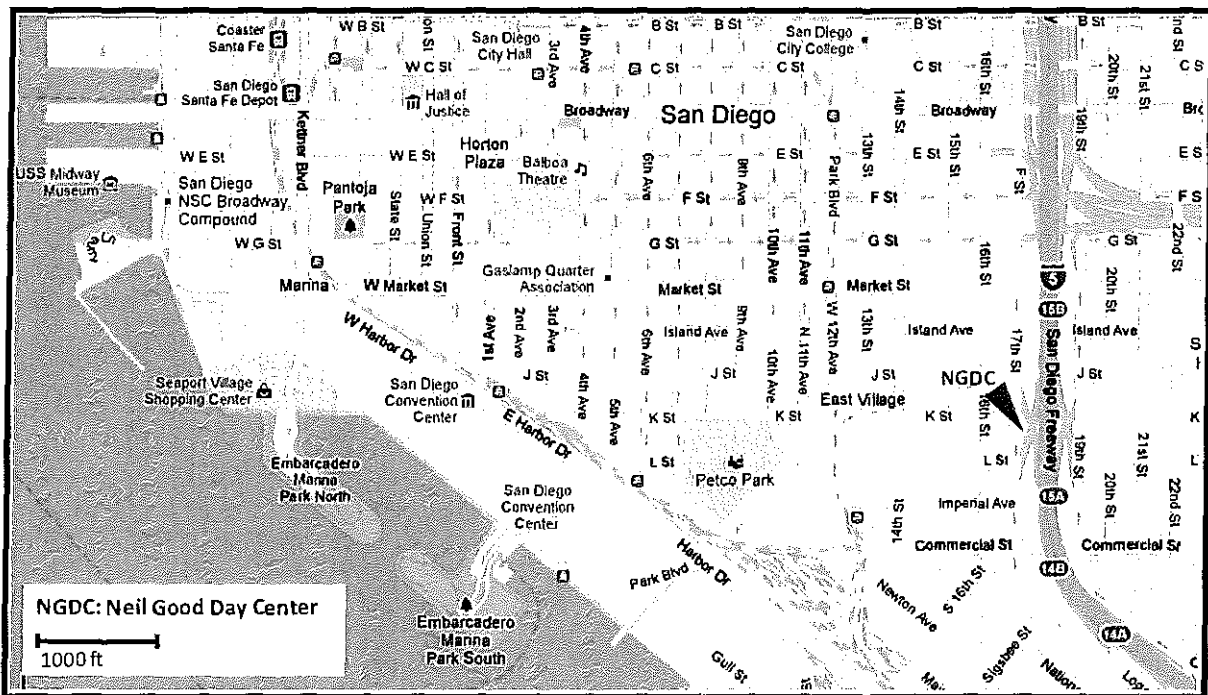


Source: Adapted from Google - Map Data 2011

San Diego, CA

Location

The Day Center is situated in the downtown area. It is a 1.2 mile walk from the Day Center to the Convention Center, which is located on the water front.



Source: Adapted From Google - Map Data 2011

National Models

Since 1996, the US Department of Housing and Urban Development (HUD) has used a competitive application process to distribute homeless assistance funds, in an effort to promote the development of the Continuum of Care (CoC) model. According to HUD, every CoC should ideally include a complete spectrum of programs including:

- Homelessness prevention,
- Outreach and assessment,
- Emergency shelter,
- Transitional housing,
- Permanent supportive housing,
- Affordable housing,

as well as supportive services (such as substance abuse treatment, mental health services, independent living skills development, etc.).

In some localities, a continuum of care may exist in name only, with participating organizations engaging in the minimum level of service and mutual cooperation that is necessary in order to obtain continued federal funding.

The localities in the following section of this report have brought an exemplary level of service and an innovative approach to the CoC framework.

Franklin County Ohio

Profile

Franklin County, OH

County-Wide Comprehensive Model

The homeless prevention and response model in Franklin County, Ohio is well regarded at the national level. For people at risk of homelessness, navigating through what may seem like a random assortment of social services and community resources can be time-consuming, confusing and even daunting. The Community Shelter Board (CSB) of Columbus, Ohio intervenes in this process by linking citizens with a comprehensive set of services that are specific to their needs. CSB acts as a coordinator among existing public and private community service providers throughout Franklin County in order to streamline service provision.⁷

The CSB has implemented a four part model: **Access, Crisis Response, Transition** and **Advocacy**.

Access

CSB seeks to:

- Coordinate between county-wide public and private community service providers
- Connect the homeless and persons at risk of homelessness with appropriate mainstream services quickly and efficiently
- Coordinate and expand client access to employment assistance programs

CSB recognizes that services which support strong families improve the likelihood that children will develop into self-sufficient adults. CSB is implementing a program called the Stable Family Pilot. Goals of this program include:

- Identifying families who are at risk of homelessness and providing them with case management, supportive services and cash assistance, if necessary, in order to keep each family in their existing permanent housing arrangement
- Facilitating homeless children remaining in a stable school situation
- Increasing the capacity of families to appropriately utilize existing community resources

⁷ Some information in this section has been extracted directly from published Community Shelter Board resources. The excerpts are used here by permission of the Community Shelter Board.

Franklin County, OH

Crisis Response

CSB has designated the YWCA Family Center as the sole intake point for those in need of homeless crisis assistance. Identifying a single first point of contact produces a number of benefits, it:

- 1) streamlines the intake process,
- 2) allows for more comprehensive and consistent documentation of individual cases of homelessness,
- 3) eliminates the tendency for a homeless individual or family to spend precious time and resources filling out identical applications, one after the next, for separate service agencies, and
- 4) directs clients to the services that can best meet their needs, thus avoiding unnecessary or duplicative service provision.

The YWCA Family Center is a state-of-the-art facility with case management, childcare, child advocacy services, housing and employment resources, as well as an emergency shelter. The YWCA maintains a strong relationship with each of the existing service providers across the county, in order to direct those experiencing a homeless crisis toward the resources that can best help him/her.

One additional goal of the CSB is to create a collaborative system to better respond to homeless persons who are not seeking out or accessing shelter. Such a system should include a coordinated call and dispatch system, common documentation, and shared outcomes for outreach programs.

Transition

Households and individuals who are cut off from supportive services after a designated maximum service period are at greater risk of falling back into homelessness. Providing supportive services during the transitional period from temporary housing into permanent housing is a key component of a successful homeless rehabilitation program. CSB works with service providers in Franklin County to coordinate provision of short-term supportive services to set clients on a stable path toward self-sufficiency.

Supportive services can include short-term rental assistance, utility deposits, continued mental health counseling, and other interventions. In cases where the client is unable to live independently, due to mental or physical disability, the best service option is to transition the client into permanent supportive housing. CSB intends to work toward expanding the number of units of permanent supportive housing within Franklin County, to meet existing and projected need.

Franklin County, OH

Advocacy

CSB staff meet with local, state, and federal government representatives on an ongoing basis to influence public policy. CSB offers research findings and other information to assist elected officials in developing new programs and policies related to homelessness.

Measuring Outcomes

Data collection and analysis are critical in the process of improving the homeless continuum of care. To the extent possible, the Community Shelter Board of Columbus makes an effort to collect data on program outcomes, rather than simply focusing on the total cost or amount of services expended. In this way, future resources can be dedicated to programs and services that will produce the most significant results. Additionally, in order to access funding from private sources, being able to track and demonstrate progress is essential.

The CSB compiles quarterly reports on system-wide indicators, as well as program-level indicators. The CSB produced a series of specialized reports to evaluate the effectiveness of their recently implemented Stable Families program.

As a result of the Columbus model family homelessness declined 40%; from 1,168 families in 1995 to 696 families in 2004.⁸

⁸ Report from Freddie Mac (May, 2006): Promising Strategies to End Family Homelessness.

Hennepin County Minnesota

Profile

Hennepin County, MN

Hennepin County, MN has implemented a system-wide model that is well regarded at the national level. Some of the key features of the Hennepin County model are: a focus on youth and families; emphasis on rapid-exit from the shelter system / rapid re-housing; and a flexible, results-based, competitive funding mechanism.

The homeless assistance model for Hennepin County begins at the state level. The Minnesota Housing Finance Agency makes homeless program assistance grants⁹ through the Minnesota Family Homelessness Prevention and Assistance Program (FHPAP). Local jurisdictions apply for funding on a bi-annual basis through a competitive application process. Funding allocations are based on the applicant's track record of generating results, leaving service innovation in the hands of the grantee.

The FHPAP has allowed Hennepin County the financial and administrative flexibility to issue RFPs (Requests for Proposal) to local non-profit service providers, stipulating obligations for performance, rather than precise designs for service provision. Non-profit service providers are tasked with moving families quickly out of the shelter system and into permanent housing.

Hennepin County continues to follow a "shelter all" policy, whereby no family with children will be denied shelter. All families experiencing a housing crisis go through a standardized, comprehensive initial assessment to determine the extent of the family's housing barriers. The roughly 80% of families who experience moderate to moderately serious housing barriers are moved into the Rapid-Exit program. Typically, non-profit contractors are able to find housing for these families in the private market. The non-profit contractors coordinate supportive services for both the family and the landlord for six months, to ensure the family has attained a stable living situation. Families who experience multiple barriers to housing are referred to a separate, more intensive service track.

A number of factors have contributed to the success of the Rapid-Exit program, but two in particular are notable. One factor has been the availability of culturally attuned and well-trained case managers. Many of the case managers who help homeless families may have been single parents, lived in poverty, or even experienced homelessness themselves. The case manager must be able to act as a role model and inspire the client. A second factor has been the non-profit agencies' ability to develop relationships of trust with private-sector landlords.

Over a four year period when the Rapid-Exit program was first being implemented, the total number of "bed nights" that the County purchased, declined by 70%. Between 2007-2008, Hennepin County's Rapid-Exit program helped move more than 1,276 out of the shelter system and into permanent housing. For at least six months or more after their cases were closed, 95

⁹ Approximately \$14.6 million in state-wide funds are expected to be available for the 2011 – 2013 grant making cycle.

Hennepin County, MN

percent of families did not experience a recurrence of homelessness. The cost of the program was an average of approximately \$1,100 per family.

The County also provides an array of homeless services specifically for homeless youth. There are four shelters for homeless youth in the County. Just like adults, youth have access to a comprehensive set of social services that are specific to their needs. In addition to other programs, there is a Transition to Independence program, which assists youth who have aged out of the foster care system to find transitional housing, market-rate housing, college dorms, or other appropriate housing situations.

Homeless single adults in the County may apply for shelter at a centralized location in the downtown area or call the shelter coordination team for assistance securing shelter. The three private shelters for single adults hold a coordinated weekly lottery for shelter spaces. There are an additional two major shelters that operate under contract with the city.

Building Relationships with Law Enforcement

The Minneapolis downtown zone has benefited from an innovative street outreach model. St. Stephens Human Services, a local non-profit, employs an outreach team to find homeless individuals on the street and provide those individuals with shelter and services. Street outreach itself is not a new idea. What is different about the St. Stephens outreach model is the unique partnership the outreach team has developed with the Minneapolis Police Department and the City Attorney's Office.

St. Stephens staff has access to the downtown security community's radio communication system. The outreach team can be dispatched in lieu of the police force, in appropriate instances where homeless individuals are involved. This approach has served to shift the response to homelessness from a criminal justice response to a more appropriate social service response. According to police records, between 2008 and 2009, there was a 14 percent reduction in arrests, in the downtown zone, of people with no permanent address.

10-Year Plan to End Homelessness

In 2006, Hennepin County developed Heading Home Hennepin, its 10-year plan to end homelessness. At the same time, the County established the Office to End Homelessness (OEH), a cross-departmental team of Hennepin County and City of Minneapolis employees, in order to coordinate implementation of the plan. The plan, which was developed through an intensive community input process, identifies six major goals and prescribes detailed action steps that must be taken to achieve those goals.

Hennepin County, MN

The six goals of the 10-year plan are:

1) Prevent Homelessness

Keep people in their housing whenever possible and ensure that no one becomes homeless when they leave public institutions such as prisons, hospitals or foster care.

2) Provide Coordinated Outreach

Develop a comprehensive street outreach program to provide housing and resources to people sleeping outside.

3) Develop Housing Opportunities

Create housing opportunities for all individuals and families in need.

4) Improve Service Delivery

Increase access to services so people can obtain and remain in housing.

5) Build Capacity for Self-Support

Assist individuals and families in building their personal income through employment, education, and benefits.

6) Implement System Improvements

Enhance the efficiency and effectiveness of service systems already in place.

Conclusions

In terms of number of facilities, the level of assistance offered to the homeless population is similar among East Coast resort cities, including Virginia Beach. The majority of profiled oceanfront cities offer essentially one shelter for each type of demographic group: one shelter for single adults, one shelter for families (or women with children), and one shelter for youth. An exception is Ocean City, MD where there is only one shelter serving the tri-county homeless population. However, the Ocean City shelter serves each of these homeless demographic groups within the same shelter. In terms of the number of homeless individuals who can find overnight accommodation within the shelter system, the capacity of each city varies.

On the high end, Broward County Partnership in Florida and Union Mission in Norfolk each can accommodate 200 or more persons per night. On the lower end of the spectrum, Diakonia shelter in Ocean City, MD can accommodate between 35 – 45 persons per night. In Virginia Beach, JCOC provides 50 beds for overnight emergency shelter that are available year-round. From October through April, a minimum of 62 additional beds are available through a consortium of faith-based community facilities within Virginia Beach.

Services that were common to the majority of shelters profiled in this report are basic necessities: bathrooms, showers, laundry, meals, limited to full-time case management, limited-term medical care through an outside agency, and substance abuse counseling. A common constraint among most of the shelters was the reality of operating with small budgets and limited staff. As such, most shelters offer ancillary services on an ad hoc basis, services which expand or contract in relation to current staff and funding resources. The most common ancillary services were employment assistance, life-skills training and transportation assistance (bus passes and bicycles).

Sources

City of Minneapolis Commission to End Homelessness, (December, 2006). Heading Home Hennepin: The 10-year Plan to End Homelessness in Minneapolis and Hennepin County.

Department of Housing and Urban Development, Office of Policy Development and Research (May, 2002). Evaluation of Continuums of Care For Homeless People: Final Report.

National Alliance to End Homelessness, Solutions Brief (September 28, 2010). Beyond Planning: Minneapolis and Hennepin County.

U.S. Department of Housing and Urban Development Homeless Reports. Accessed July, 2011 from: www.hudhre.info/index.cfm?do=viewHomelessRpts

Norfolk Homeless Consortium website. Accessed August, 2011 from: www.norfolkhomelessconsortium.org

Individual shelter websites (listed in shelter profiles)

Maps

City of Daytona Beach zoning map. Accessed July, 2011 from: <http://gis.codb.us/Freeance/Client/PublicAccess1/index.html?appconfig=CityMap>

City of Fort Lauderdale zoning map. Accessed July, 2011 from: <http://ci.ftlaud.fl.us/gis/files/maps/Zoning%20Map.pdf>

City of Key West zoning map. Accessed July, 2011 from: www.keywestcity.com/egov/docs/1161957236_949066.pdf

City of Myrtle Beach zoning map. Accessed July, 2011 from: www.cityofmyrtlebeach.com/PDF%20Forms/Zoning%20Map.pdf

City of Norfolk zoning map. Accessed August, 2011 from: http://gisapp2.norfolk.gov/zoning_mapper/viewer.htm

City of San Diego zoning map (grid 15). Accessed July, 2011 from: www.sandiego.gov/development-services/zoning/pdf/maps/grid15.pdf

City of Virginia Beach zoning map (grids L06 and L07). Accessed August, 2011 from:
www.vbgov.com/file_source/dept/planning/ZoningGridReferenceMap.pdf

Worcester County, MD land use map. Accessed July, 2011 from:
www.co.worcester.md.us/cp/images/Adopted_LUP_11x17_3-14-06.jpg

Salt Lake County Collective Impact on Homelessness Endorsement of Shared Vision and Outcomes



RESOLUTION of the COLLECTIVE IMPACT ON HOMELESSNESS STEERING COMMITTEE

WHEREAS, we have a common vision to provide housing and services as quickly as possible to those who are at risk for homelessness or homeless;

WHEREAS, we want everyone in our community to have a safe place to live;

WHEREAS, we want our homeless housing and services solutions to be system-oriented rather than agency oriented, and to promote engagement rather than enablement;

WHEREAS, we use our collective expertise, resources and data to continuously improve our homeless housing and services systems so that they are safe, integrated, efficient, and focused on self-sufficiency,

We agree as follows:

AGREEMENT 1: PURPOSE OF SHARED OUTCOMES

1.1. The Shared Outcomes represent the consensus of the Salt Lake County Collective Impact Steering Committee and serve as a reference and tool for current and future decision makers at the private, local, state, and federal level.

1.2. The intent of the Shared Outcomes is to guide the alignment of efforts and resources to ensure that the services we provide and the solutions we propose to solve the complex issue of homelessness best address our collective community needs.

1.3. The Shared Outcomes signify support for a redesign of the homeless housing and service system that can only be carried out in partnership with the State of Utah, local governments, service providers, businesses, community leaders, private funders and representatives of individuals who are homeless.

1.4. We agree to work diligently and in good faith to realize the Shared Outcomes – collectively and within our respective organizations and jurisdictions.

1.5. We recognize that reaching the Shared Outcomes will require further rigorous analysis and public review of community needs by other state, local, or private decision-making processes.

AGREEMENT 2: ACTIONS TO SUPPORT THE SHARED OUTCOMES

2.1. To achieve the Shared Outcomes, and in recognition of the inherent challenges in doing so across a large number of entities, perspectives, voices and jurisdictions, we agree:

2.1.1. To consider options for continued multi-jurisdictional coordination, collaboration, and communication, including a publically accountable governance structure, to facilitate achieving the Shared Outcomes and adapting them as informed by changing circumstances and data.

2.1.2. To work together to encourage other community members and leaders to align their efforts and resources with the Shared Outcomes, including but not limited to funding and authority necessary to prepare studies and perform work.

2.1.3. To build upon public engagement efforts and to maintain public transparency.

2.1.4. That decisions founded on the Shared Outcomes will be consensus-based and will not supersede the authority of any existing federal, state, and local jurisdictions.

AGREEMENT 3: SHARED OUTCOMES

We recommend these 14 strategically linked outcomes in four key areas of focus as the current priorities for our community:

Outcomes for County Residents Experiencing or At Risk for Homelessness:

1. We recognize and meet the distinct needs of these at risk and homeless populations:
 - Families with children
 - Transitional-aged youth
 - Single men and women
 - Veterans
 - Domestic violence victims
 - Individuals with behavioral health disorders (including mental health and substance use disorders)
 - Individuals who are medically frail/terminally ill
 - Individuals exiting prison or jail
 - Unsheltered homeless
2. We successfully divert individuals and families from emergency shelter whenever possible.
3. We meet the basic needs of those in crisis.
4. We provide individuals and families with stabilization services when they need them.

Outcomes for the County's Homeless Service and Housing Systems:

5. Salt Lake County's homelessness rates decrease over time.
6. Coordinated entry and a common, consistent assessment tool provide appropriate, timely access to services across the system. There is no 'wrong door.'
7. Individuals who are homeless have a relationship with a caseworker or similar individualized support.
8. Individuals who exit homelessness will be employed and/or have increased income/financial stability.

Outcomes to Prevent Homelessness:

9. Salt Lake County's housing supply meets the demand and needs of all residents.
10. People have access to the specific services and supports they need to avoid homelessness.
11. Children, adolescents and adolescents transitioning to adulthood do not experience homelessness.
12. If individuals and families become homeless, we prevent it from happening again.

Outcomes for Communities and Public Spaces:

13. Neighborhoods that host homeless service facilities are welcoming and safe for all who live, visit, work, recreate, receive services, or do business there.
14. Neighborhoods offering services also offer access to employment, job training, and positive activities during the day.



cutting through complexity

Public Safety & Security Benchmarking Study

*An Analysis of Leading
Practices and
Challenges Nationwide*

November 2015

kpmg.com

Background and Methodology

In July 2015, the Downtown Denver Partnership (DDP) and Downtown Denver Business Improvement District (BID) began working with downtown stakeholders and a team from KPMG to develop a Security Action Plan, with the ultimate goal of helping to improve the perception and reality of safety in the downtown Denver area.

KPMG assisted the DDP by gathering feedback from the many downtown stakeholders, reviewing policy, observing behaviors, researching leading practices, and drawing upon the team's law enforcement and security backgrounds to develop the Security Action Plan, comprised of 60 projects and 240 actionable tasks to be carried out over the next 24 months.

To understand the leading practices in place across the country, the team worked with the International Downtown Association (IDA) to solicit input from other cities. Eight cities provided valuable input, which are summarized in this document.

Responding Entities

Eight cities contributed data to this effort as summarized in the table below. Responding cities varied across geographic size, overall budget, security personnel, and population.

City	Organization Type	Budget	Security Personnel	Population (2013)
Houston	DMD	Over \$2.5M	0	2,196,000
Phoenix	BID	Over \$2.5M	0	1,513,000
San Antonio	PID	Over \$2.5M	4	1,409,000
San Diego	Property-Based BID	Over \$2.5M	24*	1,356,000
Denver	BID	Over \$2.5M	1	649,000
Oklahoma City	BID	Over \$2.5M	2	610,000
New Orleans	BID	Over \$2.5M	21	379,000
Salt Lake City	BID	Over \$2.5M	0	191,000

* Note: security personnel also provide hospitality services.

Safety and Security Concerns

Respondents indicated that their stakeholders voice concerns around a number of issues that impact real and perceived safety. Concerns that were expressed by multiple cities include the following:

- Addressing the issues surrounding **panhandling and homelessness**, specifically as they relate to **mental health issues** were common in each of the eight cities surveyed.
- **Drug dealing and consumption** to include synthetic marijuana and alcohol was reported as a problem particularly related to the homeless population.
- **Lack of foot patrols and/or a security presence** were commonly recognized as a concern held by visitors, stakeholders, and tenants.
- **Lack of enforcement of laws and ordinance** was a prevalent issue, particularly as it relates to sitting and lying on public ways, panhandling and other grey areas such as synthetic marijuana use.

Safety and Security Leading Practices

The practices indicated below have yielded positive results for the cities reporting such information and may be opportunities for other cities to consider implementing. If implemented, these standards should be field tested and researched to help ensure that they align with each entity's needs, considering unique qualities of each community and the commonalities that may be present across organizations.

One leading practice that is transferable across the spectrum of all associations is local partnerships. Businesses, first responders, governments, and local communities can all benefit from the sharing of information and the joint promotion of safety and security. Other leading practices are shown below by city:

Denver: Off-duty police officer patrol program, community re-visioning effort, security action plan development.

New Orleans: Non-commissioned force of safety professionals and off-duty police presence, crime statistics monitored monthly, quarterly, and annually. Escorted walks with safety professionals, crime reporting app in evaluation stage.

Oklahoma City: Use of off-duty officers, private security company patrol efforts in underground tunnel system, inclusion of police department in monthly board meetings.

Phoenix: Work with local non-profits to provide services to homeless.

San Antonio: Previously worked with an urban revitalization and economic consultant to conduct a safety and security assessment. Outreach Ambassador Program to identify chronic panhandlers and in-need and at-risk homeless, partnering with off duty police officers in FY'16.

Salt Lake City: Work actively with city and police department to address safety and drug issues with a focus on homeless services; lobbied for increased funding and staffing for police personnel and private security for homeless services, currently conducting a study to evaluate moving or reconfiguring the current homeless shelter.

San Diego: Safety patrols, partnership with police department, integration of local outreach workers, and escorted walking services.

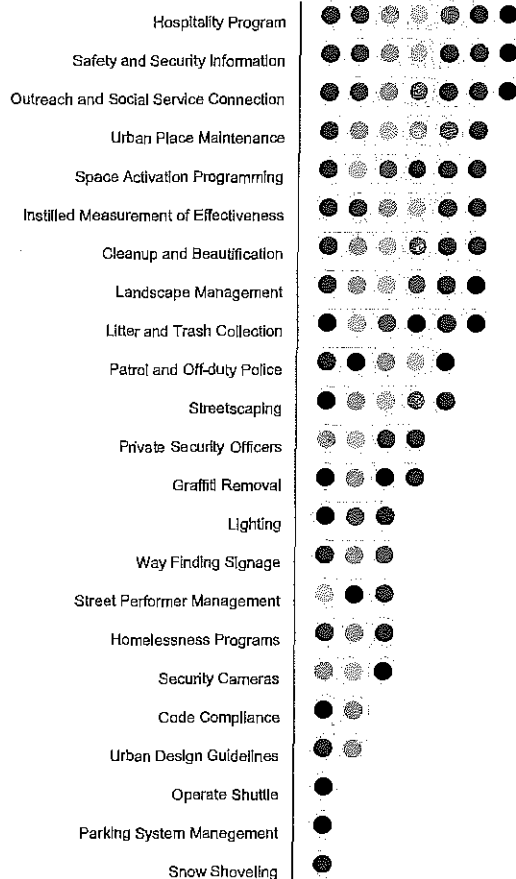
Trends and Takeaways

Community safety challenges can be presented in both real and perceived safety and security concerns, ranging from property and violent crime to the presence of unruly individuals or poorly maintained city infrastructure or building façades. These multifaceted challenges demand multidimensional preventative measures, as communities seek to prioritize crime deterrence strategies, establish methodologies to predict future patterns of crime, navigate local agency and organizational politics, and estimate the costs and benefits of such strategies.

Respondents indicated multiple strategies for addressing safety and security challenges, but the majority did not identify having a cohesive, up-to-date security plan. Many promising practices are in place across the nation, but the next stage in helping to shift the mindset on safety and security involves a collective effort between downtown groups—residents, business owners, property managers, tourists, public safety officers, and many others. Experimentation with apps and other tracking opportunities have shown to be user friendly, modern alternatives to a community watch and while still in field testing status, have provided promising results.

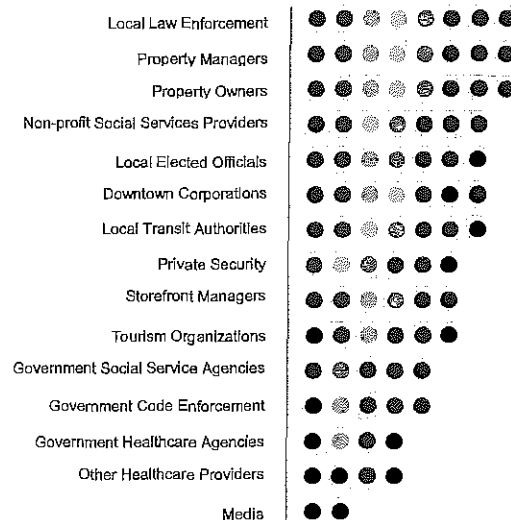
Service Offerings

Core service offerings center around the "clean and safe" mission of many of the responding participants. Hospitality, safety and security information, and social service outreach were the most consistently provided services.



Partnerships

Community, business, and local first responder partnerships and communication efforts act as a force multiplier for safety and security efforts, although respondents indicated varying levels of sophistication and scope. Responding cities identified the following formal or informal partnerships in delivering their services.



Measures of Success

Six of the eight responding cities reported a formalized methodology in measuring the success of their programs and to assist in the justification of continued or expanded funding. Other methods of measurement are listed below by city.

- **San Diego:** San Diego uses the Eponic Network data tracking system to monitor and optimize the performance of Clean & Safe Teams, Hospitality Ambassadors, Maintenance, and Homeless Outreach teams and share these statistics with the community.
- **Salt Lake City:** Salt Lake City conducts regular board and committee meetings.
- **Oklahoma City, Houston & Denver:** Each city has conducted surveys with the local community and their partners in order to understand their opportunities for growth.
- **New Orleans:** New Orleans evaluates annual crime statistics.

KPMG's Justice and Security Advisory Team

KPMG's Justice and Security Advisory Team is a team of experienced professionals who provide strategic, tactical, and operational advice to law enforcement and government agencies. Our team is composed of experts in a variety of fields, including forensic accounting, fraud investigation, and cyber security. We work closely with our clients to identify and mitigate risks, and to develop effective strategies to address their needs.

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For more information on KPMG's Justice and Security Advisory Team, please contact your KPMG member firm.

This page was developed in partnership with the American Bar Association, American Bar Association International, and the International Association of Chiefs of Police.

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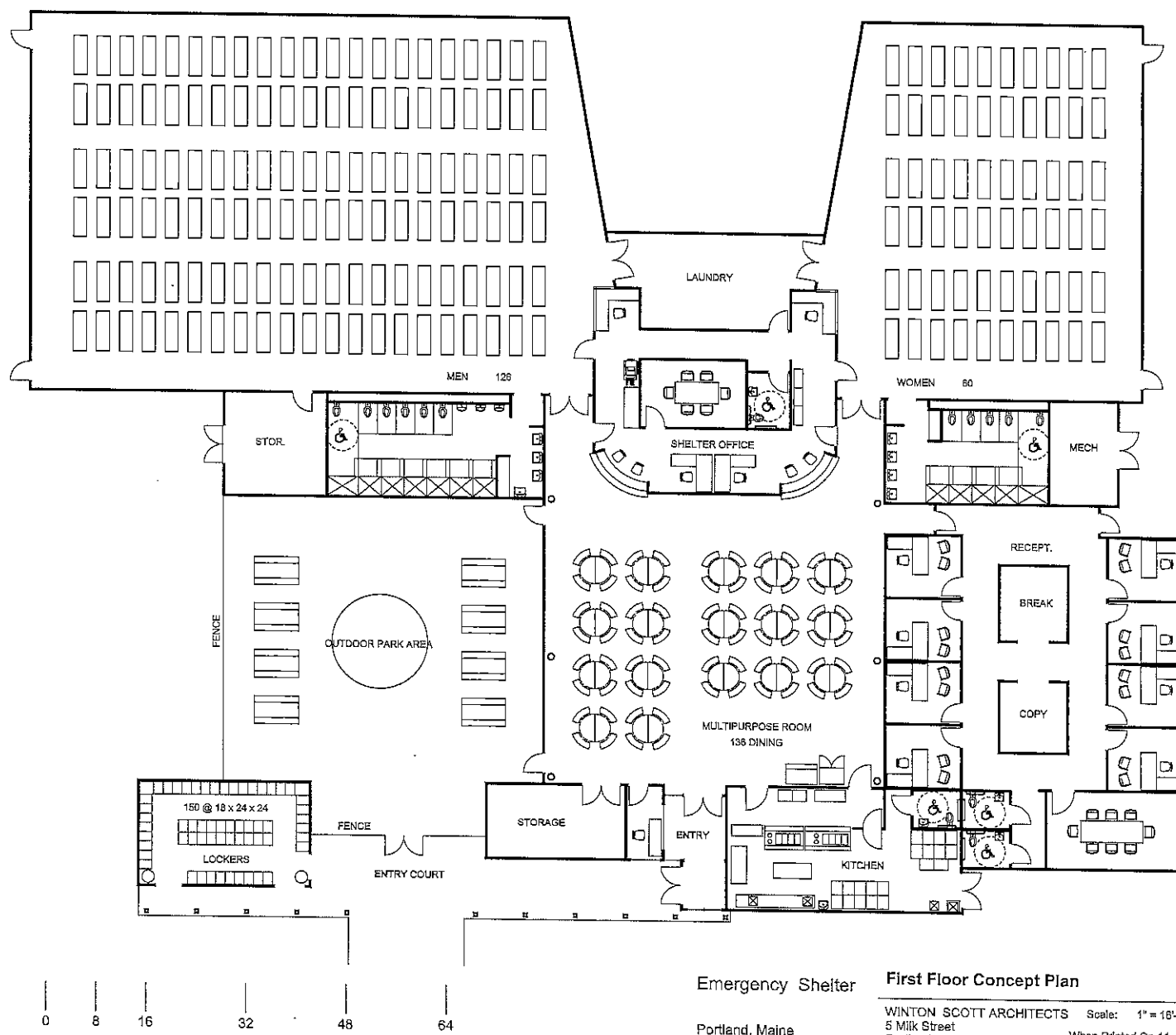
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Emergency Shelter

First Floor Concept Plan

Portland, Maine

WINTON SCOTT ARCHITECTS
5 Milk Street
Portland, Maine 04101
Scale: 1" = 16'-0"
When Printed On 11 x 17

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January 18, 2017